

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES January 12, 1999

PRESENT:

Councillors Reg Rankin (Chair)
Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Russell Walker
Bill Stone
Stephen D. Adams
Barry Barnet
Bob Harvey
Peter Kelly
Jack Mitchell

ABSENT WITH REGRETS:

His Worship Mayor Walter Fitzgerald
Deputy Mayor Larry Uteck
Councillors Sheila Fougere
Ron Hanson

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Barry Allen, Acting Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Karen Swim, Asst. Municipal Clerk

TABLE OF CONTENTS

1.	INVOCATION.....	4
2.	PROCLAMATIONS - NONE.	4
3.	APPROVAL OF MINUTES - NONE.....	4
4.	APPROVAL OF THE ORDER OF BUSINESS, AND APPROVAL OF ADDITIONS AND DELETIONS.....	4
5.	BUSINESS ARISING OUT OF THE MINUTES - NONE.	4
6.	MOTIONS OF RECONSIDERATION - NONE.....	4
7.	MOTIONS OF RESCISSION - NONE.	4
8.	CONSIDERATION OF DEFERRED BUSINESS - NONE.	4
9.	PUBLIC HEARINGS.	4
9.1	Street Closure - Portion of Robie Street	4
9.2	Street Closure - Cedar Street.	5
9.3	Case Nos. 4147 and 6782 - Development Agreements for Commercial Parking Lots at 6272/78 and 6284/90 Yale Street, Halifax.	6
9.4	Case No. 00014: Rezoning Request - Exhibition Park at Goodwood	7
9.5	Case No. 00030 - Application to Rezone 6471-6478 Chebucto Road.....	7
9.6	Establishment of a Policy Framework to Guide Future Development Within the Morris-Russell Lake Area	8
10.	CORRESPONDENCE, PETITIONS.	20
10.1	Councillor Walker - Proposed Elimination: Transit Route #5	20
11.	REPORTS.....	20
11.1	CHIEF ADMINISTRATIVE OFFICER	20
11.1.1	Tender #98-030 - Purchase of Approximately 100 Sets of Self-Contained Breathing Apparatus (SCBA) and Miscellaneous Optional Equipment.....	20
11.1.2	Tender #98-125 - Supply of Containers and Collection of Refuse from Various HRM Facilities	21

TABLE OF CONTENTS
(cont'd)

11.1.3	Community and Race Relations Committee Recommendation for Recognition of Significant Dates.	21
11.1.4	Home Depot Application - Baker Drive, Dartmouth.	22
12.	MOTIONS.	23
12.1	Councillor Kelly Re: Non-Alcohol Purchasing Policy.	23
13.	ADDED ITEMS.	23
13.1	Councillor Kelly - Retaining Wall	23
13.2	Councillor Rankin - Naming of Entrance Road (Otter Lake Facility).	23
13.3	Acquisition of Federal Lands - Bald Rock, Sambro Harbour.	23
13.4	Councillor Adams - Metro Centre Concessions.	24
14.	NOTICES OF MOTION - NONE.	24
15.	ADJOURNMENT.	24

1. INVOCATION

The meeting was called to order at approximately 6:00 p.m. Councillor Greenough, at the Chair's request, led his colleagues in the recitation of the Invocation.

2. PROCLAMATIONS - NONE

3. APPROVAL OF MINUTES - NONE

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

The following items were requested to be added to the agenda:

13.1 Councillor Kelly - Retaining Wall

13.2 Councillor Rankin - Naming of Entrance Road (Otter Lake Facility)

13.3 Ratification of In Camera Recommendation - Acquisition of
Federal Lands (Bald Rock, Sambro Harbour)

13.4 Councillor Adams - Metro Centre Concessions

9.6 At the request of Councillor McInroy, **it was agreed that** that the "Home Depot Application - Baker Drive, Dartmouth" would be dealt with separately as Item 11.1.4.

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

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - NONE

9. PUBLIC HEARINGS

9.1 Street Closure - Portion of Robie Street

- A report dated January 6, 1999 and entitled *Street Closure, Portion of Robie Street*, was submitted under the signatures of K. R. Meech, Chief Administrative Officer and George McLellan, Deputy Chief Administrative Officer.

Mr. Simpson McLeod, Manager of the Building Transition Program, provided Council with a brief overview of the January 6 report, emphasizing that the lifting of existing street lines in this portion of Robie Street will facilitate HRM's disposal of surplus property located at Civic No. 1403 Robie Street. He subsequently responded to questions from various members of Council.

The Chair called for members of the public wishing to speak either in favour of or against the proposal. Hearing none, the following motion was placed before Council:

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

MOVED by Councillor Downey, seconded by Councillor Schofield that Council resolve to close that portion of the east side of Robie Street between College Street and Spring Garden Road, as described in HRM Administrative Order #SC15 (attached to the staff report dated January 6, 1999). MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Street Closure - Cedar Street

- A report dated January 5, 1999 and entitled *Street Closure - Cedar Street*, was submitted under the signatures of K. R. Meech, Chief Administrative Officer and George McLellan, Deputy Chief Administrative Officer.

Mr. Craig Hatt, Property Analyst, presented a brief overview of the January 5 report.

