

HARBOUR EAST COMMUNITY COUNCIL  
MINUTES

June 9, 2011

PRESENT: Councillor Lorelei Nicoll, Vice Chair  
Councillor Darren Fisher  
Councillor Bill Karsten  
Councillor Jackie Barkhouse  
Deputy Mayor Jim Smith

REGRETS: Councillor Gloria McCluskey, Chair

STAFF: Ms. Angela Jones-Reiksts, Solicitor  
Ms. Jennifer Weagle, Legislative Assistant

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**1. CALL TO ORDER**

The Vice-Chair called the meeting to order at 6:00 p.m. at 90 Alderney Drive, Dartmouth, with the Invocation led by Councillor Karsten.

**2. APPROVAL OF MINUTES – May 5, 2011**

**MOVED by Councillor Smith, seconded by Councillor Karsten, that the minutes of the May 5, 2011 Harbour East Community Council meeting be approved as circulated. MOTION PUT AND PASSED.**

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

**MOVED by Deputy Mayor Smith, seconded by Councillor Karsten, that the Dartmouth Common Master Plan (item 10.1.3) be deferred to the July 7, 2011 Harbour East Community Council meeting. MOTION PUT AND PASSED.**

**MOVED by Councillor Fisher, seconded by Councillor Barkhouse, that the agenda be approved as amended. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Status Sheet**

Councillor Karsten requested that Item 12.2 Accessory Shelters from the January 13, 2011 meeting be reinstated to the status sheet. This item was inadvertently removed from the status sheet.

**4.1.1 Memorial Ball Hockey Rink – Leaman Drive**

A staff report on this matter is anticipated for the July 7, 2011 meeting. Item to remain on the status sheet.

**4.1.2 Sculpture Park – Dartmouth Waterfront**

Email updated received from staff that they are in the process of reviewing downtown Halifax and Dartmouth HRM-owned properties within the Capital District boundary for potential recapitalization, including the Dartmouth waterfront (Ferry Terminal Park and Compass Rose Plaza) property. Parks staff are collaborating with Public Art (Cultural Affairs) staff regarding the potential integration of public art at this and other locations, and a report will be forthcoming to HECC on this matter.

**4.1.3 Dartmouth Lakes Advisory Board – HRM's Storm Water Management Functional Plan**

The role of the Watershed Advisory Boards with respect to the Storm Water Management Functional Plan is being addressed by the Environment & Sustainability Standing Committee. A report will be provided to Community council at a future date.

**4.1.4 Project 1286: Dartmouth Main Street Plan Review**

This project is on-going, a report is anticipated for the July 7, 2011 meeting.

**4.1.5 Case 16507: Development Agreement for Apartment Building Use**

A public hearing is scheduled later in the meeting (see item 8.1.1).

**5. MOTIONS OF RECONSIDERATION – NONE**

**6. MOTIONS OF RESCISSION – NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**8. HEARINGS**

**8.1 Public Hearings**

**8.1.1 Case 16507: Development Agreement for Apartment Building Use**

A staff report dated April 18, 2011 was before Community Council.

Mr. Darrell Joudrey, Planner, presented the April 18, 2011 staff report to Community Council. Mr. Joudrey responded to questions of clarification from members.

The Vice-Chair opened the floor speakers for or against the proposal.

**Mr. Paul Connors**, representative of the property owner, commented that the property owner has already invested in a number of items included in the proposed development agreement, including the installation of a steel bridgeway from the second storey to the landing area to allow fire egress from the building. The owner has proven himself a willing participant to this process, and all items required in the development agreement will be complied with as quickly as possible. The building provides a service to the community since it rents furnished apartments to business people coming and going from town. There are generally no children in the building, it is mainly business people. All of the units have been refurbished and updated in consultation with HRM building inspectors and the fire department.

The Vice-Chair called three times for any further speakers. Hearing none, it was **MOVED by Councillor Karsten, seconded by Councillor Fisher, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Karsten, seconded by Councillor Fisher, that Harbour East Community Council:**

- 1. Approve the proposed development agreement as set out in Attachment A of the April 18, 2011 report to permit a residential apartment building use within the existing building on lands as highlighted on Map 1 of the April 18, 2011 report on Portland Street, Dartmouth.**
- 2. Require the 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.**

Deputy Mayor Smith noted concern with property owners going ahead and making alterations to properties regardless of the zoning and applying to have the zoning changed after the fact. He requested that staff ensure outdoor amenity space will be appropriate for the site, and that it will be maintained.

**MOTION PUT AND PASSED.**

**8.2 Variance Appeal Hearings - None**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence**

**9.2 Petitions - None**

**9.3 Presentation**

**9.3.1 Ujamaa – African Nova Scotia Community / Greater Halifax Partnership**

A copy of the Ujamaa presentation was before Community Council.

Dr. Burnley “Rocky” Jones, addressed Community Council, as the Chair person of the Ujamaa Association. Dr. Jones introduced Maleek Adams, a teacher with the HRM school board, and Treasurer of Ujamaa. He also introduced Carolann Wright Parks with the Greater Halifax Partnership.

Dr. Jones presented an overview of the Ujamaa Association to Community Council, covering the following:

- The history of the black united front in HRM;

- The purpose and structure of Ujamaa;
- The need for accurate data collection on statistics from the black community, such as age, education level, and population, and Ujamaa's intent to train members from the black community to carry out this research;
- The importance of the Afrocentric Philosophy held by Ujamaa, as outlined in the presentation, in assisting black people helping to change themselves;
- They will be seeking support from Regional Council at a future date for this program.

