

# **HALIFAX REGIONAL MUNICIPALITY**

---

## **HALIFAX REGIONAL COUNCIL MINUTES October 30, 2001**

**PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor Jerry Blumenthal  
Councillors: Stephen Streach  
Gary Hines  
Keith Colwell  
Ron Cooper  
Harry McInroy  
Brian Warshick  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
John Cunningham  
Dawn Sloane  
Sue Uteck  
Russell Walker  
Diana Whalen  
Linda Mosher  
Stephen D. Adams  
Brad Johns  
Bob Harvey  
Len Goucher  
Reg Rankin  
Gary Meade

**REGRETS:**

Councillor Sheila Fougere

**STAFF MEMBERS:**

Mr. Dan English, Acting Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Patti Halliday, Assistant Municipal Clerk

**Table of Contents**

1.	INVOCATION .....	4
2.	PROCLAMATIONS .....	4
2.1	Veteran's Week - November 5 - 11, 2001 .....	4
3.	APPROVAL OF MINUTES - OCTOBER 9, 2001 .....	4
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	4
5.	BUSINESS ARISING OUT OF THE MINUTES .....	5
6.	MOTIONS OF RECONSIDERATION - NONE .....	5
7.	MOTIONS OF RESCISSION - NONE .....	5
8.	CONSIDERATION OF DEFERRED BUSINESS - From October 23, 2001 ...	15
8.1	Case 00379 Application to Amend the MPS and LUB to Permit Development to RSU (Residential Single Dwelling Unit) Zone Standards (Bedford) ...	15
8.2	Case 00389 - Application by Shelby CarGo Ltd. to amend the Secondary Planning Strategy for Downtown Dartmouth .....	15
9.	PUBLIC HEARINGS .....	17
9.1	Case 00265 - Request to Amend the MPS for Timberlea/Lakeside/Beechville to Enable a Mixed Use Golf Course Community on a 530 Acre Site, and to Enter into a Development Agreement to Permit up to 3200 Dwellings in Conjunction with an 18 Hole Golf Course, Town Centre and Commercial Area .....	17
10.	CORRESPONDENCE, PETITIONS AND DELEGATIONS .....	17
10.1	Petitions .....	17
10.1.1	Councillor Uteck - Harbour Solutions .....	17
10.1.2	Councillor Goucher - Nova Scotia Summer Swimming Provincial Championships 2002 .....	18
10.1.3	Councillor Goucher - Cancellation of Air Canada Service .....	18
10.2	Presentation .....	18
10.2.1	Case 00389 - Application by Shelby CarGo Ltd. to amend the Secondary Planning Strategy for Downtown Dartmouth - David Quinlan (re 8.2) .....	18

11.	REPORTS .....	18
	11.1 CHIEF ADMINISTRATIVE OFFICER .....	18
	11.1.1 Harbour Solutions .....	18
12.	MOTIONS - NONE .....	18
13.	ADDED ITEMS - NONE .....	18
14.	NOTICES OF MOTION .....	18
	14.1 Councillor Uteck - City of Halifax Ordinance 179 .....	18
	14.2 Councillor Rankin - By-Law S-700 .....	19
15.	ADJOURNMENT .....	19

1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Johns.

2. **PROCLAMATIONS**

2.1 **Veteran's Week - November 5 - 11, 2001**

The week of November 5 - 11, 2001 was proclaimed to be Veteran's Week.

Councillor Warshick requested that the Mayor send a letter to FCM asking that all municipalities across Canada approach their respective provincial governments with regard to enacting Remembrance Day legislation, as is the case in Nova Scotia, in order to make it a statutory holiday across Canada.

On a Point of Privilege, Councillor Cooper apologized for and retracted words he used at the October 23, 2001 Committee of the Whole meeting which implied that Councillor Adams was trying to "get around" the process. Councillor Adams expressed appreciation to the Councillor for his comments.

On behalf of Council, Councillor Goucher expressed congratulations to Mr. Don Webster, the newly appointed Chair of the Canadian Food and Restaurant Association.

Councillor Goucher expressed appreciation and thanks to Council for their concern during his mother's recent accident. The Councillor also expressed appreciation to the emergency and health care workers for their care.

