

HALIFAX REGIONAL MUNICIPALITY

**WESTERN REGION COMMUNITY COUNCIL
FEBRUARY 28, 2005
MINUTES**

PRESENT: Councillor Steve Adams
Councillor Gary Meade

REGRETS: Councillor Reg Rankin

STAFF: Karen Brown, Solicitor
Luc Ouellet, Planner
Patti Halliday, Legislative Assistant

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1. CALL TO ORDER

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

2. APPROVAL OF THE MINUTES

2.1 November 22, 2004

MOVED by Councillor Meade, seconded by Councillor Adams, that the minutes of November 22, 2004 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

2.2 Special Sessions

2.2.1 November 1, 2004

MOVED by Councillor Meade, seconded by Councillor Adams, that the minutes of November 1, 2004 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

2.2.2 January 11, 2005

MOVED by Councillor Meade, seconded by Councillor Adams, that the minutes of January 11, 2005 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

2.2.3 January 25, 2005

MOVED by Councillor Meade, seconded by Councillor Adams, that the minutes of January 25, 2005 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE ORDER OF BUSINESS

It was agreed to move Item 10.1 Wood Storage - Exhibition Park up on the agenda to be addressed next.

As the staff report was not yet available, Item 10.4 - Case 00748: Re-zoning of 1562 St. Margaret's Bay Road was deleted from the agenda.

The following item was added to the agenda:

- 12.2 Councillor Adams - Request for Information from HRSB regarding the J. L. Ilsley and Sir John A. Macdonald Family of Schools

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

10.1 Wood Storage - Exhibition Park

Mr. John Simmons, Urban Forrester, provided an update regarding the wood storage at Exhibition Park, noting 95 percent of the wood chips have been moved, and the remainder will be moved in the next two weeks. The logs that are stored in this location are a regulated commodity and have to be put out to tender. It is anticipated they will be removed by the first of the summer.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Updates

4.1.1 Renaming of Sambro Ballfield (Nov. '04)

No update. To remain on Status Sheet.

4.1.2 Request for Update re Transfer of Roads (Nov. '04)

On going issue - to remain on status sheet.

4.1.3 Councillor Meade - Westwood Hills Subdivision, Second Entrance/Exit (Nov. '04)

A meeting will be taking place next. To be removed from status sheet.

4.1.4 Councillor Rankin - Clean up of Lands, Brookside Junior High School (Nov. '04) (Information Report)

An Information Report provided.

4.1.5 Councillor Rankin - West Dover Area, Request for Land Transfer to HRM(Nov. '04)

On going issue - to remain on status sheet.

4.1.6 Petition - Express Bus Services from Exit 5 to Downtown Halifax (Nov. '04)

An Information Report was provided indicating that the creation of an express route is a recommendation in the proposed regional plan. The timing of this route, and its priority in relation to other transit projects, will be determined in the upcoming strategic plan.

4.1.7 Petition - Councillor Meade - Re-zoning of St. Margaret's Village (Sept. '04) (see Item 8.1)

To be removed from the status sheet as it was addressed under Item 8.1.

4.1.8 Councillor Meade - Re-evaluation of Request for Traffic Lights - St. Margaret's Village (Sept. '04)

No update - to remain on status sheet.

4.1.9 Councillor Meade - Request for Traffic Lights at Reconstruction of Exit 5, Hwy 103 (Sept. '04)

No update - to remain on status sheet.

4.1.10 Request for Sidewalk - Sir John A. School (Sept. '04)

To be removed from the status sheet as the sidewalk is to be installed.

4.1.11 Councillor Meade - Request to Change Zoning of the HRM Land Near the Otter Lake Landfill Site to Conservation (Sept. '04)

To be removed from the Status Sheet as there will be a public hearing in March or April 2005.

4.1.12 Councillor Rankin - Request for Flashing Green Light at Intersection of St. Margaret's Bay Road/Prospect Road (Sept. '04)

On going issue - to remain on status sheet.

4.1.13 Councillor Rankin - Maintenance of Rails to Trails (Sept. '04)

Item to be addressed through budget process.

4.1.14 Councillor Rankin - Condition of Hubley and Hubley Lake Roads (Sept. '04)

Correspondence received from the Province stating the shouldering work remains on the list for the 2005 season.

4.1.15 Councillor Meade - Status of Peggy's Cove Study (Aug. '04)

No update - to remain on status sheet.

4.1.16 Councillor Meade - Western Commons - Halifax Regional Water Commission Lands (Aug. '04)

No update - to remain on status sheet.

4.1.17 Water Service Boundary - St. George Blvd., Kingswood (Aug. '04)

No update - to remain on status sheet.

