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1. CALL TO ORDER

The meeting was called to order at 7:01 p.m in the Thomas Raddall Room of the Keshen Goodman Library, 330 Lacewood Drive, Clayton Park.

2. APPROVAL OF MINUTES - October 24, 2005 and November 28, 2005

MOVED BY Councillor Meade, seconded by Councillor Rankin that the minutes of October 24, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED BY Councillor Meade, seconded by Councillor Rankin that the approval of the November 28, 2005 minutes be deferred as the minutes were not available. MOTION PUT AND PASSED UNANIMOUSLY.

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

- ADDITIONS:**
- 12.1 Election of Chair/Vice-Chair - Legislative Assistant
 - 12.2 Condition of Gravel Roads in Prospect Area - Councillor Rankin
 - 12.3 Lack of Street Lighting West of Bayers Lake Entrance / Intersection at St. Margaret's Bay Road - Councillor Rankin
 - 12.4 Review of Metro Transit Route 21 Re: Lack of Frequency at Peak Times - Councillor Rankin
 - 12.5 Chebucto Head Road - Maintenance and Ploughing - Councillor Adams

MOVED by Councillor Rankin, seconded by Councillor Meade, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES - STATUS SHEET ITEMS

4.1 HRM Issues

4.1.1 Regional Council Information Report re: Station Road Sewage Problem -
Councillor Meade

To remain on the status sheet for one more month (until after the provincial election).

4.1.2 West Dover Area, Request for Land Transfer to HRM - Councillor Rankin

To remain on the status sheet. Staff update requested for February meeting.

4.1.3 Petition - Express Bus Services from Exit 5 to Downtown Halifax

- An Information Report dated February 10, 2005 (Circulated at the February 22, 2005 Regional Council session) was before the Community Council.

To remain on the status sheet. Councillor Meade and Rankin are scheduled to meet with staff.

4.1.4 Water Service Boundary - St. George's Blvd. Kingswood

To remain on the status sheet. No update received.

4.1.5 Proposed Amendments to MPS and LUB for Mainland South and Former District
5 Watercourses

To be removed from the status sheet. Councillor Adams advised this matter will be addressed in the Regional Plan.

4.1.6 Distinguishing Distinctive Communities in Phone Book (MT&T)

To remain on the status sheet. Councillor Rankin advised a letter was sent to Aliant but no response has been received.

4.1.7 Fire Services - Proposed Service Standards

To be removed from the status sheet. Councillor Meade advised that a public meeting will be held at the end of this month.

4.1.8 Entrance to Silver Birch - Lake of the Woods Estates

To be removed from the Status Sheet.

4.1.9 Review of Three-way Stop in Glen Arbour - Councillor Meade

- An Information Report dated November 22, 2004 was before Community Council.

To be removed from the Status Sheet.

4.1.10 Public Hearing Notification in Rural Areas - Councillor Meade

- An Information Report dated November 23, 2005 was before Community Council.

To be removed from the Status Sheet.

4.1.11 Protocol for Runners on the St. Margaret's Bay Road - Councillor Rankin

- An Information Report dated December 21, 2004 was before Community Council.

To remain on the status sheet for one month.

Councillor Rankin requested that HRM advertise when there will be a public event so that motorists are advised that there will be pedestrians/runners on the road. He suggested that community signs also be used to notify residents of such events.

4.1.12 Indian Lake Golf Course - Councillor Rankin

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council host a public information meeting immediately following the

regular Community Council meeting on Monday, February 27, 2006 in regard to the request by the Indian Lake Golf Course to purchase municipal lands for the purpose of business expansion. MOTION PUT AND PASSED UNANIMOUSLY.

To be removed from the status sheet.

4.1.13 Welcome to Halifax Sign, St. Margaret's Bay Road - Councillor Adams

To be removed from the status sheet. Councillor Adams advised the concerns will be addressed in the Regional Plan.

4.1.14 Community Signage in the Western Region - Councillor Rankin

To remain on the status sheet. Councillor Rankin requested confirmation from staff that funds will be reallocated to complete this initiative.