3. **APPROVAL OF MINUTES - OCTOBER 9, 2001**

**MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the minutes of October 9, 2001 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

4. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The following changes were made to the Order of Business:

1. Council agreed to deal with Item 9 - Public Hearings before Item 8 - Deferred Business.

2. Council agreed to deal with Item 10.2.1 Case 00389 - Application by Shelby CarGo Ltd. to amend the Secondary Planning Strategy for Downtown Dartmouth - David Quinlan before Item 8 - Deferred Business.

It was also agreed to delete Item 11.1.1 Harbour Solutions from the agenda. It was noted there will be a Committee of the Whole meeting on November 6, 2001, at 1:30 p.m. to fully debate this issue.

Councillor Mosher requested that an item be added to the agenda regarding the implementation of the partial closures off Quinpool Road to Armview.

**MOVED by Councillor Mosher, seconded by Councillor Adams, that the above item be added to the agenda. MOTION DEFEATED.**

**MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the Order of Business, Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

## **5. BUSINESS ARISING OUT OF THE MINUTES**

With respect to the issue of traffic calming and transportation issues, Councillor Mosher stated she received hundreds of calls from residents with regard to the implementation of the partial closures of Quinpool Road to Armview. For the benefit of the public, the Councillor clarified that these traffic calming measures are only for a trial period.

Councillor Goucher inquired about an issue he rose on January 16th regarding by-law enforcement - contract development agreements that was referred to the Province. The Councillor stated he would like this matter brought back to Council with a staff report at some point in time.

## **6. MOTIONS OF RECONSIDERATION - NONE**

## **7. MOTIONS OF RESCISSION - NONE**

As agreed to during Approval of the Order of Business, Council dealt with Item 9 - Public Hearings at this time.

## **9. PUBLIC HEARINGS**

### **9.1 Case 00265 - Request to Amend the MPS for Timberlea/Lakeside/Beechville to Enable a Mixed Use Golf Course Community on a 530 Acre Site, and to**

**Enter into a Development Agreement to Permit up to 3200 Dwellings in Conjunction with an 18 Hole Golf Course, Town Centre and Commercial Area**

- C A report from the Western Region Community Council dated October 2, 2001, regarding the above, was previously circulated to Council.
- C The proposed amendments were given First Reading on October 9, 2001, and were now before Council for a joint Public Hearing with the Western Region Community Council.
- C Revised wording for the development agreement re: cost sharing for Timberlea Village Parkway, was circulated to Council.
- C Correspondence from Derek Cann, dated October 27, 2001, regarding the above, was before Council for its consideration.
- C Correspondence from Jerome Jeffrey, dated October 30, 2001, regarding the above, was before Council for its consideration.
- C Correspondence from S. M. Mandaville, dated October 24, 2001, regarding the above, was before Council for its consideration.
- C An Information Report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before Council for its information.

With the use of overheads, Mr. Mitch Dickey, Planner, presented the report to Council, noting this is a joint Public Hearing. Regional Council is to consider the proposed amendments to the Municipal Planning Strategy for Timberlea/Lakeside/Beechville. Approval of the amendments will allow the Western Region Community Council to give consideration to the development agreement application.

Mr. Dickey stated the staff recommendation is that the development agreement approach is the best way to deal with this development, and, therefore, staff is recommending approval by Regional Council of the MPS changes in the original staff report dated October 2, 2001.

Responding to a question of Councillor Hines, Mr. Dickey stated the issue of private roads was carefully considered by staff and this policy will tighten up the requirements for private roads relative to this site. With respect to using open ditches on these private roads, Mr. Dickey stated the MPS policy sets out the ability to use private roads, and the development agreement itself contains the particulars of the road designs. In this particular case, the developer wants to use narrower streets to allow for maximum tree retention and to create a

certain character. Mr. Dickey noted the development agreement clearly states that the maintenance and upgrade of these roads would be the responsibility of the residents.

In response to questions of Councillor Uteck, Mr. Dickey stated the development will be a maximum of 3,200 homes with a potential population of 8,000. This development has been examined in terms of traffic, based on the 1994 transportation study, and has been evaluated in terms of local traffic within the Timberlea/Lakeside/Beechville community. Downstream impacts into a different plan area have not been examined. Mr. Dickey stated that until a regional transportation strategy is put in place, each proposal will be considered on its own merits, subject to the MPS which it is subject to.

In response to questions of Councillor Warshick, Mr. Dickey stated this matter has been extensively circulated through all municipal departments. With regard to the concern expressed by Mr. Jeffery in his correspondence, Mr. Dickey stated the developer has agreed to work with him to see if a solution can be reached.

