

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES October 2, 2001

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Jerry Blumenthal
Councillors: Stephen Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen D. Adams
Bob Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Councillor Brad Johns

STAFF MEMBERS:

Mr. George McLellan, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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The following agenda items were not address and, therefore, were deferred until October 9, 2001:

- 10.2.2 Presentation - Harbour Solutions Proposal
 - (i) Claudiane Ouellet-Plamondon
 - (ii) Benjamin Beckwith
- 11. REPORTS
 - 11.1 CHIEF ADMINISTRATIVE OFFICER
 - 11.1.1 Tender 01-128 Three (3) Harley-Davidson Police Motorcycles

- 11.1.2 Tender 01-086 New Rescue Pumpers for the Beaver Bank Fire Dept.
- 11.1.3 HRM Community Trails - Nova Scotia Trails Act
- 11.1.4 Lacewood Drive Sidewalk District 16, Halifax
- 12. MOTIONS
 - 12.1 Councillor Fougere (deferred Sept. 25) - GATS
- 13. ADDED ITEMS
 - 13.1 Councillor Adams - Busing - Rockingstone Heights School
 - 13.2 Councillor Mosher - Chipsealing - District 17
 - 13.3 Correspondence from Nova Scotia Utility and Review Board dated September 28, 2001 re: Natural Gas Distribution Franchises
 - 13.4 Correspondence from Federation of Canadian Municipalities dated September 21, 2001 re: Federal Policy on Affordable Housing
 - 13.5 Western Region Community Council (Chair, Councillor Rankin)
Case 00265 - Request to Amend the MPS for Timberlea/Lakeside/Beechville to Enable a Mixed Use Golf Course Community on a 530 Acre Site, and to Enter into a Development Agreement to Permit up to 3200 Dwellings in Conjunction with an 18 hole Golf Course, Town Centre and Commercial Area
 - 13.6 Nova Scotia Rehabilitation Centre - Councillor Sloane
 - 13.7 Supplementary Education Funding - Halifax Regional School Board
 - 13.8 Property Matter: Release of Easement & Acquisition Easement - Celtic Drive Dartmouth
 - 13.9 Property Land Exchange - Richardson Animal Hospital - Cobequid Road
 - 13.10 Legal Matter: Settlement of Claim

1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Fougere.

2. **PROCLAMATIONS - NONE**

ACKNOWLEDGEMENTS

Councillor Smith acknowledged the presence in the gallery of Mr. Jerry Pye, MLA, Dartmouth North.

Councillor Fougere and Mr. George McLellan, Acting Chief Administrative Officer, expressed congratulations to Mr. Kulvinder Dhillon, Director, Public Works and Transportation Services, for receiving an engineering award from the Association of Professional Engineers of Nova Scotia for his lifelong expertise in engineering.

Later in the meeting, Councillor Mosher acknowledged the presence in the gallery of Mayor Frank Fraser of Canso.

3. **APPROVAL OF MINUTES - SEPTEMBER 18 & 19, 2001**

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane, that the minutes of September 18 & 19, 2001 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 13.1 Councillor Adams - Busing - Rockingstone Heights School
- 13.2 Councillor Mosher - Chipsealing - District 17
- 13.3 Correspondence from Nova Scotia Utility and Review Board dated September 28, 2001 re: Natural Gas Distribution Franchises
- 13.4 Correspondence from Federation of Canadian Municipalities dated September 21, 2001 re: Federal Policy on Affordable Housing

- 13.5 Western Region Community Council (Chair, Councillor Rankin)
Case 00265 - Request to Amend the MPS for Timberlea/Lakeside/Beechville to Enable a Mixed Use Golf Course Community on a 530 Acre Site, and to Enter into a Development Agreement to Permit up to 3200 Dwellings in Conjunction with an 18 hole Golf Course, Town Centre and Commercial Area
- 13.6 Nova Scotia Rehabilitation Centre - Councillor Sloane
- 13.7 Supplementary Education Funding - Halifax Regional School Board
- 13.8 Property Matter: Release of Easement & Acquisition Easement - Celtic Drive Dartmouth
- 13.9 Property Land Exchange - Richardson Animal Hospital - Cobequid Road
- 13.10 Legal Matter: Settlement of Claim

Councillor Warshick requested that a letter of congratulations be sent to the Dartmouth Moosehead Dry Senior Baseball Team for winning the Provincial Championship.

