



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
November 13, 2014**

PRESENT: Councillor David Hendsbee, Chair
Councillor Gloria McCluskey, Vice Chair
Councillor Bill Karsten
Councillor Lorelei Nicoll

REGRETS: Deputy Mayor Darren Fisher

STAFF: Ms. E. Roxanne MacLaurin, Senior Solicitor
Ms. Jennifer Weagle, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/Commcoun/east/index.php>

The meeting was called to order at 6:00 p.m., and adjourned at 7:24 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at the Dartmouth Sportsplex, 110 Wyse Road, Dartmouth, with the Invocation led by Councillor Karsten.

2. APPROVAL OF MINUTES – October 2 & October 21 (special), 2014

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the minutes of the October 2 & October 21 (special), 2014 meetings be approved, as circulated. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that the agenda be approved as presented. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 PUBLIC HEARINGS - None

8.2 VARIANCE APPEAL HEARINGS - None

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

Correspondence was received in relation to item 9.3.1. Refer to the item for specifics.

9.2 Petitions - None

9.3 Presentation

9.3.1 Daylighting Sawmill River in Dartmouth – Ecology Action Centre & Sackville Rivers Association

The following information was before Community Council:

- A Briefing Note from the Ecology Action Centre & Sackville Rivers Association
- A copy of the presentation by the Ecology Action Centre & Sackville Rivers Association
- Correspondence from Karl Vollmer, Canoe Kayak Nova Scotia; Gwen Davies; Jonathan Lampier, Urban Perspectives; Kate Watson; and Robert France.

Ms. Jocelyn Rankin, Water Coordinator, Ecology Action Centre, and Mr. Walter Regan, Presidents, Sackville Rivers Association, presented to Community Council on the topic of daylighting Sawmill River in Dartmouth. A copy of the presentation is available online and on file.

Responding to a question from Councillor McCluskey, Mr. Regan clarified that fish would travel via a separate concrete or natural fish passage.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council, as per section 3(2) of Administrative Order One, waive the Rules of Order, specifically section 32(4)(f) of Administrative Order One.

Two-third majority vote required.

MOTION PUT AND PASSED.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council request a staff report on the presentation, with commentary from Halifax Water.

Mr. Regan and Ms. Rankin responded to questions from members of Community Council at this time.

Responding to questions from Councillor Nicoll with regard to external funding and support, Ms. Rankin indicated that she has examples of other areas that brought in external funding for similar projects. She noted positive economic spinoffs that would come with daylighting the Sawmill River, including increasing property values and creating residential development opportunities.

Responding to further questions from Councillor Nicoll, Mr. Regan indicated that the current culvert is too small to handle heavy stormwater, and daylighting the river will create additional stormwater capacity.

Councillor Karsten clarified that this matter will not be going to a public hearing, and that the municipality has a daylighting policy.

With the agreement of the mover and seconder, Councillor Karsten suggested that the motion be amended to add "using full-cost accounting".

Councillor Hendsbee suggested that the Ecology Action Centre could establish a trust fund, and could apply for grants to access funds that the municipality cannot.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council request a staff report on the presentation, with commentary from Halifax Water, using full-cost accounting. MOTION PUT AND PASSED.

9.3.2 Shearwater Flyer Trail – Cole Harbour Parks and Trails Association

The following information was before Community Council:

- A submission from Eliz Holly Woodill, Chair, Cole Harbour Parks and Trails Association, dated October 29, 2014.

Ms. Holly Woodill, Chair of the Cole Harbour Parks and Trails Association, and President of the Nova Scotia Trails Association, read to Community Council from her submission, which is on file. The Cole Harbour Parks and Trails Association is requesting that the municipality take over the portion of the provincial Letter of Authority (LOA) for the entire Shearwater Flyer Trail from Bissett Road to 12 Wing Shearwater and also the LOA issued by the Department of National Defence (DND) for the short section across DND property to Corsair Drive.

Responding to comments from Councillor Nicoll regarding all-terrain vehicle (ATV) used on trails, Ms. Woodill noted that trails maintenance has been expensive because of ATV use. She noted that ATVs often go off trail and cause damage to the natural habitat.

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council, as per section 3(2) of Administrative Order One, waive the Rules of Order, specifically section 32(4)(f) of Administrative Order One.

Two-third majority vote required.

MOTION PUT AND PASSED.

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council request a staff report with regard to the request from the Cole Harbour Parks and Trails Association for HRM to take over the entire Shearwater Flyer Trail from Bissett Road to 12 Wing Shearwater and also the short section across Department of National Defence property to Corsair Drive, including a cost analysis to HRM with ongoing maintenance costs.

Councillor Karsten commented that he was disappointed he was not consulted on this matter earlier. He noted concern that staff indicated support for taking over the trail, prior to a staff report or Council consideration of the request.

Councillor Hendsbee commented that he believes users of active transportation trails and ATV users can cohabitate, citing Blueberry Run as a successful example.

MOTION PUT AND PASSED.

10. REPORTS

10.1 STAFF

10.1.1 Case 18849: Non-Substantive Amendment for 959 Cole Harbour Road, Cole Harbour

The following was before Community Council:

- A staff recommendation report dated October 29, 2014

Mr. Mitch Dickey, Planner, presented the staff report, noting that this is to acknowledge an error in the wording of the development agreement approved by Community Council in August, and correct that error.