Responding to a question of Councillor Cooper, Mr. Dickey stated it is anticipated that the multi-use trail will be provided by HRM as part of future road upgrades. With respect to the trails around the holes of the golf course, Mr. Dickey stated HRM will be not be required to provide any additional sidewalks, walkways or trails within the development.

In response to a question of Mayor Kelly, Mr. Dickey stated the community association trails will be private, and there is an adequate level of public trails which link the various components of the development.

In response to a further question of Councillor Cooper, Mr. Dickey stated the golf safety zone is the buffer area to deal with stray golf balls.

Responding to questions of Councillor Mosher, Mr. Dickey stated staff strongly supports the storm drainage concept. With regard to possible increased park fees to provide more recreation, Mr. Dickey stated the amounts allocated for park land were agreed to by Parks and Recreation Services. The Councillor inquired how much HRM will pay to widen the Timberlea Village Parkway. In response, Mr. Dickey stated no specific cost has been determined as of yet. When the traffic impact study is completed, it will determine the total capital cost. Councillor Mosher inquired if solar aquatics had been considered for the sewage treatment. Mr. Dickey responded that this has not been discussed to date.

In response to a question of Councillor Rankin, Mr. Dickey stated the subdivision plans, when approved, would bear stamps that show the municipality does not provide any services or upgrading. Mr. Wayne Anstey, Municipal Solicitor, added that the development agreement would be on record at the Registry of Dees and would form a condition that would apply to

each deed. Therefore, any title search of a property would indicate all the terms and conditions that the property is subject to.

At this time, Mr. Dickey continued his presentation outlining the details of the development agreement.

Responding to a question of Deputy Mayor Blumenthal, Mr. Dickey stated it is anticipated that sidewalks are not needed as the multi-use trail will run down one complete side of the site. In response to a further question of the Deputy Mayor, Mr. Dickey stated Mr. David McCusker, Manager, Traffic and Transportation Services, has been involved with this proposal. Mr. McCusker stated the contribution of additional traffic to Highways 102 and 103 have been extensively considered under both the integrated servicing strategy and the interim regional transportation strategy. Solution sets to that additional traffic generation were developed and will be integrated into a regional plan.

In response to a question of Councillor Cooper, Mr. Dickey, with the use of an overhead, explained the non-disturbance areas. Responding to a further question of the Councillor, Mr. Dickey stated it is the developer's plan to put in the golf course first, and the residential areas would be filled in later.

Mayor Kelly clarified that Regional Council is only voting on the plan amendments, and the Western Region Community Council will consider the development agreement.

Responding to a question of Councillor McInroy regarding cost-sharing for the Timberlea Village Parkway, Mr. Anstey clarified that if the municipality adopts a general policy for capital cost contributions by developers which results in a higher contribution required by the developer, then the developer would pay either the amount in the draft capital cost contribution policy or a lower amount if that is what is adopted.

Councillor Cooper inquired if Section 2.5.6 (b) of the revised development agreement wording would be permissible at this time. Mr. Anstey responded that this process is introducing a capital cost policy for this development in advance of a general policy. If not done now, HRM would be not able to collect any capital cost contribution with respect to that road.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the amendments to the MPS and LUB or the development agreement.

### **Glen Dexter**

Mr. Glen Dexter, one of the owners of Nine Mile River Investments, addressed Council with respect to the proposed development. Mr. Dexter stated there are a number of attributes of the property that made it attractive to development: direct access through the new interchange

onto Highway 103 and service by Metro Transit. Mr. Dexter noted there was a master plan approved, in principle, a number of years ago for this site and the developers are seeking an amendment to that plan. With regard to Westgate, Mr. Dexter stated it is intended to build a quality family-oriented lifestyle community. There will be planned street scapes and controlled architecture to ensure the quality of the development is maintained. There will also be an active community association to provide services to the community as it grows. Mr. Dexter stated there will be a pedestrian-friendly town centre with community services for all of Timberlea/Lakeside/Beechville. There will also be a broad range of housing types to meet broad market segments. Mr. Dexter stated the key of the development is the golf course, and the top golf course architect in Canada has been obtained to ensure it is an asset to all of HRM. The golf course will also help tourism in HRM. Mr. Dexter stated a market study was conducted which indicated there is enough need for this course, and when it is built, there will be a huge green space component. With respect to benefits to HRM, Mr. Dexter stated it is a good use of existing infrastructure, the developer will participate in the upgrade of the Timberlea Village Parkway, and there is extensive public and community association park and recreation lands. Mr. Dexter extended thanks to staff, stating he believes they have reached a good agreement and development for both HRM and Nine Mile River Investments.