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the Order of Business and Additions be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING OUT OF THE MINUTES

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - NONE

9. PUBLIC HEARINGS

9.1 Second Reading By-Law O-101 Respecting Open Air Burning

- c By-Law O-101 Respecting Open Air Burning passed First Reading on August 21, 2001, and was now before Council for Second Reading.

- C A supplementary staff report prepared for George McLellan, Deputy Chief Administrative Officer, dated August 30, 2001, regarding the above, was before Council for its consideration.
- C Correspondence from Kimberley MacGregor, dated September 6, 2001, regarding the above, was before Council for its consideration.

Mr. Mike Eddy, Chief Director, Fire Services, presented the supplementary report to Council.

Responding to a question of Councillor Sarto, Mr. Eddy stated that from January 1 - September 14, 2001, there were 1,051 calls received relating to outdoor burning, including health concerns. Of the 1,051 calls, 750 were from the core service area.

In response to a question of Councillor Uteck regarding chimeneas, Mr. Mike LeRue, Manager, Fire Prevention Division, advised the by-law states these devices should be on the ground or on a non-combustible surface on the ground. With respect to regulation, Mr. LeRue stated there will be an education process as well as public advertising.

Responding to a question of Councillor Streach, Mr. Eddy stated most of District 1 is excluded from the by-law.

In response to a question of Councillor Smith regarding enforcement, Mr. Eddy stated fire officers throughout the municipality can reference the by-law and order someone to extinguish a fire if it does not meet the regulations.

Responding to a question of Councillor Cooper, Mr. Wayne Anstey, Municipal Solicitor stated Clause 4 (a) refers to permitting and Clause f (d) refers to a prohibition against open fires in a no-burn zone.

Councillor Goucher inquired if the insurance industry was consulted with respect to this by-law, in particular with regards to the use of outdoor burners. Mr. Eddy responded in the negative. However, he noted that Fire Services has a very active home inspection program which will include the inspection of outdoor burners.

In response to a question of Councillor Cunningham, Mr. Eddy stated it is commonplace to receive calls from residents experiencing health problems during the winter months with respect to approved indoor wood burning devices.

Councillor Warshick inquired if there was any consideration given to seeking a ban of the sale of the outdoor burner devices, such as chimeneas, in HRM. Mr. LeRue responded that staff looked at the safety issue of these devices, and the reason for the clearance guidelines is so they would be safe and away from combustible material. Mr. LeRue noted there are

uncertified wood appliances still permitted inside homes. In response to a further question of the Councillor regarding bonfires, Mr. LeRue stated they will not be permitted to exceed 18 inches in height. With regards to campfires, he advised that each campsite in a campground will be considered an individual site.

Councillor Colwell inquired if consideration was given to allowing burning on rainy days. In response, Mr. Eddy stated time restrictions are needed to ensure the fires are monitored. Also, Mr. Eddy noted dangerous conditions can still exist on rainy days. Councillor Colwell inquired if an individual who has a lot of brush to burn can obtain a commercial burn permit. Mr. LeRue responded Section 10 (b) (ii) requires a commercial burning permit for any burning that an individual or contractor has been paid to do.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the By-Law.

Catherine Green

Ms. Catherine Green read a statement from Mr. Matthew Boates, President, Associated Properties, opposing By-Law O-101. Ms. Green stated if the by-law is enacted, the Sackville Golf Course will not be permitted to utilize open air burning which will have a negative impact on its operation. Ms. Green asked that Council either redraw the "no burn zone" to exclude Middle and Upper Sackville, specifically the Sackville Golf Course, or, to rewrite the by-law to specifically address health issues in higher population density districts. A copy of her statement was submitted for the record.

Cheryl Scotland, Waverley Road, Dartmouth

Ms. Cheryl Scotland addressed Council with respect to the proposed By-Law and requested that Council consider amending the By-Law with respect to Sections 5 & 6 - Respecting Open Air Burning, specifically as they pertain to the core area. A copy of her comments was provided for the record.

Kimberley MacGregor, Roslyn Drive, Dartmouth, NS

Ms. Kimberley MacGregor addressed Council with respect to the proposed By-Law and expressed concern with the use of outdoor wood burning appliances and the health problems they create, particularly for asthmatics. Ms. MacGregor requested that Council ban the use of these wood burning appliances, even if it's only for the summer months, or, establish a no burn zone during the summer months around the homes of people who suffer life threatening illnesses due to the smoke and smell from these devices. A letter from Ms. MacGregor was submitted for the record.