4.1.15 Signage - Sambro Loop - Councillor Adams

To be removed from the status sheet. Councillor Adams commented that additional signage will be placed and if the results are not satisfactory, the issue can be brought forward at that time.

4.1.16 Renaming of Sambro Ballfield to the James MacPhee Softball Field - Councillor Adams

To be removed from the status sheet. Councillor Adams thanked Mr. Denis Huck for his assistance with this matter.

4.2 Provincial Issues

4.2.1 Re-evaluation of Request for Traffic Lights - St. Margaret's Village

To remain on the status sheet.

Councillor Meade advised that a new intersection is proposed that may remove 75% of the traffic at this location therefore lights may not be necessary. (The survey has been completed but the tender for the road work has not gone out).

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

To remain on the status sheet.

Councillor Adams requested a letter be sent to the Department of Natural Resources requesting waste receptacles be placed at this popular location out of courtesy to the residents.

4.2.3 Lack of Second Exit in Highland Park

To remain on the status sheet.

Councillor Meade requested this item remain on the status sheet until after April 1, 2006 when HRM takes over the road from the Lucasville Road to Route 103.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 00640: Development Agreement - 7990 St. Margarets Bay Road

- A Supplemental Report dated January 11, 2006 was before Community Council.

Mr. Luc Ouellet, Planner, presented the report. Ms. Jamie Smith, Planner, was also in attendance. Mr. Ouellet indicated that the Applicant has revised his proposal to exclude the marina/finger piers and to reduce the number of condominium units to twelve units.

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council:

- 1. Approve the development agreement, as set out in Attachment "A", to permit 12 townhouse style dwelling units, and private amenity and recreation space at 7990 St. Margaret's Bay Road in Ingramport (PID 40731606).**
- 2. Discharge DA - 1&3-05-91-01 and amending agreement DA-1&3-12-05-01-A1 to take effect upon the registration of the subject development agreement; and,**
- 3. Require that the development agreement 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, including applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Prior to a vote being taken on the motion, the following amendments were presented:

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council approve the following amendments to the Development Agreement, Attachment "A" of the Supplemental Report dated January 11, 2006:

- 1. New clause to be included on Page 7 of the Supplemental Report's, Schedule "A": "*Section 3.3.13 a: "That there be a minimum setback of 50' from the northern and southern property lines."***
- 2. The following sentence is to be added to Section 3.3.18 on Page 8: Uses for the Common Building: "*The Common Building will have no habitable rooms and is not for rental purposes.*"**
- 3. Change in Sub-Section 3.6.5 of Section 3.6 Landscaping: Page 11: change the minimum height from 5' to 10' for coniferous trees along the northern property line.**
- 4. Section 3.10.2, Page 13: In the second last line change the word "*may*" to "*shall*". The sentence will now read "the Development Officer shall require a**

Contingency Plan..."

- 5. Sub-Section 3.11.1 of Section 3.11 Private Sewage Treatment Plant, Page 13, Add to the first sentence: "*providing tertiary treatment*" - the sentence will now read: "*The Developer shall be responsible for providing tertiary treatment, operation, maintenance and monitoring of the private sewage treatment plant (STP) servicing the development, as per the provincial regulations until the formation and registration of a Condominium Corporation for the Lands.*"**

MOTION TO AMEND PUT AND PASSED.

Councillor Meade advised that Mr. Greg Hammond, Destiny Developments, has copies of the Jacques Whitford Environment Limited's Preliminary Groundwater Development Assessment report dated May 11, 2004 for distribution this evening for anyone who may wish to obtain a copy. (The study is referenced in Section 3.10 On-Site Water Supply, Page 12 of Attachment "A").

Councillor Meade explained that, since amalgamation, all development agreements include a sunset clause (two years for this particular development agreement). He referred to Section 5.3 Commencement of Development on Page 15 of Attachment "A" of the Supplemental Report dated January 11, 2006.