### **Jeanine Hennigar**

Ms. Jeanine Hennigar, resident of Timberlea Village, addressed Council stating she strongly supports the subdivision. Ms. Hennigar noted she has some concerns with respect to potential flooding problems on her property if a road is built higher than her land, as proposed in the original 1995 agreement. However, Ms. Hennigar stated she would like to have assurance from the Municipality that it will allow the developer to lower the road next to her property. Mr. Dickey stated staff is aware of this issue and, in consultation with the developer, he is confident it can be resolved. In response to a question of Mayor Kelly, Mr. Dickey stated once the plan is complete, Ms. Hennigar can have this assurance in writing.

### **Shalom Mandaville**

With the use of overheads, Mr. Shalom Mandaville, Soil and Water Conservation Society of Metro Halifax, made a presentation to Council with respect to this issue. Mr. Mandaville reviewed an extensive study that was conducted in Florida to find out what kind of pollutants accrue in a typical residential area after development. Mr. Mandaville noted 50-70 percent of the pollutants are in a dissolved form, and there currently is no methodology used in HRM or Nova Scotia which have design systems to remove them. Mr. Mandaville stated certain plants can actually kill some pollutants, and he asked that the developer consider looking at this as a possible way to treat stormwater. Mr. Mandaville stated they are also requesting consideration of "biological monitoring" of any significant downstream watercourses before and after construction of the golf course, as well as of the major part of the overall

development, and that this be carried out by a limnologist with expertise in freshwater benthic ecology.

**Nicola Embleton-Lake**

Ms. Embleton-Lake addressed Council inquiring if the development will have an impact on the Lakeside Volunteer Fire Department. In response, Mr. Dickey stated HRM Fire Services has reviewed this and they are aware there are some capital implications to upgrade its facilities in Timberlea in the long-term.

With regards to traffic, Ms. Embleton-Lake expressed concern that an upgraded traffic study will not take place prior to the approval of this development. Ms. Embleton-Lake also expressed concern with the potential use of pesticides on the golf course and the effect it will have on the air and water quality. In response, Mr. Dickey stated the developer will be required to undertake water quality monitoring where water is leaving the site, but the details of this are yet to be worked out. This will be done on the advice of the Halifax County Watershed Advisory Board, and it is intended that these measures will be in place for the long-term. With respect to the use of pesticides, Mr. Dickey stated the golf course is exempt from the Pesticide By-Law, but the development agreement requires the developer to prepare an integrated turf management plan. Ms. Embleton-Lake requested that the monitoring group include either Health Canada or a medical group to monitor the chemical emissions and to recommend certain chemicals that should be monitored or tested. Mr. Dickey responded that staff will take this into consideration and discuss it with the Halifax County Watershed Advisory Board.

Mayor Kelly called three times for additional speakers either in favour of or against the amendments to the MPS and LUB or the development agreement. Hearing none, the following motion was put on the floor:

**MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

Responding to a question of Councillor Rankin, Mr. Anstey stated the business now before Regional Council is the amendments to the MPS and LUB. If the amendments are approved by Council, they will be forwarded to the Province for approval and then the Western Region Community Council will convene and deal with the issue of the development agreement.

**MOVED by Councillor Rankin, seconded by Councillor Streach, that Council approve the proposed amendments to the Municipal Planning Strategy and Land Use**

**By-Law for Timberlea/Lakeside/Beechville, presented as Attachment I and as shown on Map 2 of the staff report dated September 28, 2001.**

Speaking in support of the motion, Councillor Rankin stated there have been very successful public meetings in the area regarding this development. A number of concerns were raised at these meetings, but the Councillor noted that they have been addressed in the development agreement. Councillor Rankin stated he did not see any compelling reasons not to pass the amendments to allow for this development as it is in the best interest of the community and HRM.

Also speaking in support of the motion, Councillor Streach stated this will be a world class development and he is looking forward to it coming forward.