Mayor Kelly called three times for additional speakers either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

Councillor Hetherington stated the By-Law should be referred back to staff for a report to address the health concerns with respect to open air burning in the core area.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that By-Law O-101 be referred to staff for reworking of the clauses respecting open air burning in the core area.

Councillor Sarto stated the proposed By-law lacks enforcement and suggested that staff consider the By-Law that was in place in the former City of Dartmouth. The Councillor stated Section 7 of the proposed By-Law does not give enough in terms of protecting people adversely affected by outdoor burning.

Councillor Colwell stated he would like to see something written in the By-Law so a commercial burning permit can be issued to an individual who is clearing their own lot in the rural area. It was agreed that this request would be referred to staff for consideration of proposed changes.

Deputy Mayor Blumenthal stated he would not support burning in the urban area as the houses are too close in proximity.

Responding to a question of Councillor Uteck, Mr. Eddy stated this By-Law, for the most part, reflects protection of property and tightens up some enforcement for health calls that are received. Mr. Eddy noted it is appropriate for people to reflect that other by-laws, such as Smoking and Pesticide, be mirrored in this By-Law, and staff will go back and make sure the By-Law is more people friendly.

Councillor Uteck suggested residents have to be aware of the circumstances in their neighbourhoods before moving in and should be more willing to work together in a sense of community with their neighbours to resolve their problems.

Councillor Whalen noted the reason she originally brought this issue forward was due to developers burning on construction sites and the burning of brush in heavily populated areas. The Councillor stated she has received calls from residents suffering health problems when this burning is taking place. Councillor Whalen noted the need to address the uncertified

outdoor burning devices has arisen as they have become a new phenomenon. However, the Councillor stated it is difficult to address them in this particular by-law and it will take some time for Fire Services to review this issue. Councillor Whalen stated her concern is if the by-law does not pass, nothing will be done now to improve the air quality of the urban area. The Councillor suggested the By-Law could be passed now and amended in the future, if necessary. Councillor Whalen inquired if the By-Law was deferred, when would it come back to Council. In response, Mr. Eddy stated staff could address the health issues in two or three weeks. Councillor Whalen requested that the motion to refer be withdrawn. The mover of the motion declined.

In response to a question of Councillor Whalen regarding Section 7 of the By-Law, Mr. Eddy stated staff can issue a \$100 fine on the spot in a case of violation.

Speaking in support of the deferral, Councillor Streach stated diversity in HRM also needs to be taken into consideration. The Councillor inquired if the amendment requested by Councillor Colwell regarding the commercial burning permit would help alleviate the concerns expressed by the Sackville Golf Course. Mr. Eddy responded that many similar companies find it beneficial to chip wood for use in landscaping and to send the larger pieces to a mill. Therefore, staff did not see this as a major issue but would be willing to reconsider it if directed to do so by Council.

Also speaking in support of the deferral, Councillor Cunningham stated it would not be advisable to pass the By-Law now knowing it needs reworking. With respect to the health concerns, the Councillor stated the discussion is starting to move into other areas that may be beyond the scope of Fire Services.

Speaking against the deferral, Councillor Mosher stated if a significant improvement can be made today the by-law should be passed now and, if necessary, Council can make an amendment in a few weeks after the health issues raised can be addressed by Fire Services. The Councillor noted it has been ten months since this issue was first raised. Councillor Cooper stated that due to health and community concerns, the issue of how health is affected by activities inside residences will be raised as well. The Councillor expressed concern with the time of year when there are inversion layers around the municipality covering areas with a screen of smoke from indoor fireplaces and wood stoves. Councillor Cooper stated this By-Law should not be deferred as the proposed By-Law will start making steps to address the issues raised. If necessary, amendments can be made in the future.

Councillor Smith spoke in support of the deferral suggesting the former City of Dartmouth By-Law may be a better alternative.

Councillor McInroy stated the issue that has surfaced is significant, but it is not restricted to summer outdoor burning, and it includes whatever generates smoke in a highly populated

area to the extent that it becomes a problem to neighbours or the neighbourhood. Responding to a question of the Councillor regarding indoor winter home heating devices, Mr. Eddy stated as many health concern calls are received by Fire Services in the winter as in the summer, and it is a significant issue. However, Fire Services had to decide whether or not to address this as well, or address the risk of fire from an unapproved appliance, which is what they chose to do. Councillor McInroy agreed it makes sense to move forward with some controls provided with this proposed By-Law, and to ask staff to follow up on the whole issue of smoke in general.