MOVED by Nicoll, seconded by Karsten, that Harbour East-Marine Drive Community Council:

- 1. Approve the corrected amending development agreement document for execution, as contained in Attachment A of the October 29, 2014 report; and**
- 2. Require that the amending development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

At the request of Community Council, Mr. Dickey clarified that because the amendment is considered non-substantive, no additional advertisement was required.

MOTION PUT AND PASSED.

10.1.2 Case 19485: Non-Substantive Amendment to the Evergreen Drive Development Agreement, Cole Harbour

The following was before Community Council:

- A staff recommendation report dated October 22, 2014

Mr. Darrell Joudrey, Planner, reviewed the October 22, 2014 staff report. He indicated that this matter is being brought back at the request of the developer to extend the timeline for completion by two years. Mr. Joudrey clarified that nothing else in the development agreement is open to negotiation. He reviewed images of the proposal with Community Council.

Responding to questions from Councillor Hendsbee with regard to sanitary sewer capacity, Mr. Joudrey clarified that when the agreement was written, sewer capacity was an issue and is written within the terms of the agreement.

MOVED by Councillor Nicoll, seconded by Councillor McCluskey, that Harbour East-Marine Drive Community Council:

- 1. Approve, by resolution, the proposed Amending Agreement as contained in Attachment A of the October 22, 2014 report to enable an extension of the date of commencement of development of the existing development agreement at Evergreen Drive, Cole Harbour; and**
- 2. Require the Amending Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

At the request of Community Council, Mr. Joudrey advised that the developer has advised that design drawings are very near completion.

Councillor Karsten noted disappointment that this development has not proceeded within the timeline given.

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that the motion be amended to extend the date of commencement of development for ONE year beginning January 1, 2015.

AMENDMENT PUT AND PASSED.

MOVED by Councillor Nicoll, seconded by Councillor McCluskey, that Harbour East-Marine Drive Community Council:

- 1. Approve, by resolution, the proposed Amending Agreement contained in Attachment A of the October 22, 2014 report, to enable an extension of the date of commencement of development of the existing development agreement at Evergreen Drive, Cole Harbour, with an amendment to extend the date of commencement of development for ONE year beginning January 1, 2015; and**
- 2. Require the Amending Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10.1.3 Case 19482: Non-substantive amendment to Portland Hills CDD Development Agreement (Commercial Site) Portland Hills Drive, Dartmouth

The following was before Community Council:

- A staff recommendation report dated October 30, 2014

Mr. Shayne Vipond, Senior Planner, presented the staff report dated October 30, 2014, an application to increase the total floor area from 20% to 48%, and to remove the 20 seat maximum restriction.

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council:

- 1. Approve, by resolution, the non-substantial amendment to the Portland Hills Comprehensive Development District development agreement, as provided in Attachment A of the October 30, 2014 report, to allow eating establishments with accessory lounge areas at the Portland Hills Centre at 635, 639 and 651 Portland Hills Drive; and**
- 2. Require the amending agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

At the request of Councillor McCluskey, Mr. Vipond clarified that the changes would apply to all of the lands at 635, 639, and 651 Portland Hills Drive.

Responding to questions from Councillor Hendsbee, Mr. Vipond clarified that the applicant will have to reapply to amend their liquor license for the establishment.

Councillor Karsten commented that the establishment has been a good neighbourhood and corporate citizen.

MOTION PUT AND PASSED.

- 11. MOTIONS - None**
- 12. IN CAMERA - None**
- 13. ADDED ITEMS - None**
- 14. NOTICES OF MOTION - None**
- 15. PUBLIC PARTICIPATION**

Mr. Dusan Soudek, Halifax, commented on the Porters Lake Canal, which is a small, shallow canal, less than one kilometer. He indicated that it was constructed by the federal government about 100 years ago, and is operated by the federal government, although it was never fully completed. Mr. Soudek noted that the area received significant damage during Hurricane Juan, and was closed for two years, but is now cleaned up. He advised that the federal Department of Resources (DOR) has placed the property for sale. Mr. Soudek noted that the DOR canvassed different federal departments, the province and the municipality to take ownership of the canal, without any public input. He commented that the property is at risk for becoming privatized, noting that it is crossed by the Trans Canada Trail. Mr. Soudek encouraged Councillors to look out for letters of support trying to save the canal.

Councillor Hendsbee noted that he was not consulted by the federal Department of Resources either, and noting that he will be putting forward a notice of motion on the matter at the next Council meeting.

Mr. Cameron Ells, Halifax, indicated that he was interested in the Sawmill River daylighting presentation, and has some practical concerns with daylighting he would like to discuss with staff.

Mr. Sean Kelly, on behalf of Finbars, thanked Community Council.

16. DATE OF NEXT MEETING – December 4, 2014

The next regular meeting of Harbour East-Marine Drive Community Council will be held on Thursday, December 4, 2014 at 6:00 p.m. in the Nantucket Room of the Dartmouth Sportsplex, 110 Wyse Road, Dartmouth.

17. ADJOURNMENT

The meeting was adjourned at 7:24 p.m.

Jennifer Weagle
Legislative Assistant

INFORMATION ITEMS

- 1. Splash Pad Eastern Region** (*Information report dated August 5, 2014*)
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