4.1.18 Cranberry Lake - Twinning of Highway 103 (July '04)

No update - to remain on status sheet.

4.1.19 Councillor Rankin - Cranberry Lake - Tunnel (June '04)

No update - to remain on status sheet.

4.1.20 Ketch Harbour Wharf (April '04)

No update - to remain on status sheet.

4.1.21 Councillor Adams - Illegal Dumping: Look-off on John Brackett Drive (April '04)

No update - to remain on status sheet.

4.1.22 Lack of Second Exit in Highland Park (April '04)

No update - to remain on status sheet.

4.1.23 Proposed Amendments to MPS and LUB for Mainland South and Former District 5 re watercourses (Nov. '03)

No update - to remain on status sheet.

- 5. MOTIONS OF RECONSIDERATION - NONE**
- 6. MOTIONS OF RESCISSION - NONE**
- 7. CONSIDERATION OF DEFERRED BUSINESS**
- 8. PUBLIC HEARINGS**

8.1 Case 00724: Fox Hollow Re-zoning

- C A staff report dated December 22, 2004 was before Community Council for its consideration.
- C Correspondence from Robert S. Young, dated February 28, 2005, was circulated to Community Council.

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

Councillor Adams called three times for members of the public wishing to speak either in favour of or against the proposal. 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.

COMMUNITY COUNCIL DECISION

Councillor Meade referenced the correspondence received from Mr. Robert S. Young and inquired if his request could be accommodated. Mr. Ouellet responded that Community Council could amend the staff recommendation in response to the request if it so wished.

MOVED by Councillor Meade, seconded by Councillor Adams, that Western Region Community Council approve the re-zoning of the Fox Hollow Subdivision, as shown in Map 1 of the staff report dated December 22, 2004, from MRR-1 (Mixed Rural Residential) Zone to R-A1 (General Residential Zone and R-2 (Two Unit Dwelling) Zone excluding Lots #229 and #230 which would stay zoned MRR-1 and Lot 68 which will change from MRR-1 to be zoned R-2. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00697: Re-zoning on Old Sambro Road to Allow a Church

- C A staff report dated January 6, 2005 was before Community Council for its

consideration.

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

Councillor Adams called for members of the public wishing to speak either in favour of or against the re-zoning.

Ms. Debbie Kelly, Whitehead Road

Ms. Kelly addressed Community Council stating when she purchased her property the subject property was zoned residential and she would like it to remain so as it abuts her backyard.

Mr. Nick Pryce, Terrain Group

Mr. Pryce addressed Community Council making the following points:

- C The proposed location for the church is currently zoned R-2.
- C The P-2 Zone has a setback requirement of 12 feet. The current standard residential setback from all sides and the rear boundary is 8 feet.
- C Also, under the P-2 zone, parking areas cannot be located in the side rear or side yards which could be done under a residential zoning.

Mr. Michael MacDonald, Old Sambro Road

Mr. MacDonald noted there were three churches on that side of the road in the past, so, therefore, he could not see any reason not to permit this one.

Mr. Mike Kelly, Whitehead Road

Mr. Kelly spoke in support of maintaining the residential zoning on this property. Mr. Kelly noted there are no trees left to act as a buffer between his property and the proposed parking lot. He also noted that the previous churches located in this area were not 25 feet high nor did they have parking lots the size of shopping malls.

Councillor Adams called three times for any further speakers either in favour of or against the re-zoning. 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.

COMMUNITY COUNCIL DECISION

MOVED by Councillor Meade, seconded by Councillor Adams, that Western Region Community Council approve the re-zoning of PIDs 40073256, 40236861, and 40073009, as shown on Map 1 of the staff report dated January 6, 2005, from an R-2 (Two Unit Dwelling) Zone to a P-2 (Community Facility) Zone.

Councillor Adams requested that the proponent consider planting trees or some sort of buffer to help the neighbouring area.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS, DELEGATIONS

9.1 Correspondence

9.1.1 Correspondence from Mr. Shalom Mandaville, Soil and Water Conservation Society of Metro Halifax , dated December 12, 2004

C Correspondence from Mr. Shalom Mandaville, Soil and Water Conservation Society of Metro Halifax, dated December 12, 2004, was before Community Council.

No action taken.

9.2 Petitions

None.

9.3 Presentations

9.3.1 Indian Lake Golf Course

This item was not addressed as the representatives were not present.