The Chair then called for members of the public wishing to speak either in favour of or against the proposal. Hearing none, the following motion was placed before Council:

MOVED by Councillor Hendsbee, seconded by Councillor McInroy that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that Council approve HRM Administrative Order #SC-17 concerning the closure of a portion of Cedar Street, as shown on the sketch attached to the staff report dated January 5, 1999 and identified as Parcel "A." MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Blumenthal, seconded by Councillor Greenough that, subject to the above-mentioned street closure, Council approve the sale of Parcel "A" consisting of 1177 square feet (as shown on the sketch attached to the January 5, 1999 staff report) for a price of \$21,250 (representing a unit value of \$18.05 per square foot) unencumbered to Mr. Peter Banks. Funds to be deposited in the Sale of Land Account. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 Case Nos. 4147 and 6782 - Development Agreements for Commercial Parking Lots at 6272/78 and 6284/90 Yale Street, Halifax

- A report dated December 7, 1998 and entitled *Case No. 4147 and Case No. 6782 - Development Agreements for Commercial Parking Lots at 6272/78 and 6284/90 Yale Street, Halifax*, was submitted under the signature of Gail Foisy, Administrative/PAC Coordinator. **Note:** The PAC report included as an attachment a staff report dated July 13, 1998 submitted under the signatures of Donna Davis-Lohnes, General Manager, Planning Services, and Grace Ho, Planner.
- A supplementary staff report, dated December 16, 1998, was submitted under the signatures of Donna Davis-Lohnes, General Manager, Planning Services, and Grace Ho, Planner.

Ms. Grace Ho, Planner, with the use of overheads depicting the sites in question, provided Council with a brief overview of the proposed development agreements.

The Chair then called for members of the public wishing to speak either in favour of or against the proposal.

Mr. Don Peverill, representing Energetic Foods Restaurant Inc. (owners of one of the properties in question, indicated his availability to respond to any questions Councillors or members of the public might have.

There being no further persons wishing to address Council on this issue, **it was MOVED by Councillor Cunningham, seconded by Councillor Sarto that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Blumenthal (on behalf of Councillor Fougere), seconded by Councillor Hendsbee that:

- (1) **Regional Council approve the development agreements attached to the staff report dated July 13, 1998 (as amended by the supplementary staff report of December 16, 1998) for Case Nos. 4147 and 6782 - Development Agreements for 6272/78 and 6284/90 Yale Street, Halifax; and further, that**
- (2) **Council require that the agreements be signed within 120 days or any extension thereof granted by Regional Council on request of the applicants, from the date of final approval by Regional Council and any other bodies as necessary , whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.4 Case No. 00014: Rezoning Request - Exhibition Park at Goodwood

- A staff report dated December 11, 1998 and entitled *Case No. 00014: Rezoning Request - Exhibition Park at Goodwood*, was submitted under the signatures of Donna Davis-Lohnes, General Manager, Planning Services, and Paul Morgan Planner.

Paul Morgan, with the aid of overheads depicting the property in question, provided Council with a brief overview of the proposal to rezone a portion of the lands owned by the Atlantic Winter Fair in order to allow the construction of a Tim Horton Restaurant.

Mr. Morgan subsequently responded to questions from various members of Council.

The Chair then called for members of the public wishing to speak either in favour of or against the proposal.

Mr. John MacEachern, Director of Real Estate for the TDL Group (developer and operator of Tim Horton Restaurant franchises), addressed Council to advise that, should approval be granted to this rezoning request, it is expected that construction on the new 50-seat restaurant can begin in March with an opening planned for early June. Mr. MacEachern went on to emphasize that his company is aware of concerns raised by the Provincial Department of Transportation and Public Works and intends to abide by the recommendations put forward in this regard.

There being no further persons wishing to address Council on this matter, **it was MOVED by Councillor Hendsbee, seconded by Councillor McInroy that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Mitchell, seconded by Councillor Schofield that a portion of the Exhibition Park Site, as illustrated on Map 3 of the staff report dated December 11, 1998, be rezoned from CR-2 (Commercial Recreation 2) to C-2 (General Business). MOTION PUT AND PASSED UNANIMOUSLY.

9.5 Case No. 00030 - Application to Rezone 6471-6478 Chebucto Road

- A staff report dated December 14, 1998 and entitled *Rezoning of 6471-6487 Chebucto Road from R-2 (General Residential) to R-2T (Townhouse) - Case 00030 - Polling District 14*, was submitted under the signatures of Donna Davis-Lohnes, General Manager, Planning Services, and Shelley A. Dickey, Planner.
- A petition containing the signatures of approximately 23 individuals in support of the proposed rezoning was submitted by Mr. and Mrs. Christopher Sperdakes, 6470 Seaforth Street, Halifax.

Ms. Shelley Dickey, Planner, provided members of Council with a brief overview of the rezoning proposal, emphasizing that the primary difference between the R-2 and R-2T provisions relates to the requirements for and the location of parking. She went on to note, however, that a letter of intent has been received from the developer of the proposed six-unit townhouse indicating that landscaped open space in the front yard will be provided to offset the six parking spaces also located there.

The Chair then called for members of the public wishing to speak either in favour of or against the proposal.

Mr. David Wilkins, a resident of Williamswood, spoke in support of the proposal. Noting that while the same number of townhouses are being proposed for this site as had previously existed there, the new units will be of higher quality, a factor which will not only increase tax revenues to the Municipality but will also add to the appearance of the surrounding neighborhood.

There being no further persons wishing to address Council on this issue, **it was MOVED by Councillor Greenough, seconded by Councillor McInroy that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Blumenthal (on behalf of Councillor Fougere), seconded by Councillor Adams that Regional Council approve the rezoning of 6471-87 Chebucto Road from R-2 (General Residential) to R-2T (Townhouse). MOTION PUT AND PASSED UNANIMOUSLY.