Councillor Walker expressed concern with building a lot of private roads with many homes on them. The Councillor stated there are many issues with respect to private roads, such as garbage collection, that cause problems. With regard to stormwater, Councillor Walker noted it has recently come to his attention, though the Chebucto Community Council, that the Department of Environment will not allow stormwater to be put in ponds on the Mainland Common. The Councillor questioned if this is the case with this development, that would mean the stormwater will need to be diverted to the treatment plant. In response Mr. Paul Dunphy, Director, Planning and Development Services, stated he is not familiar with the Mainland Common situation, but he noted that stormwater going into receiving bodies happens all over HRM as this is where all stormwater goes whether it is in a ditch or a sewer. This receiving body could be a lake, river, pond, etc. Councillor Walker agreed to provide staff with information regarding this issue.

Speaking in support of the motion, Councillor Hines stated he has some concerns with the private road issue, but hopes they are addressed during the development planning. With respect to the concerns expressed during the Public Hearing regarding the use of pesticides on golf courses, the Councillor stated the Golf Association of Nova Scotia is currently preparing a report that will indicate to the Province what golf courses do in terms of responsibility and the future use of pesticides, herbicides, etc. Councillor Hines noted these substances are used minimally on golf courses, and stated the Golf Association's report, when completed, will be forwarded to Council.

Councillor Harvey stated if the residents are dissatisfied with the standard or level of maintenance of their private roads they will come to Council for redress whether or not it is in the development agreement.

Councillor Whalen expressed concern with the streets in the proposed development as they appear to be below the standard HRM Engineering has set. In response, Mr. Peter Duncan, Senior Development Engineer, stated currently there is no private road standard that is

defined in the engineering standards. There are private road standards that existed for the former County of Halifax and these private roads exceed those standards. Councillor Whalen noted in other areas of HRM where developers are expanding new communities and building new subdivisions, they are being held to very expensive standards for the roads which gets translated back to the purchase price of the homes. With respect to sidewalks, Councillor Whalen suggested there needs to be at least one sidewalk on one side of the street. In terms of commercial property, the Councillor stated the reality today is developers are not able to sell the land that they hoped to be commercial or office space, and more and more multi-unit residential buildings are being constructed on these lots.

With respect to the private road issue, Mr. Dunphy clarified that at the time of amalgamation, the existing planning strategies and regulations for each community were maintained. Many of these regulations in the former Halifax County area permit private roads and as-of-right private road subdivisions throughout the former County are approved on a regular basis. However, the private road standards now require that the road can at least be designed to a public road standard on paper.

Responding to a question of Councillor Whalen, Mr. Duncan stated that HRM could only accommodate approximately 900 homes before adding on to the existing sewage treatment facility.

Councillor Colwell stated he would like staff to look into whether or not parking tickets can be issued on private roads. In response, Mr. Dickey stated he does not believe HRM Police Services or the RCMP can ticket on private roads. However, the developer is being required to provide substantially more off street parking to make it easy for people to park off the street. Mr. Anstey noted there is some possibility under the Protection of Property Act that signage could be posted by the owner of these streets which would lay out whether or not parking was permitted. In those cases, if there were violations, tickets could be issued. Councillor Colwell stated he would like to see these roads not be made public roads, but that they be made to a standard that could be turned over to a public road in the future, if need be, by a simple paper transaction rather than an actual construction cost.

**MOVED by Councillor Colwell, seconded by Councillor Whalen, that the motion be amended that the roads not be made public roads, but that they be made to a standard that could be turned over to a public road in the future, if need be, by a simple paper transaction rather than an actual construction cost.**

Mr. Dunphy clarified that the whole purpose of allowing developers to have private roads is a question of varying the construction that actually takes place. If this motion is adopted, the purpose of having the private road is eliminated and this would substantially change the character of this project and may affect whether or not the project goes ahead at all. Mr. Dexter addressed Council stating he understands the concerns regarding private roads but

believes they have been addressed in the development agreement and in the nature of the development. He clarified that there is a whole road hierarchy in the development, and there are only a few small cul-de-sacs that will be private roads, subject to certain constraints. Only about 300 of the 3,200 homes could potentially be on private roads. Mr. Dexter stated they would agree to being required to disclose to the purchaser in the deed that there are restrictive covenants, one of which is that is a private road and the owners of that road are forever responsible for maintaining it.

