

HALIFAX REGIONAL MUNICIPALITY

NORTH WEST COMMUNITY COUNCIL MINUTES

March 24, 2011

PRESENT: Councillor Robert Harvey, Chair
Councillor Tim Outhit, Vice Chair
Councillor Brad Johns
Councillor Barry Dalrymple
Councillor Peter Lund

STAFF: Ms. Karen Brown, Municipal Solicitor
Ms. Krista Tidgwell, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:07 p.m. in the Silver & Gold Room of the Sackville Heights Community Centre, 45 Connolly Road, Sackville.

2. APPROVAL OF THE MINUTES – January 27, 2011 & March 7, 2011 (special meeting)

MOVED by Councillor Dalrymple, seconded by Councillor Outhit, that the minutes of January 27, 2011 and the special meeting minutes of March 7, 2011 be approved, as presented. MOTION PUT AND PASSED.

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

Additions:

- 12.1 North West Transit Advisory Committee – Request for Bus Route Highway 103 from Hammonds Plains Road to Bedford
- 12.2 Citizen Appointments to Board/Committee
- 12.3 Information Item 2 - Information Report dated March 2, 2011 re: Rezoning options for Hartland Village and Waterstone Village
- 12.4 Councillor Johns – Crosswalk Request: Smokey Drive and Glendale Drive

MOVED by Councillor Johns, seconded by Councillor Outhit, that the North West Community Council suspend the Rules of Order to address Item 9.3.1 following Item 7. MOTION PUT AND PASSED.

MOVED by Councillor Johns, seconded by Councillor Dalrymple, that the Order of Business be approved as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET REVIEW

4.1.1 Extend Water Service Area to Fenerty Road, Springfield Lakes

Councillor Johns provided an update, noting that there is on going discussions between HRM staff and the Province.

Item to remain on the Status Sheet.

4.1.2 Street Lighting – Hammonds Plains Road

Councillor Lund provided an update, noting that the Information Report dated January 17, 2011 re: street lighting and speed limits was forwarded to the Hammonds Plains Neighbourhood Associations' sub committee for review and is awaiting their response.

Councillor Lund requested staff provide a supplementary report respecting HRM's policy, as identified in the questions raised by Ms. Christina Parker, Chairperson, Highland Park Ratepayers Association, within her correspondence dated September 20, 2010 re: Response to Traffic Authority Information Report dated June 2010 re: Street Lighting, to which the Community Council agreed.

Item to remain on the Status Sheet.

4.1.3 Speed Limits – Hammonds Plains Road

Councillor Lund addresses this matter under Item 4.1.2. Item to remain on the Status Sheet.

4.1.4 Hammonds Plains Common Rate

Matter addressed, item removed from the Status Sheet.

4.1.5 Intersection of Pockwock Road and Hammonds Plains Road

Councillor Lund addresses this matter under Item 4.1.2. Item to remain on the Status Sheet.

4.1.6 Highway 107 Bedford/Burnside Bypass

No Update. Councillor Outhit requested that this matter remain on the Status Sheet.

4.1.7 Case 01311 – Papermill Lake CCDD MPS Amendment, Bedford

No Update. Councillor Outhit requested that this matter remain on the Status Sheet.

4.1.8 Cushing Hill Comprehensive Development (CCDD)

No Update. Councillor Outhit requested that this matter remain on the Status Sheet.

4.1.9 Request to barricade abandoned access road off Highway 101 near Riffle Range, Bedford

It was noted that this is a Provincial matter and Mr. Regan's request has been forwarded to the Province. Item removed from the Status Sheet.

4.1.10 Area Rate for Implementing a Sidewalk within the Sunset Ridge and Twinbrooks Subdivisions

No Update. Councillor Johns requested that this matter remain on the Status Sheet.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

Item 9.3.1 was addressed at this time as agreed during the approval of the Order of Business.

9.3.1 Sackville Trails Associations re: North West Community Council Trails Update

A copy of the presentation dated March 24, 2011 entitled: North West Community Council Trails Update was before the Community Council.

Mr. Shane O’Neil of Second Lake Region Park Association introduced Walter Regan of Sackville Rivers Association and Bob Taylor of Frist Lake Society and delivered a presentation to the Community Council.