9.6 Establishment of a Policy Framework to Guide Future Development Within the Morris-Russell Lake Area

- A supplementary staff report dated December 18, 1998 and entitled *Establishment of a Policy Framework to Guide Future Development Within the Morris-Russell Lake Area*, was submitted under the signature of Roger Wells, Acting General Manager, Planning Services.
- Correspondence in support of the recommendations put forward by the Harbour East Community Council in its report dated November 17, 1998 was received from:
 - Ginette Allard, 10 Ridgewood Court, Dartmouth
 - Carol Anne and Sam Ando, 16 Diana Grace Avenue, Dartmouth
 - Gordon D. Armsworthy, 8 Portland Estates Blvd., Dartmouth
 - Rene Ballesteros, 35 Old Birch Road, Dartmouth
 - Colin G. And Valerie Boyd, 61 Diana Grace Avenue, Dartmouth
 - Allan Boyle, 61 Portland Estates Blvd. West, Dartmouth

- Dr. and Mrs. Brooks, 50 Diana Grace Avenue, Dartmouth
- Colin and Janice Brien, 2 Ridgewood Ct., Dartmouth
- Robert Bussieres, 6 Portland Estates Boulevard, Dartmouth
- Dolores Carlson, 75 Diana Grace Avenue, Dartmouth
- Chantal Carrier, 82 Diana Grace Avenue, Dartmouth
- Bill and Annette Chiasson, 93 Portland Estates Blvd. West, Dartmouth
- Janet Colpitts, 11 Patricia Lynn Court, Dartmouth
- David Craig, 9 Wedgewood Court, Dartmouth
- John Dauphinee, 11 Portland Estates Blvd., Dartmouth
- Verna and Frank Dobson, 18 Portland Estates Blvd., Dartmouth
- Michael Eakin, 5 White Birch Lane, Dartmouth
- Maxine and Bryon Elson, 102 Diana Grace Avenue, Dartmouth
- Wendy and David Fitch, 13 Paul Thomas Drive, Dartmouth
- Ralph and Dennita Fitzpatrick, 16 Ridgewood Ct., Dartmouth
- Jacques Gagnon, 10 Ridgewood Court, Dartmouth
- Claude Green, 8 Rosehill Drive, Dartmouth
- Janis Greene, 22 Paul Thomas Drive, Dartmouth
- Stan and Elizabeth Gunn, 43 Diana Grace Blvd. West, Dartmouth
- Pamela Howell, 35 Paul Thomas Drive, Dartmouth
- Cathy Hunt, 106 Portland Estates Blvd. West, Dartmouth
- Doug and Cathy Hunt, 106 Portland Estates Blvd. West, Dartmouth
- Marlene M. Johnson, 22 Diana Grace Avenue, Dartmouth
- Catharine Johnston, 58 Barry Allen Drive, Dartmouth
- Cindy Kennah, 8 Diana Grace Avenue, Dartmouth
- Claude Lafleur, 82 Diana Grace Avenue, Dartmouth
- Francine Lemire, 29 Rosehill Drive, Dartmouth
- Noel J. Lewis, 1 Wedgewood Ct., Dartmouth
- Don Little, 98 Diana Grace Avenue (Portland Estates)
- D. MacAlpine, B. MacAlpine and C. Thompson, 80 Diana Grace Avenue
- Bill and Marilyn MacEachern, 69 Portland Estates Blvd. West, Dartmouth
- J. MacLeod-Donald, 38 Diana Grace Avenue, Dartmouth
- Sonia Malik, 86 Portland Estates Blvd. West, Dartmouth
- Robert and Elizabeth Martin, 25 Diana Grace Avenue, Dartmouth
- J. McNevitt, 1 White Birch Lane, Dartmouth
- Randy Murray, 48 Russell Lake Drive, Dartmouth
- Shelley Murray, 48 Russell Lake Drive, Dartmouth
- Tom Myketyn, 12 Paul Thomas Drive, Dartmouth
- D. J. Peters, 2 Wedgewood Court, Dartmouth
- Don B. Ramsay, 31 Barry Allen Drive, Dartmouth
- Aron Rogers, 10 Josephine Court, Dartmouth
- Karen Roseveare-Green, 104 Portland Estates Blvd. West, Dartmouth
- Don Rudolph, 89 Portland Estates Blvd. West, Dartmouth
- Malcolm St. Croix, 43 Portland Estates Blvd., Dartmouth
- Tom and Doreen St. Onge, 32 Hillview Drive (Portland Estates)

- Ed and Marg Schnare, 63 Portland Estates Blvd. West, Dartmouth
 - Rick Spriggs, 48 Diana Grace Avenue, Dartmouth
 - Peter Steele, 32 Diana Grace Avenue, Dartmouth
 - Graeme Stewart, 58 Barry Allen Drive, Dartmouth
 - David Smith, 5 Josephine Court (Portland Estates)
 - Jim and Sue Wells, 42 Barry Allen Drive, Dartmouth
- Correspondence dated January 12, 1999 received from Mr. Peter G. Green, Q.C., on behalf of Dr. Vernon Krause.
 - Correspondence dated January 7, 1999 received from Messrs. Larry Worthen and Noel Lewis, President and Vice President respectively of the Portland Estates Residents Association.

Speaking as the Chair of the Harbour East Community Council, Councillor Hetherington expressed his appreciation to the residents of the Innishowen and Portland Estates subdivisions for their participation in this planning process over the last 18 months.

The Councillor went on to emphasize that the primary objective has been the establishment of a policy that will guarantee residents input into future development proposals so as to better safeguard this valuable component of the Municipality and to avoid the kinds of mistakes that have been made in the past.

Mr. Roger Wells, Planning Applications Coordinator (Planning Services), provided Council with a comprehensive overview of the policy framework proposed for the Morris-Russell Lake Area, together with the rationale for this initiative and the primary issues surrounding it.

Councillor Cunningham requested clarification with regard to statements made in a letter forwarded to Council on behalf of Dr. Vernon Krause, the owner of 47 acres of land on the west side of Russell Lake.

Mr. Wells advised that Dr. Krause and his solicitor acknowledge that any future development of these lands must meet the CDD policy criteria and any other policies which may be approved with regard to the Morris-Russell Lake area. He went on to note, however, that at the present time the sole access to this property is from the Circumferential Highway. Consequently, if the site is to be developed in conformance with the CDD policies, there can be no impact on Portland Street (i.e., permission must be obtained by the developer from the Province of Nova Scotia for access to continue from the Circumferential Highway).