Councillor Harvey stated passing this By-Law now would not preclude Council from returning to address concerns raised this evening with certain sections of the By-Law. The Councillor noted he receives complaints in the winter regarding wood stoves, and stated there is no need to defer this By-Law any longer.

Mr. George McLellan, Acting Chief Administrative Officer, stated this By-Law came forward to address a mixture of fire safety issues and the health issue has arisen from that. Mr. McLellan stated Council can give staff direction to address these health issues which are separate from the original intent of the By-Law.

Speaking against the By-Law, Councillor Adams stated this By-Law will help address the health concerns. The Councillor suggested Council could direct staff to further address some of the concerns raised this evening.

Councillor Warshick stated if the By-Law is passed, he would like further recommendations to come back to Council, in particular with respect to Section 5(d), suggesting the clearance distance be amended to a minimum of 15 feet for outdoor burning devices. However, he noted that he would prefer to see these devices banned altogether.

Speaking against the deferral, Councillor Colwell stated the By-Law will immediately give Fire Services and the residents a manner to address some of the concerns. The Councillor stated he would be willing to look at further restrictions of outdoor burning devices in the core area.

Responding to a question of Councillor Goucher regarding HRM's legal right to ban the outdoor burning pots, Mr. Wayne Anstey, Municipal Solicitor, stated there are two areas in the Municipal Government Act where action could be taken: Nuisance and Health. The Councillor inquired if this would not tend to involve the use of indoor wood burning appliances as well and the matter would snowball. Councillor Goucher cautioned Council in how it proceeds with this matter.

Closing the debate, Councillor Hetherington noted the issue of indoor wood stoves arose in the former City of Dartmouth, and it would be an issue of the Department of the Environment.

The Councillor noted that in some areas of Canada, the use of these appliances depends on the wind velocity. Councillor Hetherington stated he did not want to stop the protection that the proposed By-Law would immediately provide, and, therefore, agreed to withdraw his motion on the premise that in three or four weeks staff would come back to Council with possible amendments to Sections 5 and 6. The Secunder of the motion concurred.

MOTION WITHDRAWN.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that By-Law O-101 be given Second Reading with the condition that Sections 5 and 6 come back with possible amendments.

Mr. Anstey advised Council that any amendments to the By-Law would require the approval process to restart. Mr. McLellan suggested that Council deal with the By-Law as is, and in three weeks staff can come back with a recommendation for possible amendments. In the meantime, he suggested Council can give Fire Services instruction to vigorously enforce Section 7 in terms of open air burning in the urban area.

Councillors Hetherington and Sarto agreed, and amended the motion to read as follows:

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that By-Law O-101 be given Second Reading.

Councillor Warshick put forth the following amendment:

MOVED by Councillor Warshick, seconded by Councillor Cooper, that Section 5 (d) be amended to read a minimum of 15 feet.

Councillor Cunningham expressed concern with the feasibility of the amendment on the average lot size.

The vote was taken on the amendment.

MOTION DEFEATED.

Councillor Colwell stated he would like an amendment with respect to providing commercial burning permits to individuals. Following a brief discussion on this, it was agreed that this issue be referred to staff for review.

Responding to a question of Councillor Sarto, Mr. Eddy stated if someone states they have a health concern with respect to a fire, the fire will be extinguished.

The vote was then taken on the motion for Second Reading.

MOTION PUT AND PASSED UNANIMOUSLY.

**MOVED by Councillor Hetherington, seconded by Councillor Sloane, that Sections 5, 6 and 12 be referred back to Fire Services for review in light of the concerns raised, and to come back in three weeks with a recommendation for possible amendments.
MOTION PUT AND PASSED UNANIMOUSLY.**

9.2 Second Reading By-Law S-304 Respecting Streets (Costs to Property Owner - Removal of Improperly Placed Solid Waste) (Supp Report)

- C By-Law S-304 passed First Reading on August 21, 2001, and was now before Council for Second Reading.
- C A supplementary staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.
- C Correspondence from Mr. H. F. H. Pullen, President, Peninsula South Community Association, dated September 16, 2001, regarding the above, was before Council for its consideration.

Mr. Peter James, Regional Coordinator, By-Law Enforcement, presented the supplementary report to Council.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the By-Law.