During the discussion, it was noted that the next phase of the Sackville Trials Association is to:

- build the Sackville Greenway Trail along Little Sackville River
- complete the loop from Glendale to Sucker Brook around First Lake
- complete Lakeside Trail and start Canopy Creek Trail

MOVED by Councillor Johns, seconded by Councillor Outhit, that North West Community Council write a letter to the Minister of Natural Resources requested consideration be given to formal designation of park land within the Second Lake Park lands under the Department of Natural Resources. MOTION PUT AND PASSED.

8. HEARINGS

8.1 PUBLIC HEARINGS

8.1.1 Case 16727: Bedford Land Use By-Law Amendment – Uses Permitted by Development Agreement

A report from the North West Planning Advisory Committee dated February 9, 2011 was before the Community Council.

Mr. Andrew Bone, Senior Planner, Community Development, delivered a presentation to the Community Council.

Councillor Harvey reviewed the public hearing procedures and opened the public hearing, calling three times for any speakers for or against the matter to come forward at this time, there being no speakers it was **MOVED by Councillor Dalrymple, seconded by Councillor Johns, that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Outhit, seconded by Councillor Lund, that North West Community Council approve the proposed amendments to the Land Use Bylaw for Bedford provided in Attachment A of the staff report dated January 13, 2011. MOTION PUT AND PASSED.

8.1.2 Case 16334: Development Agreement – 647 and 651 Sackville Drive

The following was before the Community Council:

- A report from the North West Planning Advisory Committee dated March 2, 2011.
- A draft extract of the North West Planning Advisory Committee March 2nd meeting minutes.
- A staff memorandum dated March 24, 2011 re: Case 16334 – Development Agreement – Recommendation and Revised Council Motion.
- A copy of the presentation dated March 24, 2011 respecting Case 16344.

Mr. Tyson Simms, Planner, Community Development, delivered a presentation and responded to questions of clarification raised by the Community Council respecting:

- the Non-Substantive Amendments within the Development Agreement (ie. hours of operation and setback requirements)
- the stormwater treatment device (ie. oil grit separator)

Councillor Johns asked whether benches would be installed at the bus stop in front of the building on Sackville Drive. He noted the importance of conforming to the existing bus stop benches along Sackville Drive.

Ms. Karen Brown, Municipal Solicitor, clarified that amendments to Non-Substantive matters within the Development Agreement would come back to the Community Council for review but would not be subject to a Public Hearing process. She encouraged the Community Council to consider what matters they would want the public's input on, should a request to amend them be made at a later date.

Councillor Harvey reviewed the public hearing procedures and opened the public hearing, calling three times for any speakers for or against the matter to come forward at this time.

The following comments and questions were raised **by Mr. Walter Regan, Sackville Rivers Association:**

- storm water should be held onsite; a major rain fall would cause the main sewer line to overflow into the Sackville River
- Wilsons Gas Station to be relocated
- He is pleased to see an oil grit separator will be installed; maintenance records should be kept
- was the blank wall added by the architect
- he expressed concern with shortcutting onto Riverside Drive
- will there be tree retention; is there potential to reduce the parking lot to increase green space

Mr. Simms responded to Mr. Regan's questions as follows:

- the applicant has not indicated whether Wilson's Gas will be moving
- the proposed development agreement does not permit blank walls
- the Non-Substantive amendments pertain to parking standards; a speed bump has not been identified
- the Land Use By-law requires 104-106 spaces based on floor area, a reduction to a minimum of 88 space is adequate

In response to a question raised by **Mr. Paul Roma, Sackville**, respecting access to the rear of the building, Mr. Cesar Saleh, representative of the developer, advised that doors at the rear of the building will be used as fire exists, as required within the National Building Code and will not be used as a main entrance.

Mr. Roma questioned the hours of operation respecting the doctor's office in the upper level of the building. Mr. Simms advised that the hours of operation are 8 a.m. to 10 p.m. for all uses.

Mr. Andrew Cohen, Sackville, expressed concern with trucks not having enough room to turn around due to the gas tanks near the driveway. He questioned whether the trucks would have to back out onto Sackville Drive. Mr. Ray Landry, consultant for the applicant, indicated that calculations had been taken into consideration during the design stage and there is sufficient space to accommodate truck traffic on site.

Mr. Bob Taylor of Sackville commented that the proposed development is an asset to the area.

Ms. Angela Faulkner, Manager of Wilson's Gas Sackville, commented that the proposed development is great addition to Sackville and is a much better use of the property.