With reference to a question put forward by Councillor Blumenthal, Mr. Wells noted that a policy has been proposed to ensure that major improvements to infrastructure as a result of any future development are cost-shared with the developer. He went on to point out that the new *Municipal Government Act* enables municipalities to pursue the concept of

development charges on a much larger scale than before, adding that staff are now actively investigating all possibilities.

Responding to a question from Councillor Cooper, Mr. Wells advised that the following properties are not proposed for inclusion in the Comprehensive Development District:

(1) the lands of CFB Shearwater; (2) a large portion of the Imperial Oil lands abutting CFB Shearwater; (3) a portion of the Irving Oil property adjacent to that owned by Imperial Oil (the site of the present tank farm); (4) the Kiwanis lands; and (5) those properties on Caldwell Road abutting the Kiwanis lands, including a number of single-family homes and the First Nations reserve.

Responding to a question from Councillor McInroy, Mr. Wells advised that, at the present time, a portion of the lands owned by Clayton Developments (proposed to be zoned CDD and included within the Dartmouth Plan area) is now included within the Cole Harbour Plan area and is serviced by the Cole Harbour sewer system. He went on to note that there are policies in both the Eastern Passage and Cole Harbour Plans that stipulate that a study will be undertaken if such a surplus is identified and, in this context, referred to what he termed a "very strong" recommendation from the Morris Lake Watershed Management Plan; namely, that there should be no development on well and septic tank anywhere in the Watershed because of the very serious implications for water quality. Consequently, staff have recommended that the peninsula in the southern end of Morris Lake, owned by the Oaknah interests, be incorporated within a service boundary, and that consideration of this property and others that are can be developed using wells and septic tanks be the subject of a study for possible reallocation of sewer capacity.

Councillor Schofield expressed concern that development is intended to proceed in the Portland Estates area and that sewage is intended to be transferred from the Cole Harbour system to that of the former City of Dartmouth, despite the fact that the Harbour Clean-up initiative is still in its preliminary stages.

7:35 p.m. - Councillor Hendsbee retired from the meeting owing to a previous commitment.

The Chair then called for members of the public wishing to address Council either in favor of or against the proposal.

Mr. Noel J. Lewis, 1 Wedgewood Ct., Dartmouth

Mr. Lewis addressed Council in support of the recommendations put forward by the Harbour East Community Council in its report dated November 17, 1998. Speaking both as a father of young children and as the Vice President of the Portland Estates Residents Association, he emphasized that members of his organization are not opposed to development, but are instead concerned that their quality of life is being threatened. In this context, Mr. Lewis made reference to the proposal that Portland Estates Boulevard be

expanded and used as a four-lane highway, despite the fact that it was never officially designated as a collector roadway nor were anything but “standard” setbacks applied to the residences that now line this street.

He went on to suggest that, by endorsing the recommendations put forward by the Harbour East Community Council (in consultation with the Residents Association), Regional Council has an opportunity to address the wrongs done in the past and to establish a “vision” for the Morris-Russell Lake area.

Mr. Dick Miller, President of Clayton Developments Limited

Noting that discussions concerning the Morris Lake property commenced almost two years ago, Mr. Miller stated that, in his opinion, one of the most important elements that has emerged from the numerous community meetings has been the staff recommendation that a public participation committee be established to work with the developer to address “community” issues.

Mr. Miller went on to advise that Clayton Developments wholeheartedly endorses the establishment of such a committee, believing that a collaborative relationship such as this can result in “informed solutions” to such community issues as internal road networks, external connections, recreation parkland, open space, and land use.

In closing, Mr. Miller indicated that Phase One of the proposed project will involve the development of 93 acres of land representing approximately \$70 million of construction and nearly \$1 million in municipal taxes. Noting that Clayton is anxious to proceed, he urged that Regional Council approve the recommendations before it tonight and that a public participation committee be appointed as quickly as possible.

Mr. Walter N. Regan, 43 Candlewood Lane, Sackville

Mr. Regan spoke in support of the proposed planning process, emphasizing that he particularly endorsed the recommendations put forward to safeguard the environment against the more negative implications of development. Reading from a prepared text (later submitted to the Municipal Clerk), he made various suggestions as to possible revisions to certain of the proposed plan policies but noted that he had only two major concerns. The first related to the fact that the proposed development will see over 93 acres (or 800 units) of untreated sewage pumped into the Halifax Harbor (Mr. Regan suggested that the developer might be encouraged to establish a solar-aquatics sewage station to treat the sewage before it enters the Harbour). His second concern pertained to the fact that the planning process intends to target only a portion of the Watershed area, leading, in Mr. Regan’s opinion, to a fragmentation of the planning process.

Ms. Angela Jessica Borgal, 108 Portland Estates Boulevard West

Speaking as the mother of three small children, Ms. Borgal addressed Council in opposition to the proposed development and to the proposal to expand Portland Estates Boulevard West to four lanes. Referring to a traffic accident in her neighborhood that had

already claimed the lives of two young girls, Ms. Borgal emphasized that, in her opinion, it was unacceptable that Council would allow these proposals to go forward, particularly given the negative implications they would hold for safety and the quality of life in Portland Estates. In closing, she quoted from a letter written by her nine-year old daughter, Samantha, in which she expressed her concerns about the manner in which a four-lane highway will impact on her neighborhood and threaten her safety and those of her younger sisters.

The Chair acknowledged the presence in the public gallery of Mr. Don Chard, MLA for Dartmouth South and Deputy Speaker of the House.

Mr. Douglas Hunt, 106 Portland Estates Boulevard West

Mr. Hunt addressed Council in opposition to the proposal, noting that, in his view, these recommendations should not be considered unless and until the Master Development Plan for the area in question has been completed.