Owen Carrigan, Coburg Road

Dr. Owen Carrigan addressed Council regarding the By-Law amendment, stating improperly placed solid waste is a major problem in his area. However, Dr. Carrigan stated he is opposed to the By-Law because he does not believe it will solve the problem, and he would prefer to see something that would be more effective. Some of the problems he expressed with the by-law are as follows

- C Landlords have no effective way to enforce the by-law
- C This may create an avenue of harassment for tenants in a dispute with their landlord or neighbours.
- C Dumping of garbage on another person's property cannot be resolved with this by-law.
- C Student tenants are difficult to contact if they are creating a problem.
- C Does Council want to give the message to young people that they can break the law and someone else will have to take responsibility for it?

C The By-Law may be unconstitutional.

In closing, Dr. Carrigan stated landlords should be encouraged to provide the proper information to their tenants with respect to the removal of solid waste, and those that put garbage out illegally should be issued tickets.

It was noted that Councillors Warshick, Mosher, Goucher and Smith were not present in the room for part of the Public Hearing and, therefore, would be ineligible to vote on the By-Law amendment.

Mayor Kelly called three times for additional speakers either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council give Second Reading to By-Law S-304 Respecting Streets (Costs to Property Owner - Removal of Improperly Placed Solid Waste).

In response to comments made by Dr. Carrigan, Councillor Uteck noted ticketing does not result in the illegally placed garbage being removed, and, in some cases, tickets have been issued for several days before the solid waste is removed. The Councillor noted Council asked staff for an amendment to the Residency Tenancy Act so that garbage regulations would be directly written into a lease arrangement, and the garbage regulations would be posted on all residential rental properties. Councillor Uteck stated the dumping issue is a very valid concern and this By-Law does not address this issue. However, she noted that By-Law Enforcement staff search illegally placed garbage in an attempt to determine where it may have originated. In closing, Councillor Uteck stated By-Law Enforcement is in the business of ensuring compliance and not issuing fines.

Speaking in support of the By-Law, Councillor Rankin stating it provides a remedy for collecting the cost of removing the illegally placed garbage which does not currently exist. The Councillor stated the focus of the By-Law is to provide a disincentive to the chronic offenders. With regard to incidents of dumping, Councillor Rankin stated the By-Law Enforcement Officer will provide judgement in these areas.

Responding to a question of Councillor Cooper regarding the responsibility of real estate agents with respect to this issue, Mr. James stated the By-Law would make contact with the agencies in cases where garbage has been left behind by the previous owners. He also

noted that a lien would be placed on the property if by-law enforcement action has been taken against the property. Therefore, responsibility would depend on the status of the sale. Mr. Wayne Anstey, Municipal Solicitor, noted the real estate agent is basically retained to sell the property and not as an agent for the removal of the solid waste. From a legal perspective, Mr. Anstey stated if notice was given to the owner before the transfer of the property took place, the fact that the purchaser's lawyer did not know about it would not remove the lien.

Speaking in support of the By-Law, Councillor Sloane stated this is a serious problem for District 12 and this amendment will help alleviate it.

At this time, Councillor Adams requested that debate be suspended to deal with Item 10.2.1 Presentation - Canadian Red Cross, as the presenters have to leave shortly for another engagement. Council agreed to the request.

10. Presentation

10.2.1 Canadian Red Cross

Mr. Dennis Holland, President, and Mr. John Byrne, Regional Director, Canadian Red Cross, made a presentation to Council to thank HRM and to recognize the community at large for their assistance during the U.S. Disaster. In their presentation, Mr. Byrne made the following points:

- C 8,666 people were displaced over a 12 hour period.
- C Over a four day period, 1,622 volunteers assisted in the efforts.
- C 72,000 meals were served in four days.
- C 18 comfort shelters as well as numerous private homes were offered to accommodate the displaced passengers.

In response, Mayor Kelly thanked the Red Cross for their work.

At this time, Council returned to the debate of By-Law S-304.

9.2 Second Reading By-Law S-304 Respecting Streets (continued debate)

Responding to a question of Councillor Walker regarding illegal dumping on residential properties, Mr. James stated the By-Law Enforcement Officer will work with the property owner to determine who illegally dumped the solid waste. This By-Law amendment just provides another tool to help remedy the situation and will not be used in all cases.