Members asked questions of clarification of Dr. Jones at this time. Ms. Wright Parks clarified Ujamaa is currently connected to the Greater Halifax Partnership website.

The Vice-Chair thanked Ujamaa members for their presentation.

## **10. REPORTS**

### **10.1 Staff**

#### **10.1.1 Initiate Preparation of the Cole Harbour Open Space Land Use Plan**

A report dated April 14, 2011 was before Community Council.

**MOVED by Councillor Karsten, seconded by Deputy Mayor Smith, that Harbour East Community Council direct staff to prepare an Open Space Plan for the Cole Harbour Estuary Study Area. MOTION PUT AND PASSED.**

#### **10.1.2 Case 16586: Land Use By-law Amendments – Larger Accessory Buildings**

A staff report dated May 25, 2011 was before Community Council.

**MOVED by Councillor Barkhouse, seconded by Deputy Mayor Smith, that Harbour East Community Council Give First Reading to the proposed amendments to the Cole Harbour/Westphal and Eastern Passage/Cow Bay Land Use By-laws as shown in Attachments A and B of the May 25, 2011 report, and schedule a Public Hearing. MOTION PUT AND PASSED.**

Councillor Barkhouse clarified that the above noted motion is specifically for non-serviced areas, noting that people are waiting for these amendments to be passed.

Councillor Barkhouse further clarified that the following motion relates to serviced areas of Eastern Passage:

**MOVED by Councillor Barkhouse, seconded by Councillor Fisher, that Harbour East Community Council request a staff report on the viability and impact of**

**higher accessory buildings on larger lots in the serviced area of Eastern Passage.  
MOTION PUT AND PASSED.**

**10.1.3 Dartmouth Common Master Plan**

This item was deferred earlier in the meeting to the July 7, 2011 meeting of Harbour East Community Council.

**10.2 Members of Council – None**

**10.3 Boards and Committees**

**10.3.1 Dartmouth Lakes Advisory Committee - Levels in Lake Banook and Lake Mic Mac**

A report from the Dartmouth Lakes Advisory Board dated May 6, 2011 was before Community Council.

**MOVED by Councillor Fisher, seconded by Councillor Barkhouse, that this matter be deferred to the July 7, 2011 meeting pending further clarification from staff.  
MOTION PUT AND PASSED.**

**11. MOTIONS - None**

**12. ADDED ITEMS – None**

**13. NOTICES OF MOTION - None**

**14. PUBLIC PARTICIPATION**

**Mr. Colin May, Dartmouth**, commented that for the last two autumn seasons, he has planted 150-200 tulip bulbs in Leighton Dillman Park in Dartmouth. Mr. May noted frustration that HRM staff removed all of the bulbs on both occasions. This last occurred two weeks ago and nothing has been planted in replacement in these garden beds.

Mr. May circulated four photographs of pathways through the park. He noted that these photos illustrate the damage being done by cyclists in the park. The pathway from the lower part of the park has gone from 5 inches to 5 feet. The path is also heavily damaged in the upper graveyard part of the park because of cyclists. He noted that if cyclists are to be allowed in the park, they should be kept to the cycle paths and not cut through the grassy areas. This is damaging the shallow land of the park.

He also noted that upper areas of the park are not as well maintained as the lower park.

**Ms. Gerry Irwin, Cole Harbour**, echoed the concerns raised by Deputy Mayor Smith during the public hearing regarding developers asking for forgiveness after the fact. She noted that her concern applies to people that are in the business of buying, selling and renting properties, not residents doing renovations to add a basement apartment unaware of zoning requirements. She would like Community Council to take a stand with developers in this practice to set an example, suggesting monetary penalties on an escalating basis, so that they would be fined more each time they make non-conforming alterations to their buildings. She suggested that these developers are costing tax payers money each time.

Ms. Irwin also commented that there is a need for a crosswalk at the Portland Hills Transit Terminal. There is a flashing pedestrian light at Bel Ayr Avenue, but not at the other level. There is a lot of pedestrian traffic in the area.

Councillor Fisher requested clarification from staff regarding recouping costs from developers as suggested by Ms. Irwin. Mr. Joudrey advised that the cost of a development agreement application is meant to encompass these costs, although the fees are minimal for the amount of work that goes into an application. The fee for a minor project is \$330, and the fee for a major project is \$1,100, with an advertising deposit on top of those fees.

**Ms. Olga Semenovych, Senior Project Officer, International Partnerships, Canadian Urban Institute**, advised that she is in attendance with a delegation of representatives from St. Elizabeth, Jamaica. Ms. Semenovych advised that the Canadian Urban Institute is a Toronto based organization working toward sustainability in cities. They have been working to transfer knowledge from Canada to other countries, and have been working closely with Jamaica. The delegates present today represent planning officials, municipal relations officials, and development representatives. The Jamaican delegation is working on a 20 year plan, and have come to learn about Halifax because of the similarities with St. Elizabeth such as environmental issues, size, etc.

Community Council members welcomed the delegation to HRM.

**15. NEXT MEETING DATE – July 7, 2011**

**16. ADJOURNMENT**

The meeting was adjourned at 7:23 p.m.

Jennifer Weagle  
Legislative Assistant