Mr. Greg Burke, Sackville, commented that a feasibility (traffic) study should be completed.

Mr. Simms advised that the development agreement application process requires the developer to provide a traffic impact statement or study, of which the developer provided a traffic impact statement. Results from the statement indicate that the proposed development would not generate a major increase level of tips to and from the site.

Mr. Cesar Saleh, representative of the developer, noted the following:

- the proposed development is a major investment to the site and the Sackville community
- the building's footprint is being reduced from what is presently on the site
- the old buildings will be replaced with a new modern building
- water on the site will be reduced by half through the installation of a treatment unit and 26 feet of landscaping buffer on Sackville Drive and 20-30 feet on Riverside Drive
- a concrete sidewalk will be installed and one driveway from Riverside Drive will be closed; there by reducing to one driveway
- storing stormwater onsite is not a possibility; sewage generated from the site will be less than what is presently being generated from the motel

In response to a question raised by **Mr. Ross Evans, Pockwock Road**, the applicant confirmed that roof flow controls are required as part of the development agreement.

Councillor Harvey gave the third and final call for speakers; there being no further speakers, it was **MOVED by Councillor Johns, seconded by Councillor Outhit, that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Harvey stepped down as Chair at 8:21 p.m. and Councillor Outhit assumed the Chair.

MOVED by Councillor Harvey, seconded by Councillor Lund, that North West Community Council:

1. **Approve the proposed development agreement as set out in Attachment A of the staff report dated February 11, 2011, to permit a commercial building exceeding a total building footprint of 464 m² (5,000 ft²) at 647 and 651 Sackville Drive, Sackville, and that the proposed development agreement be amended as follows:**
 - **Replace the words "9.1m (30ft)" with "7.6m (25ft)" in clause 3.4.1(b);**
 - **Replace the words "Section 3.7" with "Section 3.7.4 and 3.7.6" in clause 6.1(a);**
 - **Replace the words "Section 3.5" with "Section 3.5.2 and 3.5.6" in clause 6.1(b);**
 - **Replace the words "Section 3.12" with "Section 3.12.1 and 3.12.3" in clause 6.1(c);**
 - **Delete clause 6.1(d) and replace with the following new clause:**

Changes to the requirements relating to setbacks and yards for the front (south) and side (east and west) yards;

- **Replace the words “Section 7.3” with “Section 7.3.1” in clause 6.1(e);**
- **Replace the words “Section 7.4” with “Section 7.5.1” in clause 6.1(f), and;**
- **Replace Schedule B and C of Attachment A with Schedule B and C as attached to the staff memorandum dated March 24, 2011.**

- 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 shall be void and obligations arising hereunder shall be at an end.**

Councillor Johns expressed concern with respect to the hours of operation being included within the Non-Substantive Amendments and requested that clause 6.1(c) be removed from the Non-Substantive Amendments.

Following a brief discussion, the Community Council agreed to remove clause 6.1(c) from Section 6.1 of the Non-Substantive Amendments.

Further discussion ensued respecting the concerns raised by the Halifax Watershed Advisory Board and the Sackville Rivers Association respecting the potential effects of storm water run off with climate change.

In response to concerns raised by the Community Council respecting siltation runoff, Mr. Simms advised that a Sedimentation Control Plan is submitted by the Developer during the permitting stage. Staff will ensure that all requirements are being met by the Developer.

Councillor Johns requested an additional amendment to the motion to revise the wording in clause 3.7.5 to "Such facilities shall conform with the design of existing outdoor pedestrian facilities along Sackville Drive and shall be provided while maintaining a safe daylight triangle between Sackville Drive and Riverside Drive", to which the Community Council agreed.

The motion before the Community Council now reads:

MOVED by Councillor Harvey, seconded by Councillor Lund, that North West Community Council:

- 1. Approve the proposed development agreement as set out in Attachment A of the staff report dated February 11, 2011, to permit a commercial building exceeding a total building footprint of 464 m² (5,000 ft²) at 647 and 651**

Sackville Drive, Sackville, and that the proposed development agreement be amended as follows:

- **Replace the words “9.1m (30ft)” with “7.6m (25ft)” in clause 3.4.1(b);**
 - **Replace the words “Section 3.7” with “Section 3.7.4 and 3.7.6” in clause 6.1(a);**
 - **Replace the words “Section 3.5” with “Section 3.5.2 and 3.5.6” in clause 6.1(b);**
 - **Delete clause 6.1(c) from Section 6.1 Non-Substantive Amendments;**
 - **Delete clause 6.1(d) and replace with the following new clause:
Changes to the requirements relating to setbacks and yards for the front (south) and side (east and west) yards;**
 - **Replace the words “Section 7.3” with “Section 7.3.1” in clause 6.1(e);**
 - **Replace the words “Section 7.4” with “Section 7.5.1” in clause 6.1(f), and;**
 - **Replace Schedule B and C of Attachment A with Schedule B and C as attached to the staff memorandum dated March 24, 2011, and;**
 - **Replace words “Such facilities shall be provided while maintaining a safe daylight triangle between Sackville Drive and Riverside Drive” with “Such facilities shall conform with the design of existing outdoor pedestrian facilities along Sackville Drive and shall be provided while maintaining a safe daylight triangle between Sackville Drive and Riverside Drive” in clause 3.7.5.**
- 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 shall be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

Councillor Harvey assumed the Chair at 8:35 p.m. and Councillor Outhit took his seat.

8.1.3 Case 16415: Development Agreement – 11 Bridle Path, Hammonds Plains

A report from the North West Planning Advisory Committee dated March 2, 2011 was before the Community Council.

Ms. Jacqueline Belisle, Planner, Community Development, delivered a presentation and responded to questions of clarification raised by the Community Council respecting the non-substantive amendments respecting hours of operation.

Councillor Harvey reviewed the public hearing procedures and opened the public hearing, calling three times for any speakers for or against the matter to come forward at this time, there being no speakers it was **MOVED by Councillor Outhit, seconded**

by Councillor Johns, that the public hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Lund, seconded by Councillor Outhit, that North West Community Council:

- 1. Approve the proposed development agreement as set out in Attachment A of the February 11, 2011 staff report to permit a kennel at 11 Bridle Path, Hammonds Plains; and**
- 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.**

The Community Council entered into a brief discussion with staff responding to questions of clarification respecting the hours of operation.

Councillor Lund requested an amendment to the motion that Clause 5.1(d) be removed from the Non-Substantive Amendments, to which the Community Council agreed.

The motion before the Community Council:

MOVED by Councillor Lund, seconded by Councillor Outhit, that North West Community Council:

- 1. Approve the proposed development agreement as set out in Attachment A of the February 11, 2011 staff report to permit a kennel at 11 Bridle Path, Hammonds Plains with an amended to remove Clause 5.1(d) from the Non-Substantive Amendments; and**
- 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.**

It was noted that the Development Agreement does not exempt the owners from HRM's Noise By-Law.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

9.1.1 Submission from Christina Parker - Correspondence from Greater Hammonds Plains Communities Association Traffic Committee dated February 27, 2011 re: Stillwater Lake Bridge, Hammonds Plains & Non Local Traffic along Hammonds Plains Road and Lucasville Road

Councillor Lund advised that he had met with the design engineers and there is going to be a bike lane, as well as sidewalks on both sides of the Stillwater Lake Bridge. He indicated that he would provide the Clerk with the dimensions of the bridge to be circulated to the Community Council.

9.2 Petitions – None

9.3 Presentations

9.3.1 Sackville Trails Associations re: North West Community Council Trails Update

This matter was addressed earlier in the meeting, see page 6.

10. REPORTS

10.1 NORTH WEST TRANSIT ADVISORY COMMITTEE

10.1.1 Request for Over Head Pedestrian Lights at the Walker Connector Road and Old Sackville Road, Lower Sackville

A report from the North West Transit Advisory Committee dated February 16, 2011 was before the Community Council.

MOVED by Councillor Johns, seconded by Councillor Outhit, that the North West Community Council:

- 1. Request that an (RA-5) Overhead Crosswalk Sign be put in place at the intersection of Walker Connector Road/Old Sackville Road, Lower Sackville;**
- 2. Forward Information Item 1 - Correspondence from Minister Bill Estabrooks dated January 20, 2011 re: Sackville Metro Link Terminal and Cobequid Metro Link Terminal, directing staff to provide a report; and**
- 3. That the report provide a comparison of the traffic volumes to traffic volumes on Rocky Lake Drive.**

MOTION PUT AND PASSED.