Referring to the proposed rezoning to CDD, Mr. Hunt expressed concern that this designation would permit a mixture of high-density residential uses such as apartment units and townhouses -- uses which, in his view, would not be appropriate given the R-1 and R-7 zoning currently in place on the east side of Morris Lake. He went on to make reference to the proposal to rearrange the municipal service boundaries and expressed the opinion that this approach was somewhat premature, given that an integrated servicing strategy has yet to be completed.

Mr. Mike Steele, 102 Portland Estates Boulevard

Mr. Steel addressed Council in support of the recommendations put forward by the Harbour East Community Council. Speaking as a resident of Portland Estates and as the father of three, he noted that the development proposal currently under discussion will transform his neighborhood into something considerably different than what it was when the Steele family moved there some 18 months previously. Mr. Steele pointed out that he had made it a point to attend as many of the community meetings as possible because, like his neighbours, he is concerned for the safety of his children, the depreciation of his property, and the preservation of his community's quality of life.

In concluding his remarks, Mr. Steele indicated that he had been heartened by the fact that the Community Council had listened to the concerns put forward by the residents of Portland Estates, and therefore called on Regional Council to support the recommendations put forward by that group.

Ms. Janice Brien, 2 Ridgewood Court

Ms. Brien addressed Council in opposition to the staff recommendation but in support of the motion put forward by the Harbour East Community Council in its report of November 17, 1998. In her remarks, Ms. Brien noted that, as a resident of Portland Estates, her biggest concern is the proposal to connect Portland Estates Boulevard to the Caldwell

Road and the Circumferential Highway. She went on to point out that the Morris-Russell Lake Advisory Committee, in consultation with the Portland Estates Residents Association, had reached the conclusion that a connection of this nature should not proceed, an approach that had been endorsed by the Harbour East Community Council. She therefore called on Regional Council to support the Community Council and the Residents Association in this regard so that the community bordering on Portland Estates Boulevard can remain safe for its residents.

Ms. Linda D'Entremont, 108 Diana Grace Avenue

Ms. Linda D'Entremont addressed Council in opposition to staff's proposal. Noting that she and her family had enjoyed the peace and quiet of Portland Estates for over 10 years, she emphasized that she did not relish the thought of hearing 30,000-50,000 cars travel through her neighbourhood every day, or of breathing in the fumes from those vehicles.

Ms. D'Entremont therefore urged Council to support the recommendations put forward by the Harbour East Community Council, adding that, if those recommendations are endorsed, residents of Portland Estates will be only too happy to work with the developer to design what she termed a "worthy" project.

Mr. Randy Murray, Russell Lake Drive

Mr. Murray suggested that too much emphasis is being placed on what he called "the dollar factor" associated with the proposed development project and not enough on concern for the safety of the children living in the Portland Estates community. He went on to note that a rezoning of this area will lead to the construction of apartment buildings and more townhouses which in turn will result in the need for convenience stores and an increase in truck traffic. Mr. Murray concluded his remarks by indicating that, in his view, this was not the kind of development for which Portland Estates was originally designed and called on Council to do what it could to preserve the quality of life in this community.

Mr. John Kent, 12 Josephine Court

Mr. Kent addressed Council to suggest that the residents of Portland Estates are not against future development or the participation process. Rather, they are concerned about the "vagueness" that exists in the present CDD provisions, more specifically with regard to the twin issues of transportation and density, both of which could have serious implications for the future of the Portland Estates community.

Mr. Cliff Wordell, 80 Portland Estates Boulevard West

In his opening remarks, Mr. Wordell expressed concern that residents had not been advised of all the public meetings held to discuss this issue, and therefore asked that staff be instructed to amend their notification processes in future.

Mr. Wordell went on to state that Portland Estates Boulevard is already extremely difficult to travel during the winter months. To convert it to a four-lane highway would be, in his words, "ludicrous." He went on to suggest that the proposal to establish schools in close

proximity to Morris Lake should be reviewed, given the safety implications inherent in such a recommendation. In this same context, Mr. Wordell indicated that, in his opinion, playgrounds should never be sited adjacent to a four-lane highway, suggesting that either the existing playground in Portland Estates should be moved or the proposal to expand Portland Estates Boulevard withdrawn.

Mr. Wordell concluded his remarks by emphasizing that the residents of Portland Estates are looking for safeguards for their neighborhood, and called on Council to support the recommendations put forward by the Harbour East Community Council in this regard.

Ms. Cathy Hunt, 106 Portland Estates Boulevard West

Ms. Hunt addressed Council in opposition to the development proposal, noting that for the last several months her life has been filled with the stress of uncertainty over the future of her neighborhood. In her remarks, Ms. Hunt stated that Portland Estates is a safe and peaceful community in which an extremely large number of children live and play. She went on to point out that she and her husband had purchased their property in this subdivision because of the quality of life it offered, qualities that will be greatly diminished if the proposed development is allowed to proceed. Ms. Hunt concluded her remarks by emphasizing that, in her opinion, the “total devastation” of a neighborhood as a “quick fix” to the area’s traffic problems is not the way to go and called on Council to support the Residents Association in this regard.

Ms. Nancy Witherspoon, 37 Diana Grace Avenue

Ms. Witherspoon expressed concern with the public consultation process that had been used to date with regard to this development proposal, adding that, in her view, residents had not been appropriately consulted or listened to. She went on to suggest that neither she nor her neighbours have complete faith in the CDD process, based not only on their own experience with it to date, but also on that of others (more specifically, the residents of Bedford).

Speaking as the environmental advisor to the Portland Estates Residents Association, Ms. Witherspoon suggested that the CDD process is especially weak in terms of provisions relating to the environment. In this context, she pointed out that the process does not have the “teeth” necessary to enforce such things as the recommendations from the Dartmouth Lakes Advisory Board or the plans produced for Morris Lake and Russell Lake. She went on to state that, in her professional capacity, she had experienced the detrimental effects that development can have on water courses and water bodies, emphasizing that lakes in the Portland Estates area have been significantly affected in the past. Ms. Witherspoon concluded her remarks by indicating that, in her view, the CDD process would not prove to be an effective method of addressing this situation and that the Municipality should be looking at other, more appropriate processes.