In response to a question of Councillor Cunningham, Mr. James stated if the culprit is not identified in cases of illegal dumping, no fines will be issued to the property owner and staff will work with them in an attempt to resolve the problem.

Deputy Mayor Blumenthal suggested Fire Services and By-Law Enforcement should work together in terms of enforcement to provide weekend service. Mayor Kelly noted a staff report is forthcoming with regard to weekend and night operations.

Closing the debate, Councillor Fougere noted it is not just rental properties that create this problem, as the problem exists with private properties as well. The Councillor stated this By-Law will provide an opportunity to get rid of the illegally placed garbage which is what the residents want.

MOTION PUT AND PASSED UNANIMOUSLY.

RECESS

A recess was taken at 8:35 p.m. Council reconvened at 8:45 p.m.

9.3 Second Reading Case 00179 - Application by HRM to Amend the MPS and LUB for Dartmouth to Enable Rezoning of Lands in the Wrights Cove Area from I-3 (Harbour Oriented Industrial) to I-2 (Gen. Industrial)

- C The Amendments to the MPS and LUB for Dartmouth to enable rezoning of lands in the Wrights Cove Area from I-3 to I-2 passed First Reading on August 21, 2001, and were now before Council for Second Reading.
- C A supplementary staff report prepared for Dan English, Deputy Chief Administrative Officer, dated August 30, 2001, regarding the above, was previously circulated to Council on September 4, 2001.
- C Correspondence from Chris Mills, Controller, Seamasters Marine Services, dated September 7, 2001, was before Council for its consideration.
- C Correspondence from Guy Eastabrook, Cove Lane, Dartmouth, dated September 9, 2001, was before Council for its consideration.

With the use of overheads, Mr. Roger Wells, Regional Coordinator, Planning and Development Services, presented the amendments to Council. In his presentation, Mr. Wells noted an amendment to Page 7, Section 31 (1). The word "driveway" should be inserted following the phrase "excepting for the purpose of".

Responding to a question of Councillor Cooper, Mr. Wells stated there is a possibility that one to three driveways may infringe upon the 50 foot buffer. Mr. Tom Rath, Director, Real Estate Services, clarified that the purpose of this is to improve the driveways on Windmill Road and it would only impact two. In both cases, HRM would be party to the agreement that would allow this to happen.

In response to a question of Councillor Goucher regarding the 50 foot clearance from a watercourse in an industrial zone, Mr. Wells stated staff is comfortable with this figure given the fact that the existing by-law has no setback requirement.

Responding to a question of Councillor Smith regarding the 30 foot buffer between industrial and existing residential areas, Mr. Wells stated staff researched this issue and determined this figure to be reasonable. In response to a further question of the Councillor regarding the number of vacant lots that would be available to develop if the Greenbank/Cove Lane was rezoned R-1, Mr. Wells estimated there would be 20-30 properties in total, 15-20 on Greenbank Court. Councillor Smith inquired if there have been any applications to re-zone to R-1 since 1978. Mr. Wells responded to his recollection there have not been any. In response to a final question of the Councillor, Mr. Wells stated there were inquiries from property owners along Windmill Road who were interested in doing some development that would not be permitted if these lands were zoned I-3, and would require an I-2 zone. However, the initiative by HRM for this particular property precipitated this application.

In response to a question of Councillor Sarto, Mr. Wells stated no further residential development would be permitted on vacant lots in this industrial area. The property owners would not be able to subdivide, but they could add on if these amendments are approved.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the amendments.

Mr. Guy Eastabrook, 15 Cove Lane

Mr. Eastabrook addressed Council stating I-2 zoning is not appropriate for this piece of land due to the close proximity to a shallow cove on the Bedford Basis. Mr. Eastabrook stated he would like to see R-1 zoning for Cove Lane and Greenbank Court for the reasons stated in his correspondence to Council dated September 9, 2001.

Mr. Ed Schumacher, 12 Basinview Drive

Mr. Schumacher addressed Council, stating he has lived in the area for 42 years, noting it is a very pristine areas akin to Northwest Arm or Shore Drive. Mr. Schumacher stated the area north of Bancroft Drive is undeveloped up to the Dartmouth Yacht Club. He questioned the practicality of industrial buildings in a blast zone. Mr. Schumacher stated some of the

restrictions that have been put on property owners in this area are no city services, such as water and sewer. In closing, Mr. Schumacher stated there should be something Council can do to give the residents a hand.

