

HARBOUR EAST COMMUNITY COUNCIL  
MINUTES  
July 2, 2009

PRESENT: Councillor Gloria McCluskey, Chair  
Councillor Lorelei Nicoll  
Councillor Bill Karsten  
Councillor Jackie Barkhouse  
Councillor Jim Smith

STAFF: Ms. Roxanne MacLaurin, Municipal Solicitor  
Ms. Julia Horncastle, Acting Municipal Clerk

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**1. CALL TO ORDER**

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor Smith.

**2. APPROVAL OF MINUTES - June 11, 2009**

**MOVED by Councillor Nicoll, seconded by Councillor Smith, that the minutes of June 11, 2009 be approved. MOTION PUT AND PASSED.**

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

Additions

- 12.1 Councillor Smith - Request for report re stop sign.
- 12.2 Councillor Smith - Request to follow up on Status Sheet Item Sound Barrier Fence, Woodland Avenue

**MOVED by Councillor Karsten, seconded by Councillor Nicoll, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.**

Council recognized Mr. Andrew Younger, MLA, former Councillor for District 6.

**4. BUSINESS ARISING OUT OF THE MINUTES - NONE**

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**7.1 Case 01257 - Amending Agreement - Evergreen Plaza, Dartmouth**

- A staff report dated May 21, 2009 was before Council.
- A supplementary report dated June 12, 2009 was before Council.

Mr. Darrell Joudrey, Planner, presented the report to Community Council.

In response to Councillor Nicoll, Mr. Joudrey advised one of the businesses is a storage business which they wish to advertise on the temporary sign. The supplementary report explains that the sign by-law is going to be amended and will allow one business on several properties to be treated as one business area and then the self storage will be

able to advertise on the temporary signs. He noted the signs would have to be on their own property and outside the DOT and HRM right of way.

Councillor Karsten suggested that it was premature to allow him to have two signs at this time and suggested Community Council approve only one sign

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

1. **Approve, by resolution of Council, the proposed amending agreement to allow the applicant one sign as set out in Attachment A of the report dated June 12, 2009, and,**
2. **Require that the proposed amending development agreement be signed and delivered within 120 days, or any extension thereof granted by Harbour East Community Council on request of the applicant, from the date of final approval of said agreement by Harbour East Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise, this approval shall be void and any obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

**8. PUBLIC HEARINGS**

**8.1 Case 01261 - DA Amendment - 6 Admiral Street, Dartmouth**

- A report dated May 27, 2009, on the above noted, was before Council.

Mr. Mitch Dickey, Planner, presented the report to Council noting the proposal was to change the layout under the existing agreement.

Councillor McCluskey called for those wishing to speak either in favour of or in opposition to the proposal.

**Mr. Andrew Younger**, MLA, Dartmouth, spoke in favour of the proposal.

A resident stated the residents in the area would like to see this go ahead quickly.

**Ms. Costello** representing GEM Health Care Group advised they had to review their plans because of budget restrictions. She noted they are intending to go ahead with the tender in the fall.

Councillor McCluskey called three times for any additional speakers. Hearing none, the

following motion was placed.

**MOVED by Councillor Karsten, seconded by Councillor Nicoll that the public hearing close. MOTION PUT AND PASSED.**

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

- 1. Approve the proposed Amending Agreement for 6 Admiral Street, Dartmouth, presented as Attachment A to the May 27, 2009 report, to allow for a change in building layout, and,**
- 2. Require that the Amending Agreement be signed within 120 days, or any extension thereof granted by the Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

**8.2 Case 01271 - Development Agreement - 95 Montebello Drive, Dartmouth**

- A report dated May 21, 2009, on the above noted, was before Council.

Mr. Darrell Joudrey, Planner, presented the report to Council.

Councillor McCluskey called for those wishing to speak either in favour of or opposition to the proposal.

**Mr. Rodney Habib** stated it is a family business. They want to improve on the building which they took over eight years ago. He noted some of the improvements that have been made to the building as well as planted vegetation. He noted this addition would provide a seating area inside the store as currently there is the tendency of patrons of the pizza parlour to throw their wrappers on the street. There are dog poles on location and they would like to dedicate a part of the store to the creation of a pet store. He noted the glass on the side is placed such that it would not create a negative appearance.

**Mr. Andrew Younger**, MLA, Dartmouth, spoke in favour of the proposal, noting the original agreement was by a different owner and is quite restrictive. This development agreement is less restrictive and encouraged Council to support the application.

**Mr. Peter White**, Lombardy Lane, spoke in favour of the application.

Councillor McCluskey called three times for any additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor Karsten, seconded by Councillor Smith, that the public hearing close. MOTION PUT AND PASSED.**

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

1. **Approve the proposed development agreement set out in Attachment A of the May 21, 2009 report to permit an addition to an existing convenience store at 95 Montebello Drive,**
2. **Require the agreement be signed and delivered within 120 days, or any extension thereof granted by Harbour East Community Council on request of the applicant, from the date of final approval of said agreement by Harbour East Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

**8.3 Case 01247 - Rezoning - 60 Simmonds Drive, Dartmouth**

Community Council was advised the application had been withdrawn; therefore, no public hearing was necessary.

**9. CORRESPONDENCE AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**10. REPORTS**

**10.1 Case 01268 - Downtown Dartmouth Land Use By-law**

- A report dated June 12, 2009, on the above noted, was before Council.

**MOVED by Councilor Smith, seconded by Councillor Barkhouse, that Harbour East Community Council give First Reading to the proposed amendment to the Downtown Dartmouth Land Use By-Law as shown in Attachment A of the June 12, 2009 staff report and schedule a public hearing. MOTION PUT AND PASSED.**

**10.2 Case 01155 - Amendments to Planning Districts 14 & 17 Land Use By-Law: Pet Care Facilities**

- A report dated June 5, 2009, on the above noted, was before Council.

**MOVED by Councillor Karsten, seconded by Councillor Nicoll, that the Harbour East Community Council give First Reading to the proposed amendments to the Land Use By-Law for Planning Districts 14 & 17 (Shubenacadie Lakes), as set out in Attachment A of the June 5, 2009 report and schedule a joint public hearing with the Marine Drive, Valley and Canal Community Council. MOTION PUT AND PASSED.**

**10.3 Case 01266 - Zone Amendment for Public Works, Planning Districts 14 & 17**

- A report dated June 2, 2009, on the above noted, was before Council.

**MOVED by Councillor Barkhouse, seconded by Councillor Nicoll, that the Harbour East Community Council give First Reading to consider proposed amendments to enable public works as permitted land use within the R-1A (Single Unit) Zone, R1-B (Suburban Residential) Zone, R-1D (Residential Auxiliary Dwelling) Zone and R-6 (Rural Residential) Zone in the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law, as shown in Attachment A of the June 2, 2009 report and schedule a joint public hearing with the Marine Drive, Valley and Canal Community Council. MOTION PUT AND PASSED.**

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

**12.1 Request for Staff Report - Councillor Smith**

Councillor Smith advised that residents at the intersection of Slayter and Cherry are having difficulty turning left either coming out of Cherry onto Slayter or turning left into Cherry. He advised the residents have requested that traffic services look at the intersection to see if there is any way that a stop sign can be placed on Slayter Street.

**MOVED by Councillor Smith, seconded by Councillor Nicoll, that a staff report be requested. MOTION PUT AND PASSED.**

**12.2 Update on Status Sheet Item - Councillor Smith**

Councillor Smith noted that at the April 2, 2009 Community Council meeting he had

requested a staff report on the possibility of building a sound barrier fence along the north side of Woodland Avenue consistent with the existing one, located on the south side, in length and construction materials. The Councillor requested the Clerk follow up with TPW staff as to the status of the item.

**13. NOTICES OF MOTION - NONE**

**14. PUBLIC PARTICIPATION**

No speakers came forward.

**15. NEXT MEETING**

The next meeting is scheduled for August 6, 2009.

**16. ADJOURNMENT**

The meeting was adjourned at 7:00 p.m.

Julia Horncastle  
Acting Municipal Clerk