Ms. Yvonne Kaiser, 88 Portland Estates Boulevard West

Ms. Kaiser expressed grave concern regarding the future safety of her children, should the proposed expansion of Portland Estates Boulevard be allowed to continue, and called on Council to reject the staff recommendations in this regard.

Mr. Larry Worthen, President of the Portland Street Residents Association

Responding to a question put forward by Mr. Worthen, Mr. Wells advised that the lands of Oaknah Realty are proposed to be zoned CDD and to be included in the Eastern Passage/Cow Bay service boundary.

With reference to a second question from Mr. Worthen, Mr. Wells noted that Recommendation (c) of the November 17, 1998 report submitted by the Harbour East Community Council has not been addressed in the policy report submitted by staff on December 18, 1998.

Mr. Worthen also made reference to Policy H-3B on p. 14 of the October 9, 1998 staff report and asked for advice from the Municipal Solicitor with regard to the "general guides" contained therein pertaining to such matters as the number of allowable apartment units, maximum residential density, street frontage, etc. More specifically, the question was raised as to the extent of Council's discretion in these matters (particularly if it were asked to approve numbers, densities, etc. below those indicated by the general guides) and furthermore, the likelihood of a Council decision made under these circumstances standing up to the scrutiny of the Utility Review Board.

In response, Mr. Barry Allen, Acting Municipal Solicitor, advised that while he could not provide a detailed response at this time, it was his opinion that "general guides" are normally open to interpretation. He cautioned, however, that any deviations proposed to these guides must be judged in terms of their conformance with the overall intent of the policy.

In his presentation to Council, Mr. Worthen made reference to the four-part recommendation put forward by the Harbour East Community Council, emphasizing that, in his view, it represented an "excellent compromise" between the legitimate interests of the developer, planning staff, and those of the residents. Referring, in particular, to part (c) of that recommendation and to Mr. Wells' response to an earlier question, he called upon Council to ensure that the transportation component of the overall plan is dealt with *before* development of the 93 acres owned by Clayton Developments can proceed.

Mr. Worthen referred to part (d) of the Community Council's recommendation and strongly urged that a degree of discretion be provided for so that the public participation committee and Council will have sufficient leeway when evaluating the merits of particular development applications.

In his closing remarks, Mr. Worthen emphasized that the Portland Estates Residents Association is not opposed to further development in this area but merely want to ensure that residents have input into projects having implications for their neighborhood. He applauded the proposal of a public participation committee, indicating that, in his view, it will be a very valuable tool in allowing residents, planning staff, the development industry, and Council to move forward together in the creation of what he termed "one of the best neighbourhoods in the Province."

Mr. Terry Johnson, 21 Portland Estates Boulevard

Mr. Johnson noted that he had moved to Portland Estates over 10 years ago, attracted by the promise of "country living in the city." He went on to emphasize that he now sees "more cars than cows," and expressed concern that additional development in this area will result in a considerable increase in vehicular traffic on Portland Estates Boulevard as well as in the number of motorists from outside the subdivision taking shortcuts through the neighborhood, using the streets to test-drive cars, etc. Mr. Johnson expressed concern that the proposed CDD zoning designation will not adequately safeguard the "country" character of the subdivision and urged Council to make very effort to protect the quality of life in Portland Estates.

Mr. Paul Clark, 6 Betty Jane Court

Mr. Clark pointed out that over 120 residents had come to tonight's meeting to voice their concerns, and urged Council to give every consideration to the comments made tonight in opposition to the proposal.

Mr. Sean Hennessy, 4 Rosehill Drive

Mr. Hennessy made reference to the large number of residents in attendance at tonight's meeting, emphasizing that many were present because of their lack of "trust" in the planning process. In this context, Mr. Hennessy pointed out that, despite the considerable amount of thought and effort that residents had expended in their attempts to devise solutions to problems of particular concern in their community, those solutions had been omitted from the staff proposal. He went on to suggest that, under the circumstances, the residents of Portland Estates are not convinced that the "safeguards" proposed by staff will adequately protect their neighborhood. Mr. Hennessy therefore called on Regional Council to support the recommendation contained in the November 17 report from the Harbour East Community Council.

Ms. Donna Davis-Lohnes, General Manager of Planning Services, briefly addressed Council to summarize staff's position with regard to comments made during tonight's public hearing.

In reference to one of the questions put forward by Mr. Larry Worthen with regard to "general guides," Ms. Davis-Lohnes clarified that the amounts identified under that heading represent maximums. She went on to note, however, that opportunities for interpretation do exist in terms of what is "reasonable" when requesting developers to provide less than

those maximums. Ms. Davis-Lohnes also indicated that, while it is always difficult to anticipate the Review Board's ruling on matters under appeal, should Council make an arbitrary decision which is not based on the intent of the planning policy, numbers that are less than those indicated by the "general guides" will be more difficult to defend.

Ms. Davis-Lohnes went on to describe transportation and traffic as *the* most contentious issue addressed by this planning process to date, and acknowledged that staff's position on the matter is quite different from that of the area residents. In this context, she pointed out that while staff have recommended that transportation issues be evaluated through the Master Planning exercise, residents feel strongly that the matter should be addressed immediately and included in policy. Ms. Davis-Lohnes emphasized that staff do not disagree that transportation (particularly as it relates to Portland Estate Boulevard) is a cause for concern; however, they feel that alternatives to the problem should be considered in the context of the Master Plan.

There being no further persons wishing to address Council in regard to this matter, **it was MOVED by Councillor Schofield, seconded by Councillor Greenough that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

9:05 p.m. -- The meeting was adjourned for a brief recess.