Responding to a question of Councillor Hines, Mr. Dexter stated the longest private road would contain 25-30 single family units. Any multi-unit housing will be on a public street.

Speaking against the amendment, Councillor Adams stated the property owners will be aware that they are purchasing lots on a private road.

Councillor Goucher stated the key to the private road issue is disclosure. Problems with private roads in the past generally occurred when property owners did not know what they were getting into, which would not be the case in this situation. Therefore, the Councillor stated he could not support the amendment.

Councillor Cooper stated he would support the amendment due to the problems that have taken place in the past with private roads.

Speaking against the amendment, Councillor Streach stated it takes away from the spirit of why the former County of Halifax permitted them in the first place. The Councillor stated if there is full disclosure there should be no problems.

On behalf of the community, Councillor Rankin implored Council to vote against the amendment, as he noted it is only dealing with one District and one MPS. If there is merit in dealing with private roads, then the Councillor stated there should be a staff report to deal with all of HRM. Councillor Whalen agreed a staff report may be in order, noting if HRM sets standards for urban areas, they need to be kept. Councillor Rankin clarified that he did not want this proposal held up, but if there is to be a report, that it be done on a regional basis. Councillor Whalen stated there needs to be a level playing field for all developers in all parts of HRM.

Speaking against the amendment, Councillor Uteck noted there are many private roads in her District that the residents are responsible for and there have not been any problems. The vote was then taken on the amendment. A **Recorded Vote** was requested.

Members of Council voting **in favour** of the amendment: Mayor Kelly, Councillors: Colwell, Cooper, Sarto, Walker and Whalen.

Members of Council voting **against** the amendment: Deputy Mayor Blumenthal, Councillors: Streach, Hines, Warshick, Hetherington, Smith, Cunningham, Sloane, Uteck, Mosher, Adams, Harvey, Goucher, Rankin and Meade.

**MOTION DEFEATED. (6 in favour, 15 against. Councillors McInroy, Fougere and Johns were absent)**

Speaking on the main motion, Councillor Goucher stated an open drainage system allows for natural filtration and it slows the velocity of the water down and permits a lot of it to be naturally absorbed by the earth itself. With regard to the School Board's statement, Councillor Goucher questioned how this development could not affect the school system now and in the future.

Responding to a question of Councillor Cooper, Mr. Dexter stated there are two levels of community associations: a main association and sub-associations to deal with more local issues. In response to a further question of the Councillor, Mr. Dickey stated it is staff's understanding that the people who live on the private roads will be responsible for the maintenance of these roads. Councillor Cooper stated he believes the development agreement before Council contradicts this. Mayor Kelly noted it is the MPS that is before Council and the development agreement will be addressed by the Community Council. Councillor Cooper stated there is not enough information in the report regarding the MPS to clearly understand what the implications are for the residents of the area.

**MOVED by Councillor Cooper, seconded by Councillor Whalen, that the matter be referred back to staff for a supplementary report that clarifies and defines for Council who is responsible to pay for what by each phase in the development.**

Councillor Cunningham questioned if the motion is more specific to the development agreement than the MPS. Mr. Anstey stated there is nothing in the MPS that talks about who pays for what. To the extent that this matter is covered at all, it would be in the development agreement, however, Mr. Anstey stated it might not even be covered there as it is more a question of how the business will be run.

Based on the advice of the Municipal Solicitor, Mayor Kelly **ruled the motion out of order.**

Councillor Cooper stated the Community Council will have the responsibility to ensure that the development agreement adequately addresses the concerns. The Councillor stated he has no choice but to vote against the MPS and LUB amendments because he does not believe they are clearly understood and an unjust burden will be placed on too many people with this proposal.

The vote was then taken on the Main Motion regarding the amendments to the MPS and LUB.

**MOTION PUT AND PASSED.**

**RECESS**

A recess was taken at 8:20 p.m. The meeting reconvened at 8:30 p.m.

As agreed to during Approval of the Order of Business, Council dealt with Item 10.2.1 Presentation: Case 00389 - Application by Shelby CarGo Ltd. to amend the Secondary Planning Strategy for Downtown Dartmouth - David Quinlan at this time.