Mr. Jerry Pye, MLA, Dartmouth North

Mr. Pye addressed Council stating a number of residents have asked him to speak to Council on their behalf against the application to re-zone from I-3 to I-2, because the residential community is slowly disappearing and the community feels it is about to lose its identity. Mr. Pye stated it is possible today to have a compatible mix of industrial and residential developments with the use of berms and the natural environment. Mr. Pye further stated that this is a unique opportunity in District 9 to allow high quality residential development, overlooking the Bedford Basin. With regard to the planning itself, Mr. Pye stated the people in the community have never been told what will be developed on this land, except that it may be office towers. Mr. Pye expressed concern that he has yet to see any traffic or pedestrian studies based on a model of potential development in this area. In closing, Mr. Pye asked Council to seriously consider not supporting this application simply because of the pressure it is placing on the existing surrounding neighbourhood and the pressure it will place on the existing neighbourhood that is already squeezed out as a result of Burnside Industrial Park.

Mr. Robert Roy, Roycom Inc.

Mr. Roy addressed Council stating his company is a major land owner in Burnside Industrial Park and pays over \$850,000 in property taxes. Mr. Roy stated the proposed development is predicated on HRM re-zoning this land from I-3 to I-2. As a citizen, Mr. Roy stated there are many significant benefits to HRM in approving this re-zoning as it will provide a proper four-way intersection at Wright Avenue and Windmill Road. The financial benefits to HRM will be \$1.4 million in revenue for the transfer of the land, and on an on-going basis there will be at least \$1 million per year in property and business occupancy taxes. In closing, Mr. Roy stated this is a window of opportunity for HRM to properly do something with this intersection and unlock the value of the land. Mr. Roy stated this is a one time opportunity and any further delays will end it. With respect to the residents, Mr. Roy stated he hopes that in the future they can maintain their existing rights, and that they have the opportunity to come back to Council at any time for a re-zoning.

Mr. Chris Mills, Seamasters Marine Services

Mr. Mills addressed Council in support of the proposed amendments for the reasons outlined in his correspondence circulated to Council dated September 7, 2001. Mr. Mills stated this is a step forward for the area and it is going in the right direction.

Mayor Kelly called three times for additional speakers either in favour of or against the amendments. Hearing none, the following motion was put on the floor:

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

Speaking in support of the amendments, Councillor Hetherington stated it gives the residents benefits they do not currently have.

MOVED by Councillor Hetherington, seconded by Councillor Streach, that Council give Second Reading to the revised amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth, as shown on Map 2 and in Attachment 1, 2 and 3 of the staff report dated August 30, 2001, and with the amendment to Page 7, Section 31 (1), with the word “driveway” being inserted following the phrase “excepting for the purpose of”, to enable the re-zoning of certain lands in Wright’s Cove from I-3 to I-2, the addition of new Land Use By-law provisions concerning yard requirements, and to provide improved buffering for existing residential uses in the area.

Councillor Smith stated this application has caused him great concern from the very start, and it is very difficult to support parts of the proposal. The Councillor expressed concern with the lack of consultation with the area Councillor and the residents of the area. Councillor Smith stated his main concern is with the residents as they have been trying for years to get the protection they want. The Councillor stated the residents were in the area first and they deserve the same protection as others in an R-1 zone. Councillor Smith questioned why this could not be addressed through a site specific amendment. The Councillor agreed there are some good points in the amendment for the residents, however they want the protection of an R-1 zoning. Councillor Smith stated these residents deserve their own individual process to address their concerns rather than being part of this larger process, and requested that staff address this issue.

Speaking in support of the motion, Councillor Streach stated if this application will improve the intersection, he is in favour of it. The Councillor noted the residents will see the benefits and it will give them part of what they are seeking.

In terms of the process, Mr. George McLellan, Acting Chief Administrative Officer, stated this is a very difficult issue and staff have tried to put together a very legitimate process and address every avenue raised.

Responding to a question of Councillor Harvey, Mr. Wells stated I-3 zoning is very restrictive. I-2 zoning is applied through all of the Burnside Industrial Park and allows all types of commercial and general industrial uses and excludes residential. Mr. Roy noted the development involves three parcels of land. The two smaller parcels are very valuable and could only be used for certain businesses, such as drive-thru restaurants or other similar operations. There is no specific development planned for the larger parcel of land, but the value of this land will be such that the only business that could afford it would be a higher use in the I-2 framework. Councillor Harvey questioned if the property could be rezoned for high end commercial/industrial, and, at the same time, address the concerns of the residents. Mayor Kelly responded that the issue of additional protection for the residents can come back to Council at a later date.