9:15 p.m. -- The meeting reconvened with the same members being present.

MOVED by Councillor Hetherington, seconded by Councillor McInroy that Halifax Regional Council approve the amendments to the Municipal Planning Strategies for Dartmouth, Cole Harbour/Westphal and Eastern Passage/Cow Bay (attached to the Supplementary Report dated October 16, 1998 as Attachments 1 through 6), in order to establish a policy framework by which to guide future development within the Morris-Russell Lake area, with the addition of the following amendments proposed by the Harbour East Community Council in its report dated November 17, 1998:

- (a) whereas there is a fear that the quality of life of the existing neighbourhood of Portland Estates will be impacted by the large amount of traffic from other areas, be it therefore resolved that Portland Estates Boulevard and Portland Estates Boulevard West be designated local residential collectors, and that no connection be established between Caldwell Road and the Portland Estates subdivision; and further, that Portland Estates Boulevard West not be extended until the Shearwater connector road is built from Caldwell Road to Highway 111;**
- (b) the recommendations of the Harbour East Planning Advisory Committee, excluding road development (as outlined in the staff report dated November 5, 1998), be referred to the Public Participation Committee for consideration and recommendation to Regional Council;**

- (c) that the transportation component of the Master Plan be addressed before Clayton Developments is permitted to proceed with the development of its 93 acres; and
- (d) that Policy H3(b) be amended to read “in addition to the provisions of Policy H3(a), Council shall consider the following prior to approving any agreement with a CDD: (a) the impact the proposed development may have on the quality of life of existing neighbourhoods; and, notwithstanding criteria (b), (d), (i) and (j), Council may reduce the maximum allowable under the sections to protect the quality of life of residents of existing neighbourhoods;”

and further, that proposed policy H-3AA be revised to read (in part) as follows:
“... Council shall also establish a Committee to deal with substantial amendments to CDD Agreements.”

Asked to comment, Mr. Wells made reference to part (a) of the motion and advised that should the Master Plan process -- or, more specifically, the transportation component of that Master Plan -- be significantly delayed for any reason, there will be a direct impact on the development of the 93 acres. He went on to point out that this is understandably of some concern to the developer. Mr. Wells also suggested that should Council approve part (a) of the motion, staff is of the view that part (c) is no longer required.

He went on to emphasize that, with regard to part (d) of the motion, staff have very serious concerns, given the vagueness associated with the term “quality of life” and the difficulties inherent in attempting to define it. He therefore suggested that, instead of proposing (d) as a CDD policy criterion, it should more appropriately be placed either as part of the policy preamble or as an objective of the CDD development agreement process.

On a final note, Mr. Wells asked that the wording of the main motion (as contained in the staff report dated December 18, 1998) be revised to refer to *Attachments 1 through 6*.

Speaking in support of the motion, Councillor Cooper asked that the public participation committee closely examine the staff report, particularly from the following perspectives: (a) the proposed exclusion of certain components of the Watershed from the CDD process; (b) the proposed exclusion of certain industrial areas; and (c) the supposition that because HRM does not have direct control over certain pieces of land, those lands should not be subject to the Municipality’s environmental standards and policies.

Responding to a question put forward by Councillor Greenough, Mr. David McCusker, Manager of Traffic and Transportation Services, indicated that, in his opinion, staff would be able to complete those aspects of the transportation component of the Master Plan having to do with the proposed development of the 93 acres within a six-month time frame.

MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS

10.1 Councillor Walker - Proposed Elimination: Transit Route #5

A petition containing the signatures of approximately 379 individuals in opposition to the proposed elimination of Transit Route #5 was submitted by Councillor Walker.

MOVED by Councillor Walker, seconded by Councillor Stone that the petition be referred to staff for a report in conjunction with the preparation of a similar report requested during the December 15, 1998 meeting of Regional Council. MOTION WAS PUT AND PASSED.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender #98-030 - Purchase of Approximately 100 Sets of Self-Contained Breathing Apparatus (SCBA) and Miscellaneous Optional Equipment

- A staff report dated January 5, 1999 and entitled *Tender #98-030: For the Purchase of Approximately 100 Sets of Self Contained Breathing Apparatus (SCBA) and Miscellaneous Optional Equipment*, was submitted under the signatures of K. R. Meech, Chief Administrative Officer, and Dan English, Deputy Chief Administrative Officer.

MOVED by Councillor Sarto, seconded by Councillor Blumenthal that Halifax Regional Council:

- (1) authorize the award of Tender #98-030 to the lowest bidder, Levitt-Safety Limited, at a cost of \$298,601.74 plus applicable taxes for the first year of a two (2) year program;
- (2) authorize the establishment of a three (3) year agreement with Levitt-Safety for the purchase of additional SCBA units on an as and when required basis.

MOTION WAS PUT AND PASSED.

At 10:00 p.m., it was MOVED by Councillor Barnet, seconded by Councillor Schofield that discussion of the remaining items on the agenda be continued for a further twenty minutes. MOTION WAS PUT AND PASSED UNANIMOUSLY.

11.1.2 Tender #98-125 - Supply of Containers and Collection of Refuse from Various HRM Facilities

- A staff report dated January 4, 1999 and entitled *Award of Tender #98-125 - Supply of Containers and Collection of Refuse from Various HRM Facilities*, was submitted under the signatures of K. R. Meech, Chief Administrative Officer, and Dan English, Deputy Chief Administrative Officer.

