

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
JANUARY 4, 2001

PRESENT: Councillor Bruce Hetherington, Chair
Councillor Ron Cooper
Councillor Harry McInroy
Councillor Brian Warshick
Councillor Jim Smith
Councillor John Cunningham

ABSENT
WITH REGRETS: Councillor Condo Sarto

STAFF: Ms. Julia Horncastle, Assistant Municipal Clerk

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. Mayor Kelly officiated at the swearing in of the members of the Community Council.

2. APPROVAL OF MINUTES - November 2, 2000

MOVED by Councillor McInroy, seconded by Councillor Cooper, that the minutes of November 2, 2000 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

1. Information Item #5 - Proposed amendments to the Land Use By-laws for Cole Harbour/Westphal, Eastern Passage/Cow Bay, and Dartmouth, concerning Accessory Buildings and Commercial Vehicles was brought forward to the main agenda.

MOVED by Councillor Cooper, seconded by Councillor Warshick, that the Order of Business, as amended, be approved. 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

7.1 Commercial Boat Rentals at Graham's Grove Park

- A report from Karen MacTavish, Director, Parks and Recreation, dated October 5, 2000, on the above noted, was before Community Council.

Ms. Kathy MacKinnon, Area Coordinator, outlined the report advising, there was no opportunity for citizens to rent boats for use on the city lakes; therefore, a partnership was negotiated through Dragonfly Outfitters which was tailored to meet the needs of the recreation department. She advised there were 3500 users this summer. She advised the building located on the property was donated by the school board and is used year round including as

a storage container for the winter. She advised there is a four year contract in place. The first year \$1,000 revenue was incurred which was offsetting the capital costs of bringing in certain boats. The second, third and fourth year it is a ten percent percentage of the profits that will be incurred as revenue into HRM.

(Councillor McInroy left the meeting at 7:30 p.m.)

8. PUBLIC HEARINGS

8.1 Case 00184 - Application by Petro Canada to enter into a development agreement to allow for an expansion of the existing service station at 240 Victoria Road, Dartmouth

- A report prepared for Paul Dunphy, Director of Planning and Development Services, dated November 17, 2000, on the above noted was before Community Council.
- Correspondence from Leo J. La Pierre, 69 Symonds Street, Dartmouth
- Correspondence from Garnet Ehler, 60 Symonds Street, Dartmouth
- First Reading was given on November 28, 2000

Mr. Kevin Barrett, Planner, with the aid of overheads, presented the staff report advising, the application meets the requirements of Policy C-20 of the Dartmouth Development Plan. He advised the property is zoned C-1 which is the local business zone and is designated commercial. Mr. Barrett advised staff is recommending approval of the application with an amendment regarding noise barriers. The amendment would be inserted as clause 2.3.2(i) and would state *"Barriers that serve to reduce noise levels associated with the operation of rooftop mechanical equipment and/or side wall ventilation equipment shall be installed on all units, including the existing Petro Canada service bays. The design shall be prepared by a professional engineer and approved by HRM"*.

In response to Councillor Warshick, Mr. Barrett advised traffic services have advised the access points meet the HRM access requirements. On further question, Mr. Barrett advised HRM has no legal ability to regulate the type of use such as self serve versus full service.

In response to Councillor Smith, Mr. Barrett referenced the site plan for the proposed development and advised landscaping will provide buffering along the edge of the street and sidewalk. On further question, Mr. Barrett advised the proponent is willing to remove the pay phone from the site but not willing to relocate it inside/on the building. He advised staff will discuss the issue with Maritime Tel and Tel to ascertain whether there is an alternate location where the phone can be placed.

In response to Councillor Smith, Mr. Barrett advised the hours of operation will be from 6:00

a.m. to midnight.

Representation by Public

Councillor Hetherington called for those wishing to speak either in favour of or against the application.

Mr. Jerry Pye, MLA

Mr. Pye stated the proposal will enhance that corner and is a good development and an improvement. He noted that the population is aging and there is approximately 25% of disabled persons in the Metropolitan area who cannot for one reason or another frequent self serve service stations. He noted there are many seniors as well as single parents who have to leave a car while they run in to pay their bill. He suggested the Municipality introduce a by-law that would address the citizens concerns and allow developers to serve all the citizens of a community. He stated he would endorse the proposal as the provincial representative for that area; however, the facility may have new owners in the future and the same level of service may not be provided.

Mr. Dale Wilson

Mr. Dale Wilson, representing Petro Canada, advised they are trying to improve their existing facilities by adding a service bay and making some improvements to the sales room as well as moving the washrooms inside and making them accessible to wheelchairs. Referencing the hours of operation, he stated they do not want to be in an unfair situation noting, they are currently open twenty four hours a day but they did agree to the hours outlined in the development agreement. With regards to the self serve operation, the company strategy is that the majority of convenience stores are self serve noting, there is split service at this site currently and there is no plan to change that in the immediate future; however, they want to have that option open to them.

Councillor Hetherington called three times for additional speakers. Hearing none, the following motion was made.

MOVED by Councillor Cooper, seconded by Councillor Cunningham, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Decision of Community Council

MOVED by Councillor Smith, seconded by Councillor Cunningham, that the Harbour East Community Council:

1. **Approve the proposed development agreement (Attachment 1) to permit an expansion of the existing service station at 240 Victoria Road in Dartmouth;**
2. **That Clause 2.3.2 (i) be inserted which states that barriers that serve to reduce noise levels associated with the operation of rooftop mechanical equipment and/or side wall ventilation equipment shall be installed on all units, including the existing Petro Canada service bays. The design shall be prepared by a professional engineer and approved by HRM;**
3. **Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by 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.**

Councillor Smith advised the community is pleased with this development as it will improve the area. The Councillor noted the self serve and requested the owner take into consideration the concerns of the users. He stated he would personally like to see the pay phone reconsidered and perhaps relocated to the inside of the building where use can be monitored by staff.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 CORRESPONDENCE

9.1.1 Dartmouth Common Committee

- Correspondence from Mr. Thomas Gribbin, 34 Forest Road, Dartmouth, was before Community Council.

Councillor Cunningham noted that the Common Committee had be suspended as no expressions of interest to serve were received in November, 1999 in response to the HRM Board and Committee ad and placed the following motion:

MOVED by Councillor Cunningham that the Community Council place an ad requesting expressions of interest to serve on the committee and to reactivate the committee.

With no seconder and no vote being taken on the motion, the following motion was placed:

MOVED by Councillor Warshick, seconded by Councillor Cooper, that this item be referred to staff for a report for the February 1, 2001 regarding the reconstitution of the Dartmouth Common Committee. MOTION PUT AND PASSED.

9.2 DELEGATIONS

9.2.1 Dartmouth Downtown Development Corporation - Marion Currie

Ms. Marion Currie, Executive Director, made a presentation to the Community Council noting the following:

- the boundaries of the Dartmouth Downtown Development Corporation are from the Alderney Drive/Wyse Road intersection up to Five Corners including the Maitland Street area. From Portland/Prince Albert Road to Ochterloney Street to Edward to North and back to Alderney Drive;
- there are approximately four hundred businesses in downtown Dartmouth and there is currently an occupancy rate of 95%;
- it is intended to increase the street level services;
- there are reasonable commercial rates and lots of office space available with less competition than other commercial centres;
- there are 4,870 employees within the downtown core;
- there are approximately 15,847 residents within walking distance of the downtown core;
- 45% of Dartmouth senior citizens are located in downtown;
- there are over two thousand regulated parking spaces in the downtown;
- downtown Dartmouth has experienced a 40% increase in retail and professional businesses in the last year with five new businesses opening over the last six months;
- there is development taking place and noted some of these for the information of the Community Council.

Councillor Cunningham thanked Ms. Currie for her presentation.

9.3 PETITIONS - NONE

(Councillor Cooper took the chair)

10. REPORTS

10.1 MEMBERS OF COUNCIL

10.1.1 Councillor Hetherington - Rezoning of Belmont Street and Carlton

Street, South Woodside

Councillor Hetherington advised Belmont Street and Carlton Street in South Woodside are zoned R-3 and the residents have requested that the Community Council initiate the process to have these two streets rezoned to R-2 to bring them into conformity with the surrounding neighbourhood. The Councillor noted these two streets are open ended and the residents have expressed concern that development from the industrial zoned lands may access these streets; therefore, as a part of this rezoning, these two street be blocked off to stop any traffic flow from development coming into this residential area.

MOVED by Councillor Hetherington, seconded by Councillor Warshick, that the Harbour East Community Council request a staff report for the rezoning to R-2 of Belmont Street and Carlton Street in South Woodside. Further, that through this process these streets be closed to ensure no development has the potential to come into these streets. MOTION PUT AND PASSED UNANIMOUSLY.

(Councillor Hetherington resumed the chair)

10.2 2001 COMMUNITY COUNCIL MEETING SCHEDULE

- A copy of the proposed 2001 meeting schedule was before Community Council.

Councillor Cunningham noted that the November meeting was scheduled for November 1, 2001 and, as Regional Council would not be meeting that week, suggested the November meeting be scheduled for Thursday, November 8th.

MOVED by Councillor Cunningham, seconded by Councillor Cooper, that the 2001 meeting schedule be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 CASE 00313 - APPLICATION BY HALIFAX REGIONAL MUNICIPALITY TO AMEND THE PROVISIONS OF THE DOWNTOWN BUSINESS DISTRICT ZONE OF THE LAND USE BY-LAW FOR DOWNTOWN DARTMOUTH (Give First Reading and set public hearing date for February 1, 2001)

- A report

10.4 CASE 00186 - APPLICATION TO REZONE 45 CRANBERRY CRESCENT, FOREST HILLS, DARTMOUTH (Give first reading and set public hearing date for February 1, 2001)

- A report prepared for Paul Dunphy, Director of Planning and Development Services, dated December 5, 2000, on the above noted, was before Community Council.

MOVED by Councillor Warshick, seconded by Councillor Cooper, that the Harbour East Community Council give first reading and set the public hearing date for February 1, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

10.5 APPOINTMENT TO THE DARTMOUTH LAKES ADVISORY BOARD

It was agreed that Councillor Hetherington be appointed to the Dartmouth Lakes Advisory Board.

10.6 GREENVALE SCHOOL BUILDING, DARTMOUTH

- An information report from Lew Rogers, Director of Tourism, Culture and Heritage, dated December 5, 2000, on the above noted, was before Community Council.
- A supplementary report from Lew Rogers, Director of Tourism, Culture and Heritage, dated December 11, 2000, on the above noted, was before Community Council.

Mr. Dan Norris, Manager, Culture and Heritage, outlined the report, advising this is a heritage property that is municipally owned and staff is recommending that the building be used to relocate the Dartmouth Heritage Museum and the Greenvale Art and Cultural Association. He advised both groups have met and have agreed to examine the issue.

MOVED by Councillor Cunningham, seconded by Councillor Smith that:

- 1. Harbour East Community Council recommend that staff be authorized to negotiate a Joint Tenancy Lease with Dartmouth Heritage Museum and Greenvale Arts and Cultural Association for co-tenancy of Greenvale School;**
- 2. Harbour East Community Council recommend the expenditure of up to \$5000 from Tourism operating funds to assist the Dartmouth Heritage Museum to assess Greenvale School as a new location;**
- 3. Harbour East Community Council recommend to Regional Council the expenditure of up to \$20,000 from the Culture and Heritage Capital Reserve to make repairs to the roof, boiler system and drainage systems, to assist the**

Greenvale Arts and Culture Association to begin operations in Greenvale School in January 2001.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Information Item #5 - Proposed amendments to the Land Use By-laws for Cole Harbour/Westphal, Eastern Passage/Cow Bay, and Dartmouth, concerning Accessory Buildings and Commercial Vehicles

It was agreed that this item be deferred to the February 1, 2001 meeting and brought forward for discussion on the regular agenda.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

No speakers.

15. NEXT MEETING

The next meeting is scheduled for Thursday, February 1, 2001 at 7:00 p.m.

16. ADJOURNMENT

MOVED by Councillor Cooper, seconded by Councillor Warshick, that the meeting be adjourned at 8:30 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

**Julia Horncastle
Assistant Municipal Clerk**