



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
January 5, 2017**

PRESENT: Councillor Bill Karsten, Chair
Councillor Tony Mancini, Vice Chair
Councillor David Hendsbee
Councillor Lorelei Nicoll
Councillor Sam Austin

STAFF: Ms. Claire Gillivan, Solicitor
Ms. Krista Vining, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/Commcoun/east/170105hemdcc-agenda.php>

The meeting was called to order at 6:00 p.m., and recessed at 6:49 p.m. to move into In Camera (In Private). The Community Council reconvened at 6:55 p.m., and adjourned at 7:09 p.m.

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.

2. APPROVAL OF MINUTES – December 8, 2016

MOVED by Councillor Nicoll, seconded by Councillor Mancini

THAT the minutes of December 8, 2016 be approved as circulated.

MOTION PUT AND PASSED.

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

MOVED by Councillor Mancini, seconded by Councillor Hendsbee

THAT the agenda be approved as presented.

Two-third majority vote required.

MOTION PUT AND PASSED.

- 4. BUSINESS ARISING OUT OF THE MINUTE – NONE**
- 5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE**
- 6. MOTIONS OF RECONSIDERATION – NONE**
- 7. MOTIONS OF RESCISSION – NONE**
- 8. CONSIDERATION OF DEFERRED BUSINESS – NONE**
- 9. NOTICES OF TABLED MATTERS – NONE**

10. HEARINGS

10.1 PUBLIC HEARINGS

10.1.1 Case 20540: Amendments to an Existing Development Agreement for the Harbour Isle development, Marketplace Drive, Dartmouth

The following was before Community Council:

- A staff recommendation report dated November 18, 2016

Ms. Melissa Eavis, Planner II presented the application of WSP Canada Inc. on behalf of Harbour Isle Halifax Incorporated to amend the existing development agreement for the Harbour Isle development to allow for the following:

- existing Lot C4 to be subdivided to create three (3) lots with frontage on Marketplace Drive; no changes to building locations or sizes are proposed
- additional parkade entrances to be located on Marketplace Drive and Seapoint Road for buildings two (2) and three (3), respectively
- change the number of townhouse units permitted

A copy of the staff report is on file.

In response to a question raised, Ms. Eavis was unable to confirm who the owner of the neighbouring property was.

The Chair invited the applicant forward to address the Community Council.

Mr. Conner Wallace, WSP Canada Inc. and Mr. David Osypowich, representing the property owner were introduced. Mr. Wallace indicated that they did not have a formal presentation and that Ms. Eavis' presentation outlined their application.

The Chair reviewed the rules of procedure for public hearings and opened the public hearing, calling three times for anyone wishing to speak on the matter. There being none, the applicant was invited to respond.

In response to questions raised, Mr. Wallace confirmed that they were in the beginning stages of planning process and confirmed the property owner was also the owner to the adjacent property. Mr. Wallace further noted that subject to the road extension, building three (3) is projected for spring.

MOVED by Councillor Mancini, seconded by Councillor Austin

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Mancini, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council:

- 1. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated November 18, 2016; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10.1.2 Case 20136: Rezoning 26 Bissett Road, Cole Harbour

The following was before Community Council:

- A staff recommendation report dated November 25, 2016

Mr. Shayne Vipond, Planner II presented the application of Southern Comfort Construction Inc. to rezone lands located at 26 Bissett Road, Cole Harbour from the R-2 (Two Unit Dwelling) Zone to the R-4 (Multiple Unit Dwelling) Zone, to allow the development of a multiple unit dwelling containing four (4) units. Mr. Vipond clarified that once a property is rezoned, all land uses permitted under the new zone may be developed on the site subject to meeting the regulations of the Land Use By-law, and that the *HRM Charter* does not allow for conditions to be placed on rezoning. He explained that in order to mitigate the risk of the property being sold, staff has evaluated the proposal as though it were a six (6) unit building in accordance with the Cole Harbour/Westphal Municipal Planning Strategy. A copy of the staff report is on file.

Mr. Vipond responded to questions of clarification respecting the parking, side yard setbacks and buffering under the R-4 Zone.

The Chair invited the applicant forward to address the Community Council.