**10.2.1 Case 00389 - Application by Shelby CarGo Ltd. to amend the Secondary Planning Strategy for Downtown Dartmouth - David Quinlan (re 8.2)**

Mr. David Bright, representing Mr. David Quinlan, made a presentation to Council regarding the above, stating the staff report dated October 11, 2001 contains a number of things that have not been reviewed. Mr. Bright suggested that if he had the opportunity to meet with staff to point out some of his concerns and to hear their concerns, the issues could likely be reduced to one or two as opposed to nine or ten.

In his presentation, Mr. Bright made the following points:

- C Mr. Quinlan wants the opportunity to do some body work and painting in the existing premises. If permitted to do so, it would not harm the residents or the overall plan for the community.
- C The outside of the building will not change. There will not be any additional noise.
- C The property has been a garage since approximately 1962.
- C There will not be any odours or paint escape due to Department of Labour regulations.
- C A meeting was held at one point, and the residents were supportive of this application. To his knowledge, there have only been two letters in opposition to it.
- C By supporting this application, Council is not approving grandiose changes to the area, as it is restricted to one building. Also, by moving the process ahead, it will allow the public the opportunity to speak to the issue.

In closing, Mr. Bright stated he is asking for a preliminary move forward to allow the application to move to the next level of the approval process.

Mayor Kelly thanked Mr. Bright for his presentation.

**8. CONSIDERATION OF DEFERRED BUSINESS - From October 23, 2001**

**8.1 Case 00379 Application to Amend the MPS and LUB to Permit Development to RSU (Residential Single Dwelling Unit) Zone Standards (Bedford)**

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. Staff was recommending *that Council not approve the request to initiate the process to consider amending the Bedford Municipal Planning Strategy and Land Use By-Law for the undeveloped portion of Peerless Subdivision and lands of Mickey Macdonald to permit development to RSU (Residential Single Unit) Zone Standards.*

Councillor Goucher provided some background information to Council regarding this issue, noting all parties have agreed, in fairness to due process, to put forth the following motion:

**MOVED by Councillor Goucher, seconded by Councillor Hetherington, that Council adopt Alternative 1 of the staff report dated October 1, 2001, to defer a decision until the SGE study has been completed and a decision brought to Council on the Bedford West Plan amendment request. Staff would prepare a supplementary report at that time. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Case 00389 - Application by Shelby CarGo Ltd. to amend the Secondary Planning Strategy for Downtown Dartmouth**

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. Staff was recommending *that Council not initiate an amendment to the Downtown Dartmouth Secondary Planning Strategy to enable auto body repair and paint uses at 1 Pine street in Downtown Dartmouth.*
- C Correspondence from Marion Currie, Executive Director, Dartmouth Downtown Development Cooperation, dated October 22, 2001, regarding the above, was before Council for its consideration.

Councillor Cunningham thanked Mr. Bright for his earlier presentation. The Councillor noted that he met with Mr. Quinlan and some residents on Monday, October 22<sup>nd</sup>. At that time, Mr. Quinlan raised some questions, and Councillor Cunningham advised him that he would not proceed with the item on the agenda until such time that he received clarification from staff on the issues raised. The Councillor noted he has since met with various members of staff and others to come to a fair grasp of what was being presented. Although he felt sorry for the plight Mr. Quinlan is now in, Councillor Cunningham stated he did not believe the right solution is to amend the MPS to legitimize any individual businesses. The Councillor noted the

process to formulate the Downtown Dartmouth MPS lasted more than two years, and there was a clear message from the public that this use was not wanted in downtown Dartmouth. Even as far back as 1979, Councillor Cunningham noted the uses that Mr. Quinlan wants permitted at this location were not allowed.

Councillor Cunningham noted the Utility and Review Board (URB) upheld the Development Officer's decision that auto body work and painting were uses that were not compatible with that particular location. The Councillor stated the appellant did not check the zoning of the property before purchase to see if the intended uses were permitted. Secondly, he did not appeal the URB decision. Therefore, the Councillor questioned if it was appropriate for Council to question the decision of the URB as the appeal period has passed.