MOVED by Councillor Snow, seconded by Councillor Schofield that Regional Council authorize:

- (1) the award of Tender #98-125 to supply containers and collect refuse for specified HRM-owned locations to the lowest bidder for each location as highlighted in Table A (referenced in bold and attached to the staff report dated January 4, 1999) for a three-year period. This contract is for an estimated total annual cost of \$58,501.88, plus 15% HST, or \$175,505.64, plus 15% HST, over the three (3) year period as follows:

	TOTAL ANNUAL PRICE (PLUS 15 % HST)
BFI Waste Systems	\$ 41,930.00
DeWolfe Waste Disposal Systems	\$ 6,899.88
Green Waste Systems	\$ 9,672.00

- (2) the award of Tender #98-125 to supply containers and collect refuse on an “as needed” basis for HRM-owned locations, for a three (3) year period, to the lowest bidders for each level of service as highlighted in Table B (referenced in bold and attached to the staff report dated January 4, 1999), plus 15% HST.

MOTION WAS PUT AND PASSED UNANIMOUSLY.

11.1.3 Community and Race Relations Committee Recommendation for Recognition of Significant Dates

This matter had last been discussed during a regular meeting of Halifax Regional Council held on December 8, 1998.

- A supplementary staff report dated January 8, 1998 and entitled *Community and Race Relations Committee Recommendation for Recognition of Significant Dates*, was submitted under the signatures of K. R. Meech, Chief Administrative Officer, and Dan English, Deputy Chief Administrative Officer.

MOVED by Councillor Blumenthal, seconded by Councillor Greenough that the recommendations of the Community and Race Relations Committee for the

Recognition of Significant Dates (as outlined in the Committee's report dated December 2, 1998) be approved. MOTION WAS PUT AND PASSED.

Councillor Cooper recommended that the Committee give consideration to the establishment of a "personal heritage day" for those individuals not specifically addressed in the "significant dates" outlined in the December 2 report.

11.1.4 Home Depot Application - Baker Drive, Dartmouth

- A report dated January 8, 1999 and entitled *Home Depot Application - Baker Drive, Dartmouth*, was submitted under the signature of Councillor Bruce Hetherington, Chair of the Harbour East Community Council.

Councillor McInroy made reference to the fact that at its meeting on January 7, 1999 the Harbour East Community Council had taken the position that it wished to support a request from proponents of a Home Depot facility for the Baker Drive area of Dartmouth; namely, that the application be advanced to a public hearing as quickly as possible.

Noting that this position has been endorsed by staff, **it was MOVED by Councillor McInroy, seconded by Councillor Greenough that staff provide the Harbour East Community Council with a recommendation concerning a Plan amendment request to permit a Home Depot development on lands of Whebby Construction Limited, Baker Drive, Dartmouth, by March 4, 1999 as part of the Harbour East Commercial Review process.**

Responding to a question from Councillor Stone, Ms. Donna Davis-Lohnes, General Manager, Planning Services, clarified that the application from Home Depot will continue to be addressed in conjunction with the overall Commercial Policy review process and not as a site-specific request. She noted, however, that, in deference to the applicant who wished a definitive time frame to be placed on the process, staff are proposing to submit their recommendations to the Community Council by March 4.

Speaking as Councillor for the District in question, Councillor Hetherington spoke in opposition to the Motion. Referring to a letter recently received from the President of the District's Residents Association, Councillor Hetherington pointed out that the site for the proposed Home Depot facility (complete with parking spaces for 800 vehicles) serves as the "gateway" to the Portland Estates Subdivision. Referring to a motion approved earlier in the meeting concerning the establishment of a policy framework for development in the Morris-Russel Lake area, the Councillor expressed concern that this application would be addressed in isolation of the larger policy issues.

Commenting on the concerns raised by Councillor Hetherington, Councillor Greenough pointed out that the application will be the subject of a public participation process and, as such, will be considered on its own merits.

MOTION WAS PUT AND PASSED.

12. MOTIONS

12.1 Councillor Kelly Re: Non-Alcohol Purchasing Policy

During the January 5, 1999 meeting of Halifax Regional Council, Councillor Kelly gave Notice that he intended to introduce a motion to implement a Halifax Regional Municipality non-alcohol purchasing policy for all departments, boards and commissions.

At Councillor Kelly's request, **it was agreed that this matter would be deferred for a two-week period (i.e., to the regular meeting of Halifax Regional Council scheduled for Tuesday, January 26, 1999).**

13. ADDED ITEMS

13.1 Councillor Kelly - Retaining Wall

Councillor Kelly submitted a letter from Mrs. Dorothy Christopher concerning her request for a retaining wall. Noting that this matter was of some long standing, **it was MOVED by Councillor Kelly, seconded by Councillor Walker that a staff report be provided including recommendations on possible solutions to the problem. MOTION WAS PUT AND PASSED.**

13.2 Councillor Rankin - Naming of Entrance Road (Otter Lake Facility)

On behalf of Councillor Rankin, **it was MOVED by Councillor Mitchell, seconded by Councillor Dooks that a staff report be requested regarding the feasibility of naming the entrance roadway to the Otter Lake facility in memory of the late Mr. Peter Kidd in recognition of his contribution to the Municipality's waste management initiative. MOTION WAS PUT AND PASSED.**

13.3 Acquisition of Federal Lands - Bald Rock, Sambro Harbour

This matter had been considered during an *In Camera* meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Adams, seconded by Councillor Blumenthal that the recommendation concerning this matter adopted during the *in camera* meeting held earlier in the day be ratified by Halifax Regional Council. MOTION WAS PUT AND PASSED.

13.4 Councillor Adams - Metro Centre Concessions

This matter had been added to the agenda at the request of Councillor Adams who expressed concern that the Maritime Beer Company, a locally owned business with over 100 employees, is not permitted to sell its products at the Halifax Metro Centre.

MOVED by Councillor Adams, seconded by Councillor Schofield that a staff report be provided as to why products of the Maritime Beer Company are not permitted to be sold at the Halifax Metro Centre. MOTION WAS PUT AND PASSED.

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

There being no further business to be discussed, **it was MOVED by Councillor Blumenthal, seconded by Councillor Adams that the meeting be adjourned at approximately 10:20 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

**Vi Carmichael
Municipal Clerk**