The amended motion now reads as follows:

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council:

- 1. Approve the development agreement, as set out in Attachment "A", to permit 12 townhouse style dwelling units, and private amenity and recreation space at 7990 St. Margaret's Bay Road in Ingraport (PID 40731606).**
- 2. Discharge DA - 1&3-05-91-01 and amending agreement DA-1&3-12-95-01-A1 to take effect upon the registration of the subject development agreement; and,**
- 3. New clause to be included on Page 7 of the Supplemental Report's, Schedule**

“A”: **“Section 3.3.13 a: *“That there be a minimum setback of 50' from the northern and southern property lines.”*”**

4. **The following sentence is to be added to Section 3.3.18 on Page 8: Uses for the Common Building: *“The Common Building will have no habitable rooms and is not for rental purposes.”***
5. **Change in Sub-Section 3.6.5 of Section 3.6 Landscaping: Page 11: change the minimum height from 5' to 10' for coniferous trees along the northern property line.**
6. **Section 3.10.2, Page 13: In the second last line change the word *“may”* to *“shall”*. The sentence will now read *“the Development Officer shall require a Contingency Plan...”***
7. **Sub-Section 3.11.1 of Section 3.11 Private Sewage Treatment Plant, Page 13, Add to the first sentence: *“providing tertiary treatment”* - *the sentence will now read: “The Developer shall be responsible for providing tertiary treatment, operation, maintenance and monitoring of the private sewage treatment plant (STP) servicing the development, as per the provincial regulations until the formation and registration of a Condominium Corporation for the Lands.”***
8. **Require that the development agreement 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, including applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

The Municipal Solicitor responded to Councillor Rankin’s request for clarification on whether the amendments would require a public hearing indicating that the amendments are minor and can be considered within the scope of the public advertisement in respect of this Development Agreement.

The Municipal Solicitor further clarified for Councillor Rankin that in regard to the transfer to the Condominium Corporation (Item 3.11 of the Development Agreement regarding sewage treatment) the Condominium Corporation is not in a position to refuse treatment as provisions of the development agreement pursuant to the provisions of the Municipal Government Act provide that a Development Agreement goes with the land not with the

Corporation.

Councillor Meade advised that the Developer is in agreement to the amendments suggested in the motion.

Councillor Meade added that copies of the minutes from September 9, 1999, including previous discussions held regarding development at this site, are available for review.

AMENDED MOTION PUT AND PASSED UNANIMOUSLY.

8. PUBLIC HEARINGS - NONE

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - NONE

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Case 00827: Development Agreement - 1440 St. Margaret's Bay Road, Lakeside

- A staff report dated January 4, 2006 was before Community Council.

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council give notice of motion to consider the attached development agreement and to schedule a public hearing for Monday, February 27, 2006. MOTION PUT AND PASSED.

10.2 MEMBERS OF COUNCIL

10.2.1 Hammonds Plains Common Area Rate Disbursement For Materials to Build an Outdoor Rink

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council approve the disbursement of \$1,800.00 from the Hammonds Plains Common Area Rate for materials to build an outdoor rink at the Eisenhower Ballfield behind the Hammonds Plains Fire Hall. MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Election of Chair/Vice-Chair

The Legislative Assistant called for nominations for Chair and Vice-Chair of the Western Region Community Council for 2006. Councillor Adams was elected as Chair of the Western Region Community Council for 2006. Councillor Rankin was elected Vice-Chair for 2006.

12.2 Condition of Gravel Roads in Prospect Area

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council send a letter to the Department of Transportation and Public Works regarding gravel roads in the MacDonald Subdivision (lack of adequate subgrade - Fiddle Parkway) and that the concerns be addressed this year. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED BY Councillor Rankin, seconded by Councillor Meade that HRM Staff re-petition the community on whether they are prepared to cover the cost to upgrade the private road (Shiloh Road) to meet the standards. MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Lack of Street Lighting West of Bayers Lake Entrance / Intersection at St. Margaret's Bay Road

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council request that the Department of Transportation and Public Works Engineer rectify the situation of inadequate lighting at the intersection of Bayer's Lake and St. Margaret's Bay Road. MOTION PUT AND PASSED UNANIMOUSLY.