9.3.2 Blue Mountain Birch Cove Lakes

- (i) Diana Whalen, MLA**
- (ii) Chris Miller (not present)**

Ms. Diana Whalen, MLA, made a presentation to Community Council regarding the Blue Mountain - Birch Cove Lakes Wilderness Area, copies of which were provided. Ms. Whalen stated Council can provide assistance by the following actions:

- C Support the proposal to protect the Blue Mountain - Birch Cove Lakes wilderness area as a protected wilderness site.
- C Support the findings of Halifax's Regional Development Plan that proposes to establish a regional park and a wilderness corridor in the vicinity of the Blue Mountain - Birch Cove Lakes.
- C Call on the provincial government to undertake a Wilderness Area Assessment for the Blue Mountain - Birch Cove Lakes wilderness area.

Councillor Adams thanked Ms. Whalen for her presentation.

9.3.3 Society of Black Point District Volunteer Fire Department

Mr. Jack Cossar, Black Point & District Volunteer Firefighters Society, made a presentation to Community Council regarding the proposed changes to the way fire protection would be delivered in the area, copies of which were provided. Mr. Cossar also read a response received by Deputy Chief Mosher. In closing, Mr. Cossar stated the volunteers and citizens strongly believe that the District Chief and the Composite Chiefs of the individual fire departments, especially in rural areas where changes are proposed, should first and foremost discuss it with the volunteers and career staff, who are the backbone of the rural composite departments. Then, it should be discussed with the citizens and the Councillor who would be directly affected by any changes.

MOVED by Councillor Meade, seconded by Councillor Adams, that this presentation be forward to Chief Eddy, Deputy Chief Mosher and Mayor Peter Kelly. MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

10.1 Wood Storage - Exhibition Park (oral)

This item was addressed earlier in the meeting.

10.2 Halifax Watershed Advisory Board - Reappointments

- C A report from the Halifax Watershed Advisory Board dated November 18, 2004 was before Community Council for its consideration.

MOVED by Councillor Meade, seconded by Councillor Adams, that the Western Region Community Council approve the reappointments to the Halifax Watershed Advisory Board as recommended in the November 18, 2004 report. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Case 00700: Re-zoning - Portion of PID 00421743, Voyageur Way

C A staff report dated February 15, 2005 was before Community Council for its consideration.

MOVED by Councillor Meade, seconded by Councillor Adams, that Western Region Community Council give First Reading to consider an application by United Gulf to re-zone a portion of PID 00421743 from CDD (Comprehensive Development District) Zone to MR-1 (Mixed Resource) Zone and schedule a public hearing for March 21, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

10.4 Case 00748: Re-zoning of 1562 St. Margaret's Bay Road

This item was deleted during Approval of the Order of Business.

10.5 Financial Services - How Is HRM Spending Your Tax Dollars (oral)

Ms. Dale MacLennan, Director, Financial Services, made a presentation regarding the 2005-2006 Budget and Business Plans. Copies of the presentation were provided to members of the Community Council and the public. Ms. MacLennan noted a correction in the document with regard to the education figure for 2004-05 which should read \$72,600,000 not \$78,300,000 which is the 2005-06 figure.

Ms. MacLennan briefly listed area specific capital projects, some of which included the following:

- C Prospect Community Centre - \$40,000 for needs identification and conceptual design
- C Traffic signalling - Hammonds Plains Road at Kingswood
- C Additional \$25,000 per District for capital projects to be determined by Community Councils
- C St. Margaret's Bay Road - sidewalk

Mr. Peter Bigelow, Manager, Real Property Planning, Real Property and Asset Management Services, continued the presentation addressing some of the capital projects. Responding to a question of Councillor Meade regarding the Sir John A. Macdonald gymnasium, Mr. Bigelow stated the Province has made an offer to upgrade the gym from 8400 square feet to 10,500 square feet for \$200,000, which is a good deal. The challenge for HRM is that its needs assessments do not support the need for HRM to participate in this project, but it is recognized that it will be beneficial in the future. However, both HRM and provincial policies somehow prevent HRM from participating. Mr. Bigelow stated it is anticipated that this issue will be raised during budget deliberations and through some form of negotiations a way to

achieve it will be found so the opportunity is not lost.

With respect to significant increases in tax assessments with no change in services, Councillor Meade questioned how he can justify to his constituents the increased taxes they are required to pay. Ms. MacLennan responded that there is no easy answer as assessment increases are not proportionate to services: they are market based. Ms. MacLennan noted HRM has a low income tax rebate program. However, staff are cognizant of the fact that not all homeowners with significant assessment increases qualify in the low income category, and their assessments have increased due to the value of adjacent properties. Ms. MacLennan stated staff addresses this situation by relying more on area rates and user fees, if appropriate. She noted there are not many other tools available to HRM at this time to address this issue and other Nova Scotian municipalities are in the same situation. Ms. MacLennan noted there is also a tax deferral program available.

Mr. Jack Cossar noted he worked as an assessor for 40 years, and years ago, there was change of use tax. For example, if farmlands or woodlands were taken out of a property and sold, a change of use tax was implemented and the purchaser paid it.

Councillor Adams suggested assessments should be eliminated altogether and a base tax system be used, thus eliminating fluctuations in taxes paid and the municipality receives a predictable level of taxation. Ms. MacLennan noted there have been some good changes in the assessment system, one being that they are reviewed annually now rather than every three years.

One resident expressed concern that some assessments have been drastically increased based on the fact there is a water view.

Mr. Peter Stout, Chair, Tax Committee, Allen Heights Homeowners Association, provided a copy of a letter to Ms. MacLennan. In its letter, the Association made the following points:

- C A 10.4 percent increase in property tax is not acceptable.
- C New properties account for 2.8 percent of the assessment increase. However, these new properties will result in significant new revenue which should be expected to at least cover the required new services. Thus, an increase in tax rate of 2.8 percent to cover this is totally unsubstantiated and must not be accepted.
- C HRM is using an inflation rate of 4.4 percent yet CPI was 2.1 percent in 2004 and is forecasted at a similar or lower rate for 2005. This factor seems excessive and unrealistic. Most property owners cannot expect more than CPI for increases in most revenue sources. HRM should be cognizant of this and work within this limit.
- C HRM is proposing a 7.2 percent increase in tax rate for capital expenditures. The Association does not understand why this should be funded from operations.
- C Items of provincial responsibility have gone up another 7 percent. These costs should

- be itemized separately on the tax bill to clarify the issue for property owners.
- C The Association supports the capital program with continued debt reduction.
- C The review process is extremely short and appears to be a token dialogue. The Association understands Council intends to debate and approve the budget over the next few weeks. However, once the tax rate is set it cannot be adjusted until the following year.

Mr. Stout noted copies of the Association`s correspondence is also being sent to Mayor Kelly, Mr. George McLellan, CAO, and others.

In response to Mr. Stout`s comments, Ms MacLennan made the following points:

- C Residential taxes do not generally cover the services that are drawn.
- C In municipal tax collection, everything comes from operations. Principal and interest are both charged to the operating statement.
- C Itemization on the tax bill commenced last year as it helps people understand what services they are paying for.

Ms. MacLennan noted a written response will be provided to the Association with further information.

There being no further questions or comments, Councillor Adams thanked Ms. MacLennan and Mr. Bigelow for their presentation.

11. MOTIONS

None.

12. ADDED ITEMS

12.1 Councillor Meade - Department of Transportation Additional Funding of \$40,000,000

Councillor Meade noted the Province of Nova Scotia has allocated \$40,000,000 for the upgrade of roads. The Councillor noted that only \$1,000,000 was put towards paving of subdivision roads across Nova Scotia last year, of which HRM received \$300,000. Councillor Meade requested that a letter be sent to the Minister, copied to HRM MLAs and Members of Council, inquiring if any of the \$40,000,000 will be put towards paving of subdivision roads. Community Council agreed to the request.

12.2 Councillor Adams - Info from HRSB re JL IIsley and Sir John A. Macdonald Family of Schools

Councillor Adams noted it has been brought to his attention by some residents that the Sambro Elementary School and the Harrietsfield Elementary School are in the Sir John A. Macdonald family of schools and when it is closed, so are the two elementary schools. Councillor Adams requested that a letter be sent to the Halifax Regional School Board to inquire if this is the case, and, if so, what is the reasoning, and what is the process to utilize to bring these two schools into the J. L. Ilsley family of schools. Community Council agreed to the request.

13. NOTICES OF MOTION

None.

14. PUBLIC PARTICIPATION

Responding to a question from a member of the public, Ms. Dale MacLennan stated there is a request in the business plan for 16 firefighters. She noted this request is related to the fire service standards which will have to go before Council first.

In response to an inquiry about Item 4.1.6 Petition - Express Bus Services from Exit 5 to Downtown Halifax, Councillor Meade indicated there was no further update other than the information report to Regional Council which was made available to the public at this meeting.

A representative of Fire Services read a statement on behalf of Deputy Chief Bill Mosher regarding the Black Point Fire Department which will be mailed out to the members of the community in the next few days.

15. NEXT MEETING DATE

Due to the Easter holiday, the next meeting of the Western Region Community Council has been rescheduled for March 21, 2005 rather than the original date of March 28, 2005.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m.

Patti Halliday
Legislative Assistant