Councillor Cunningham stated zoning regulations are made for the good of the entire community, and it is something that is done now with long-range planning. The Councillor stated it cannot be bent or altered for the benefit of individuals or small groups. Although he understood the hardship being faced by Mr. Quinlan, Councillor Cunningham stated a change to the MPS is not the answer, and put forth the following motion:

**MOVED by Councillor Cunningham, seconded by Councillor Uteck, that:**

**WHEREAS the MPS of Downtown Dartmouth truly reflects the wishes of the community and has been formally adopted by Council; and,**

**WHEREAS dealings between the appellant, the Mayor, members of senior staff, members of Planning and Development staff, have been conducted in a professional manner; and,**

**WHEREAS the ruling of the Utility and Review Board upholds the staff decision to not permit auto body repair or painting; and,**

**WHEREAS zoning and land use of individual properties can have a major impact on the downtown area as a whole;**

**THEREFORE be it resolved that Council endorse the staff recommendation to not initiate an amendment to the Downtown Dartmouth Secondary Planning Strategy to enable auto body repair and paint uses at 1 Pine Street, Dartmouth.**

Speaking against the motion, Councillor Hetherington stated there is an alternative to send the matter through the process and allow the public to have their say. The Councillor suggested the matter should be referred to staff to work with Mr. Quinlan and Mr. Bright over the next two weeks to see if there are some solutions to this situation.

**MOVED by Councillor Hetherington, seconded by Councillor Streach, that this matter be referred to staff to come back with a report in two weeks.**

Councillor Streach asked that the following be addressed in the staff report: (1) how long the business has been in that location (2) some residents are not in 100 percent agreement with the current MPS (3) decisions of the URB should be questioned by Council.

**MOTION PUT AND PASSED.**

**9. PUBLIC HEARINGS**

**9.1 Case 00265 - Request to Amend the MPS for Timberlea/Lakeside/Beechville to Enable a Mixed Use Golf Course Community on a 530 Acre Site, and to Enter into a Development Agreement to Permit up to 3200 Dwellings in Conjunction with an 18 Hole Golf Course, Town Centre and Commercial Area**

This item was addressed earlier in the meeting.

**10. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**10.1 Petitions**

**10.1.1 Councillor Uteck - Harbour Solutions**

Councillor Uteck served a petition from residents asking that Council: (1) direct the municipality to oppose a partnership with either of the two consortia, and (2) direct the municipality to amend the request for proposal criteria to include the possibility of small-scale biological systems, and (3) direct the municipality to support the implementation of small-scale biological systems and the implementation of said systems in our neighbourhoods.

**10.1.2 Councillor Goucher - Nova Scotia Summer Swimming Provincial Championships 2002**

Councillor Goucher served correspondence from the Nova Scotia Summer Swimming Provincial Championships 2002 requesting that HRM provide lifeguarding services during the Championships at no or very little cost. The Councillor asked that the request be forwarded to Parks and Recreation Services.

**10.1.3 Councillor Goucher - Cancellation of Air Canada Service**

Councillor Goucher tabled correspondence from David E. Brown to Air Canada with respect to the cancellation of the Halifax-Calgary direct flight. The Councillor requested that the Mayor send a letter to the President of Air Canada and the Minister of Transportation expressing Council's concern with regard to the cancellation of an additional Air Canada service out of Halifax.

**10.2 Presentation**

**10.2.1 Case 00389 - Application by Shelby CarGo Ltd. to amend the Secondary Planning Strategy for Downtown Dartmouth - David Quinlan (re 8.2)**

This item was addressed earlier in the meeting.

**11. REPORTS**

**11.1 CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Harbour Solutions**

During Approval of the Order of Business, this item was deleted from the agenda.

**12. MOTIONS - NONE**

**13. ADDED ITEMS - NONE**

**14. NOTICES OF MOTION**

**14.1 Councillor Uteck - City of Halifax Ordinance 179**

**TAKE NOTICE** that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 6th day of November 2001, I propose to move First Reading of a by-law to amend former City of Halifax Ordinance 179, the Residential Parking Permit Ordinance by adding to the end of subsection (2) of Section 4 thereof, the words:

“or if the parking is prohibited on the street on which the applicant resides or is of a nature for which a parking permit cannot be provided, the Chief of Police may issue a residential parking permit applicable to a street immediately adjacent to the street on which the applicant resides.”

**14.2 Councillor Rankin - By-Law S-700**

**TAKE NOTICE** that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 6th day of November 2001, I propose to move First Reading of By-Law S-700, the Swimming Pool By-Law, attached as Appendix A to the staff report dated October 17, 2001, the purpose of which is to make uniform the regulation respecting the construction of swimming pools in Halifax Regional Municipality.

**15. ADJOURNMENT**

**MOVED** by Councillor Hetherington, seconded by Councillor Sloane, that the meeting adjourn at 9:15 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk