

**HALIFAX REGIONAL MUNICIPALITY**

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**WESTERN REGION COMMUNITY COUNCIL  
MINUTES  
September 27, 2004**

**PRESENT:** Councillor Reg Rankin, Chair  
Councillor Steve Adams  
Councillor Gary Meade

**STAFF:** Mr. Barry Allen, Solicitor  
Ms. Patti Halliday, Legislative Assistant

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**1. CALL TO ORDER**

Councillor Rankin, Chair, called the meeting to order at 7:00 p.m.

**2. APPROVAL OF MINUTES**

**2.1 August 23, 2004**

**MOVED by Councillor Meade, seconded by Councillor Adams, that the minutes of August 23, 2004 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

The following items were added to the agenda:

- 12.1 Councillor Meade - Petition to Re-zone St. Margaret's Village from MRR-1 (Mixed Rural Residential) to RA-1 (Single Unit Dwellings)
- 12.2 Councillor Meade - Reevaluation of Request for Traffic Lights - St. Margaret's Village/Fox Hollow
- 12.3 Councillor Meade - Request for Traffic Lights at the Reconstruction of Exit#5 of Hwy 103 and Request for Sidewalk Installation from the new Sir John A. School to the Shopping Centre
- 12.4 Councillor Meade - Request for HRM-01 Agreement to be Extended from Exit #5 to Hwy #3 ,St. Margaret's Bay Road, to Include St. Margaret's Bay Village.
- 12.5 Councillor Meade - Request to Change Zoning of the HRM Land Near the Otter Lake Landfill Site to Conservation
- 12.6 Councillor Rankin - Transfer of Roads - Hammonds Plains Road/Lucasville Intersection - Request for Status Report
- 12.7 Councillor Rankin - Request for Flashing Green Light at Intersection of St. Margaret's Bay Road/Prospect Road
- 12.8 Councillor Rankin - Maintenance of Rails to Trails

12.9 Councillor Rankin - Condition of Hubley and Hubley Lake Roads

The following additional status sheet updates were circulated:

4.1.5 Correspondence from the Hon. Ron Russell, Minister, Transportation and Public Works, dated September 21, 2004 re: Ketch Harbour Road

4.1.9 Correspondence from the Hon. Ron Russell, Minister, Transportation and Public Works, dated September 21, 2004 re: Paving of Old School Road and Croucher's Point Road (Item 4.1.9)

4.1.20 Email from Public Works and Transportation Services with updates re: Traffic Lights Re-evaluation - Kingswood Subdivision/Hammonds Plains Road (Item 4.1.14) and Lack of Second Exit in Highland Park (Item 4.1.20)

**MOVED by Councillor Meade, seconded by Councillor Adams, that the Agenda be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**4.1 Status Sheet Items**

**4.1.1 1001 Prospect Road - Land Exchange**

It was agreed that this item could now be removed from the Status Sheet.

**4.1.2 Governor's Lake Sign**

An Information Report regarding this item was provided to Community Council.

**4.1.3 Lands adjacent to CNR/2999 St. Margaret's Bay Road**

An Information Report regarding this item was provided to Community Council.

**4.1.4 Councillor Adams - Jack Lake Lands**

No further update.

**4.1.5 Councillor Adams - Road Work - Ketch Harbour Road**

It was agreed that this item could now be removed from the Status Sheet.

**4.1.6 Councillor Adams - St. Paul's Ave. - Pollution Control Charges (email update from staff)**

It was agreed that this item could now be removed from the Status Sheet.

**4.1.7 Councillor Meade - Request for Security Fence around Soccer Field at Hammonds Plains South School**

No further update.

**4.1.8 Councillor Meade - Status of Peggy=s Cove Study**

No further update.

**4.1.9 Councillor Meade - Paving of School Road, Upper Tantallon, and Crouchers Point Road, Glen Haven**

It was agreed that this item could now be removed from the Status Sheet.

**4.1.10 Councillor Meade - Request to Library Board for Recognition of Library Donation**

No further update.

**4.1.11 Councillor Meade - Western Commons - Halifax Regional Water Commission Lands**

No further update.

**4.1.12 Councillor Rankin - Road Transfer - Hammonds Plains Road/Lucasville Intersection (correspondence from Minister Barry Barnet dated Aug. 31/04)**

Later in the meeting, Minister Barnet addressed Community Council regarding this issue (see Item 12.6)

**4.1.13 Water Service Boundary - St. George Blvd., Kingswood**

No further update.

**4.1.14 Traffic Lights Re-evaluation - Kingswood Subdivision/Hammonds Plains Road**

It was agreed that this item could now be removed from the Status Sheet.

**4.1.15 Cranberry Lake - Twinning of Highway 103**

No further update.

**4.1.16 Councillor Meade - Request to Cut Trees on Peggy's Cove Road**

A further update regarding this item was provided under Correspondence (see Item 9.1.1)

**4.1.17 Councillor Rankin - Cranberry Lake - Tunnel**

No further update.

**4.1.18 Ketch Harbour Wharf (email update from staff)**

Councillor Adams requested that this item remain on the Status Sheet.

**4.1.19 Councillor Adams - Illegal Dumping: Look-off on John Brackett Drive**

No further update.

**4.1.20 Lack of Second Exit in Highland Park**

Issue still being reviewed with the Province.

**4.1.21 Proposed Amendments to MPS and LUB for Mainland South and Former District 5 re watercourses**

No further update.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**8. PUBLIC HEARINGS**

**8.1 Case 00694 - Accessory Buildings in the Planning District 4 (Prospect) and Planning District 5 (Chebucto Land use By-Law)**



C A staff report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before Community Council for its consideration.

Mr. Luc Ouellet, Planner, presented the report to the Community Council.

Councillor Rankin called for members of the public wishing to speak in favour of or against the amendments.

**Mr. Eugene Pettipas, Sambro Head**

In response to a question of Mr. Pettipas, Mr. Ouellet clarified the size of accessory buildings that would be permitted.

Councillor Rankin called three times for members of the public wishing to speak in favour of or against the amendments. Hearing none, the following motion was put:

**MOVED by Councillor Meade, seconded by Councillor Adams, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Meade, seconded by Councillor Adams, that Western Region Community Council approve the proposed amendments to the Planning District 4(Prospect) and Planning District 5 (Chebucto) Land Use Bylaw as shown in Attachment B and Attachment C of the staff report dated July 26, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

Community Council agreed to deal with item 12.6 Councillor Rankin - Transfer of Roads - Hammonds Plains Road/Lucasville Intersection - Request for Status Report at this time.

**12.6 Councillor Rankin - Transfer of Roads - Hammonds Plains Road/Lucasville Intersection - Request for Status Report**

Councillor Rankin briefly reviewed correspondence regarding this matter received to date from Minister Barry Barnet, Service Nova Scotia and Municipal Relations. The Councillor stated the community has been clear that the transfer of roads is a separate piece of business that has its own merits.

In response, Minister Barnet that all parties have basically agreed that a change in the boundary is something that is mutually desirable by both the Municipality and the Province. The problem, as he sees it, is the Province ended up going down another parallel path with respect to developing the Capital Transportation Authority. It was originally felt that it would be appropriate to mesh the two issues together as they are similar in nature. However, as a

result of this boundary change has been delayed for an extended period of time as the development of the Capital Transportation Authority is taking longer than anticipated. Minister Barnet stated he has expressed to the Minister of Public Works and Transportation that he believes the best approach to move forward would be to separate the two issues again so a more rapid resolution can be reached.

However, he noted there are some areas still to be worked out, such as prioritization of paving. One of the concerns that have been brought to his attention is that HRM has already established its prioritization of paving of gravel streets and so has the Province for its streets. He noted both lists will have to be meshed so no one is any worse off than the status quo.

Minister Barnet indicated that he has discussions almost on a daily basis with the Minister to determine a way to continue to move forward with the paving of the gravel streets, and, at the same time, ensure there is a fair and reasonable process to determine which streets are paved next. Minister Barnet noted one of the challenges being faced is to satisfy residents and meet the objectives of two levels of government. Currently, residents do not know which level of government to who call when they have a road issue. The Minister further noted another issue to take into consideration in an exchange of roads is the fact there are two distinct levels of service.

For the record, Councillor Rankin stated the mandate from Council, and expressed by the Mayor, was that the exchange of roads was a separate piece of business and the Minister was requested in December 2003 that it be kept separate. The Councillor advised Minister Barnet he would be willing to assist in any subsequent discussions with the Minister, if needed.

Councillor Meade inquired about a time frame for a road exchange agreement to be reached. Minister Barnet responded that he is hoping an agreement can be reached within 90 days. Following which time, staff can then work out the details.

Responding to comments of Councillor Adams regarding the possibility of HRM taking over responsibility of the Sambro Loop, Minister Barnet stated the overall Capital Transportation Authority will be looking at a wider boundary that would include geography that makes sense so loops and portions of roads being cut off would not occur.

Councillor Meade inquired if it would be possible to extend the responsibility from the Lucasville Road to Hammonds Plains Road to Exit 5 of Hwy 103 approximately 1.5 kms to pick up St. Margaret's Bay Village. The Councillor noted currently the front half is provincial and the back half is municipal. In response, Minister Barnet stated the proposed boundary, developed for discussion purposes only at this time, included all of the northwest and south corners of HRM to be within the boundary, which would make HRM the one service provider.

Councillor Rankin thanked Minister Barnet for attending the meeting and for his comments.

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence**

**9.1.1 Cutting of Trees on Peggy's Cove Road (Status Sheet Item 4.1.16)**

Correspondence from Mr. Karl Webb, President, St. Margaret's Bay Business Tourism Association, to Ms. Judith Cabrita, TIANS, regarding the above, was submitted to Community Council and read into the record by the Legislative Assistant.

It was agreed that this correspondence be forwarded to Mr. John O'Brien, Corporate Communications Officer, with a request that a press release be issued clarifying the intent of Councillor Meade's request regarding the trees on Peggy's Cove Road.

**9.2 Petitions**

**9.3 Presentations**

**10. REPORTS**

**10.1 Case 00679 - Amendments to Prohibit Shipping Containers being Used as Accessory Buildings**

C A staff report prepared for Sharon Bond, Acting Director, Planning and Development Services, regarding the above, was before Community Council for its consideration.

**MOVED by Councillor Meade, seconded by Councillor Adams, that Western Region Community Council give First Reading to proposed amendments to the Land Use By-Laws for Planning Districts 1 & 3 (St. Margaret's Bay) and Planning District 4 (Prospect) as shown in Attachments A and B of the staff report dated September 27, 2004, and scheduled a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS - None**

**12. ADDED ITEMS**

**12.1 Councillor Meade Petition to Re-zone St. Margaret's Village**

Councillor Meade referenced a petition recently submitted to Regional Council regarding a request from residents of St. Margaret's Village from MRR-1 to R-A1. The Councillor requested that this be referred to staff for a report.

**MOVED by Councillor Meade, seconded by Councillor Adams, that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Councillor Meade - Reevaluation of Request for Traffic Lights - St. Margaret's Village/Fox Hollow**

**MOVED by Councillor Meade, seconded by Councillor Adams, that the Western Region Community Council send a letter to the Nova Scotia Department of Transportation (copied to Bill Estabrooks, MLA, and John Chataway, MLA) requesting a re-evaluation of the request for traffic lights at St. Margaret's Village and Hwy. 213 Hammonds Plains Road. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.3 Councillor Meade - Request for Traffic Lights at the Reconstruction of Exit#5 of Hwy 103 and Request for Sidewalk Installation from the new Sir John A. School to the Shopping Centre**

**MOVED by Councillor Meade, seconded by Councillor Adams, that a letter be sent to the Nova Scotia Department of Transportation (copied to Bill Estabrooks, MLA, and John Chataway, MLA) regarding these two requests. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.4 Councillor Meade - Request for HRM-01 Agreement to be Extended from Exit #5 to Hwy #3, St. Margaret's Bay Road, to Include St. Margaret's Bay Village**

**MOVED by Councillor Meade, seconded by Councillor Adams, that this matter be referred to staff for a report to Regional Council regarding a request to extend HRM-01 Agreement from Exit #5 to Hwy #3, St. Margaret's Bay Road, to include St. Margaret's Bay Village. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.5 Councillor Meade - Request to Change Zoning of the HRM Land Near the Otter Lake Landfill Site to Conservation**

**MOVED by Councillor Meade, seconded by Councillor Adams, that this matter be referred to staff for a report regarding the request to change the zoning of the 370 acre parcel of land near the Otter Lake Landfill site, recently purchased by HRM from**

**Reardon & Allen, to Conservation. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.6 Councillor Rankin - Transfer of Roads - Hammonds Plains Road/Lucasville Intersection - Request for Status Report**

This item was addressed earlier in the meeting.

**12.7 Councillor Rankin - Request for Flashing Green Light at Intersection of St. Margaret's Bay Road/Prospect Road**

Councillor Rankin expressed safety concerns regarding the intersection of St. Margaret's Bay Road/Prospect Road.

**MOVED by Councillor Meade, seconded by Councillor Adams, that a request for a flashing green light at the intersection of St. Margaret's Bay Road/Prospect Road be put forth as there is no opportunity to turn left when there is oncoming traffic from Timberlea, particularly during peak hours. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.8 Councillor Rankin - Maintenance of Rails to Trails**

Councillor Rankin noted HRM has given large capital grants to the trails, however, there is no funding allocated for maintenance.

**MOVED by Councillor Meade, seconded by Councillor Adams, that this matter be referred to staff for review in the Operating Budget for Recreation to include funds for maintenance of these trails. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.9 Councillor Rankin - Condition of Hubley and Hubley Lake Roads**

Councillor Rankin expressed concern regarding the condition of the Hubley and Hubley Lake Roads and the lack of adequate shoulders in many places. He noted some shoulders are as much as 2-3 inches below the pavement. Given the amount of traffic going into Three Brooks and the addition of another subdivision (Five Island Estates), the Councillor requested that this matter be referred to the Province.

**MOVED by Councillor Meade, seconded by Councillor Adams, that a letter be seen to the Province (copied to the Superintendent) inquiring when and how they are prepared to remedy this situation. MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION**

None.

**14. PUBLIC PARTICIPATION**

In response to questions of **Mr. Keith Ayling**, Masthead News, regarding rumours of a new proposed regional fire station at Exit 5 to replace several existing stations, Councillor Rankin stated there are a number of concepts being discussed at the staff level, but nothing has been advanced to Council at this time. Councillor Meade added there is a facility review currently being conducted of all fire stations in HRM. It was suggested that Mr. Ayling contact Mr. Chris Charron, District Chief, Western Region, for further information.

**Ms. Diane Webster** noted the new assessment notices for Timberlea indicating the change to suburban have not yet been mailed. Councillor Rankin responded to a question of Ms. Webster regarding the sidewalk, curb and gutter enhancement rate, suggesting that the rate may have been left on as the original sidewalk construction was deemed to be a general benefit to all of the community.

**15. NEXT MEETING DATE**

The date of the next will be **October 25, 2004**, if required.

**16. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:50 p.m.

Patti Halliday  
Legislative Assistant