As it was now 9:50 p.m., the following motion was put on the floor:

MOVED by Councillor Walker, seconded by Councillor Adams, that the meeting extend beyond 10:00 p.m. until the agenda is completed. MOTION DEFEATED.

MOVED by Councillor Cunningham, seconded by Warshick, that the meeting extend beyond 10:00 p.m. to complete this item only.

Councillor Rankin noted Item 13.5 Western Region Community Council (Chair, Councillor Rankin) Case 00265 - Request to Amend the MPS for Timberlea/Lakeside/Beechville is to only set a date for a Public Hearing and requested that this item be heard before adjournment.

MOVED by Councillor Rankin, seconded by Councillor Goucher, that the motion be amended to include hearing Item 13.5. MOTION DEFEATED.

The vote was then taken on the main motion.

MOTION PUT AND PASSED.

Discussion continued on Item 9.3 Second Reading Case 00179 - Application by HRM to Amend the MPS and LUB for Dartmouth to Enable Rezoning of Lands in the Wrights Cove Area from I-3 (Harbour Oriented Industrial) to I-2 (Gen. Industrial).

Councillor Cunningham stated the re-zoning makes sense from a business point of view. The Councillor stated the residents' concerns can be addressed at a later date. Responding to a question of the Councillor, Mr. Wells stated the residences are currently zoned I-2 or I-3.

Speaking in support of the motion, Councillor Hines stated this application is a self-supporting offer to HRM.

Also speaking in support of the motion, Councillor Fougere stated there is an opportunity for the residents to address their re-zoning issues separately.

Responding to a question of Councillor Warshick, Mr. Rath stated under the agreement of Purchase and Sale, the road will be initially paid for by HRM and when the large lot in the back is sold, the roadway will be sold as part of that. A maintenance agreement will be put in place for all the property owners using the driveway.

Closing the debate, Councillor Smith reiterated the comments of the residents regarding the reasons they deserve to have the opportunity for a comprehensive application for R-1 zoning, stating he will continue to fight for the residents' concerns.

MOTION PUT AND PASSED.

As it was now 10:05 p.m., the meeting adjourned. The following remaining agenda items were deferred to next week (October 9, 2001):

- 10.2.2 Presentation - Harbour Solutions Proposal
 - (i) Claudiane Ouellet-Plamondon
 - (ii) Benjamin Beckwith
- 11. REPORTS
 - 11.1 CHIEF ADMINISTRATIVE OFFICER
 - 11.1.1 Tender 01-128 Three (3) Harley-Davidson Police Motorcycles
 - 11.1.2 Tender 01-086 New Rescue Pumps for the Beaver Bank Fire Dept.
 - 11.1.3 HRM Community Trails - Nova Scotia Trails Act
 - 11.1.4 Lacewood Drive Sidewalk District 16, Halifax
- 12. MOTIONS
 - 12.1 Councillor Fougere (deferred Sept. 25) - GATS
- 13. ADDED ITEMS
 - 13.1 Councillor Adams - Busing - Rockingstone Heights School
 - 13.2 Councillor Mosher - Chipsealing - District 17
 - 13.3 Correspondence from Nova Scotia Utility and Review Board dated September 28, 2001 re: Natural Gas Distribution Franchises
 - 13.4 Correspondence from Federation of Canadian Municipalities dated September 21, 2001 re: Federal Policy on Affordable Housing
 - 13.5 Western Region Community Council (Chair, Councillor Rankin) Case 00265 - Request to Amend the MPS for Timberlea/Lakeside/Beechville to Enable a Mixed Use Golf Course Community on a 530 Acre Site, and to Enter into a Development Agreement to Permit up to 3200 Dwellings in Conjunction with an 18 hole Golf Course, Town Centre and Commercial Area
 - 13.6 Nova Scotia Rehabilitation Centre - Councillor Sloane
 - 13.7 Supplementary Education Funding - Halifax Regional School Board

- 13.8 Property Matter: Release of Easement & Acquisition Easement - Celtic Drive
Dartmouth
- 13.9 Property Land Exchange - Richardson Animal Hospital - Cobequid Road
- 13.10 Legal Matter: Settlement of Claim

Vi Carmichael
Municipal Clerk