12..4 Review of Metro Transit Route 21 Re: Lack of Frequency at Peak Times

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council request Metro Transit extend service to the Route 21 Timberlea to ½ hour service at peak hours. MOTION PUT AND PASSED UNANIMOUSLY.

12..5 Chebucto Head Road - Maintenance and Ploughing

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council request that the Department of Transportation and Public Works provide snow removal service to Chebucto Head Road in Duncan's Cove (a private road). MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Adams explained that the road is outside the urban core and it is not financially feasible to send an HRM vehicle to service this area when provincial vehicles are in the area. It is requested that the province assist in providing snow removal service to that small portion of road.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Wayne Rogers

- He asked the Municipal Solicitor if previous landowners had any residual rights to the land that was expropriated for the Western Common Land, prior to the land being sold to an individual or a company for development (such as Indian Lake Golf Course). He explained that all land on the Western Common was expropriated and turned over to HRM at amalgamation to protect the Big Indian Lake watershed which is a back up to the water supply to Long Lake and Chain Lake. He asked if those families who formerly owned the land could re-acquire the land if that watershed is no longer required.
- He further commented that the state of the Otter Lake Landfill is disgraceful. He sent an e-mail to Councillors Rankin, Meade and Mayor Kelly on this matter. He researched the agreement between the Amir Group and HRM and there was a Community Monitoring Committee proposed with specific responsibilities to keep the landfill in pristine condition. Yet, there is garbage blowing around, clear cut

areas, settling ponds overflowing their banks, chemical barrels discarded in the woods, barriers that have broken down and are contaminating the bogs which are a natural filter between the landfill and the Nine Mile River.

- A Community Monitoring Committee was set up as a society and you have to be a member of that Society to hold a seat on that Committee. He asked why residents of HRM are being prevented, without joining a society, from being active members on how the landfill is being run.
- There is a \$65,000 annual budget for the Community Monitoring Committee. What is that money being used for? There is supposed to be a Segregated Trust Fund established for the Landfill closure and for compensatory payments to the residents when the landfill closes. What is that fund about, how much money is in it and what is going to be done with it?
- Prospect Road, across from Exhibition Park (Goodwood side), cars offload garbage in the woods. HRM has a number of By-Law Enforcement Officers who must travel that road but there is no attempt to remove the garbage that is dumped there/fine those who are illegally dumping.

Councillor Adams requested a staff report regarding the issues raised concerning the Otter Lake Landfill matter. Councillor Rankin commented that the e-mails received regarding Otter Lake will be referred to the Solid Waste Advisory Committee meeting on January 19, 2006.

Ms. Mary Ellen Donovan, Municipal Solicitor, commented on the expropriation matter responding that based on the information provided, the land was expropriated and acquired by the Halifax Regional Water Commission who then turned it over to HRM. She responded that in spite of the fact that there was a municipal purpose stated as the reason for the acquisition of the land, the municipality is not subject to any interest. The simple answer is that the municipality is not entitled to return the land.

Mr. Devon Moore, St. Margaret's Bay Road

- He inquired of the Municipal Solicitor, what would render a provision unenforceable or invalid and as per Section 7.1 of the Development Agreement (Ingramport).

Ms. Donovan responded that in 31 years with the municipality she has never seen a provision which was even arguably invalid. This type of provision is a bit of insurance and is a standard provision.

- He questioned why a water lot is still delineated in this area if it is no longer in the plan (Proposed Overview, Schedule B).

Councillor Meade responded that the water lot has be renewed (application made to renew). It does not affect HRM as HRM has no jurisdiction.

15. **NEXT MEETING** - February 27, 2006 at the Brookside Junior High School

16. **ADJOURNMENT**

The meeting was adjourned at 7:54 pm.

Chris Newson
Legislative Assistant