11. MOTIONS – NONE

12. ADDED ITEMS

12.1 North West Transit Advisory Committee – Request for Bus Route Highway 103 from Hammonds Plains Road to Bedford

MOVED by Councillor Johns, seconded by Councillor Lund, that North West Community Council request a staff report on the feasibility of implementing a bus route along Highway 103 from the Hammonds Plains to Bedford.

The Community Council entered into a brief discussion with several members questioning the bus route from Highways 103 to Bedford.

Without a vote on the motion it was, **MOVED by Councillor Johns, seconded by Councillor Lund, that North West Community Council defer Item 12.1 - North West Transit Advisory Committee – Request for Bus Route Highway 103 from Hammonds Plains Road to Bedford and seek clarification from the North West Transit Advisory Committee respecting their recommendation. MOTION TO DEFER PUT AND PASSED.**

12.2 Citizen Appointments to Board/Committee

The following was discussed during an earlier In Camera session and was now before the Community Council for ratification.

MOVED by Councillor Outhit, seconded by Councillor Dalrymple, that North West Community Council appoint David MacLean of District 21 to the North West Planning Advisory Committee for a term expiring November 30, 2012. MOTION PUT AND PASSED.

12.3 Information Item 2 - Information Report dated March 2, 2011 re: Rezoning options for Hartland Village and Waterstone Village

Councillor Johns provided an overview of the Information Report dated March 2, 2011. **MOVED by Councillor Johns, seconded by Councillor Lund, that North West Community Council direct staff to initiate a process to review changing the zoning in Waterstone Village from an MU1 zone to an R1 zone, as well as review changing the zoning in Hartland Village from an R6 zone to an R6A zone. MOTION PUT AND PASSED.**

12.4 Councillor Johns – Crosswalk Request: Smokey Drive and Glendale Drive

MOVED by Councillor Johns, seconded by Councillor Lund, that North West Community Council request that Traffic Services review the installation of a crosswalk near the bus stop on Glen Dale Drive across from Smokey Drive. MOTION PUT AND PASSED.

13. NOTICES OF MOTION – NONE

14. PUBLIC PARTICIPATION

Ms. Anne Marie Evans, Hammond Plains Road, expressed concern with regard to the crosswalk at the intersection of the Hammonds Plains Road and Pockwock Road. A copy of Ms. Evan's concerns was provided to the Community Council.

Councillor Lund requested the Clerk forward a copy of Ms. Evan's submission to him and advised that he would schedule another site visit with staff and follow up on this matter.

Mr. Tim Auld, Taxi Owner and Operator, circulated a photo taken yesterday of him waiting behind Dartmouth and Halifax zoned taxis. He expressed concern with the zoning at the airport and asked whether consideration could be given to opening the county zones, which would increase business. He provided an example where the zones were open during the Canada Games, which did not seem to raise any concerns from residents or industry.

A brief discussion was held between the Community Council and Mr. Auld respecting zoning at the airport and concerns with deadheading.

Mr. Walter Regan, Sackville Rivers Association, expressed concern with respect to information he received that the \$20,000 bond for erosion control, plus the additional \$10,000 bond per phase, to be provided by Armco Capital as part of the Development Agreement for the Sunset Ridge development, was never accepted and was turned down due to a technicality. Councillor Johns indicated that he would follow up on this matter.

Mr. Regan further requested a status update respecting the proposed pocket park at the Downsview Mall in Sackville. Councillor Harvey indicated that discussions are ongoing between HRM staff and the land owners.

Mr. Nick Antoff, Chair, Waterstone Neighbourhood Association, noted that the WNA Park had been missed during last years grass maintenance. Councillor Johns advised that he has met with staff regarding this and would provide to Mr. Antoff with a list of all the parks that received maintenance by HRM. Mr. Antoff suggested that the blades of the mowers be kept high to minimize stress on the grass.

15. NEXT MEETING DATE – April 28, 2011

Councillor Harvey reminded the Community Council that their Annual General Meeting will be held in conjunction with their regular meeting in April.

Following a brief discussion, the Community Council requested the Clerk determine whether the BMO Centre in Bedford is available for their April meeting.

16. ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Krista Tidgwell
Legislative Assistant

INFORMATION ITEMS
March 24, 2011

1. Correspondence from Minister Bill Estabrooks dated January 20, 2011 re: Sackville Metro Link Terminal and Cobequid Metro Link Terminal
2. Information Report dated March 2, 2011 re: Rezoning options for Hartland Village and Waterstone Village