Mr. Fred Southern, Applicant provided an overview of the affordable housing projects he has done since 2009 and showed the concept plan for 26 Bisset Road, Cole Harbour. A copy of the presentation is on file.

In response to a question raised, Mr. Southern clarified that the privacy fencing around the property was a condition of staff when he filed his planning application and would be shown on a future site plan, along with, parking arrangements and items such as storage and garbage bins. He noted that once the site plan is approved, he could proceed to the final lot grading phase.

The Chair reviewed the rules of procedure for public hearings and opened the public hearing for anyone wishing to speak on the matter.

Mr. Andrew Giles, Cole Harbour supported Mr. Southern's proposal but was concerned with stormwater runoff, as rear of Mr. Southern's property slopes towards his property. He saw diverting the water runoff onto Bissett Road as a challenge and was interested in discussing the site plan with Mr. Southern when it reaches that stage.

Ms. Barbara Adams, Eastern Passage on behalf of Canadian Association of Retired Persons (CARP) thanked Mr. Southern for creating affordable housing, not just for new homeowners but for the disabled and seniors. She viewed his plan not just as an economical plan, but also a long term care strategy, allowing seniors and people with mobility issues to remain in their neighbourhood and reducing healthcare costs. She expressed interest in seeing this concept expanded across the Municipality.

Mr. Peter Lund, Dartmouth agreed with and echoed points made by Ms. Adams.

Ms. Sherry, Cole Harbour sought clarification on the rezoning and whether there is a site plan and if the Community Council has reviewed the plan.

The Chair called three times for any other members of the public wishing to speak on the matter. There being none, the applicant was invited to respond.

In response to Mr. Giles' concern, **Mr. Southern** responded that in order to comply with getting the building permits, matters such as lot grading and drainage issues are taken into account. Mr. Southern explained that he would be working with an engineer to ensure that they meet the requirements of the Municipality and Halifax Water and is satisfactory to the surrounding neighbours.

MOVED by Councillor Mancini, seconded by Councillor Nicoll

THAT the public hearing close.

MOTION PUT AND PASSED.

Mr. Vipond responded to further questions of clarification respecting the rezoning and not being able to impose conditions as per the *HRM Charter*. He further explained how the Municipality's development engineers and Halifax Water are part of the review and approval process for building permits.

MOVED by Councillor Nicoll, seconded by Councillor Mancini

THAT Harbour East-Marine Drive Community Council adopt the amendment to Schedule A of the Cole Harbour/Westphal Land Use By-law as set out in Attachment A of the staff report dated November 25, 2016.

MOTION PUT AND PASSED.

10.2 VARIANCE APPEAL HEARINGS – NONE

11. CORRESPONDENCE, PEITIONS & DELGATIONS

11.1 Correspondence – None

11.2 Petitions – None

11.3 Presentations – None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Appointment to the Special Events Advisory Committee (HEMDCC Representative)

The following was before Community Council:

- A memorandum from the Office of the Municipal Clerk

MOVED by Councillor Hendsbee, seconded by Councillor Austin

THAT Harbour East-Marine Drive Community Council recommends to Halifax Regional Council the appointment of Councillor Mancini to the Special Events Advisory Committee (HEMDCC Representative) for a term to November 2018.

MOTION PUT AND PASSED.

13.2 BOARD & COMMITTEE – NONE

13.3 MEMBERS OF COMMUNITY COUNCIL – NONE

14. MOTIONS – NONE

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll

THAT Harbour East Marine Drive Community Council convene to In Camera to discuss the matter.

MOTION PUT AND PASSED.

Community Council recessed at 6:49 p.m. to convene into In Camera (In Private) and reconvened at 6:55 p.m.

15. IN CAMERA (IN PRIVATE)

Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following:

15.1 Personnel Matter

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <http://www.halifax.ca/boardscom/documents/Citizenrecruitmentpolicy.pdf>

15.1.1 Regional Watersheds Advisory Board Appointment – *Private and Confidential Report*

This matter was dealt with In Camera (In Private) and ratified in public as follows:

MOVED by Councillor Mancini, seconded by Councillor Nicoll

THAT Harbour East Marine Drive Community Council appoint one (1) Citizen Representative to the Regional watersheds Advisory Board for a term to November, 2018 as per the decision of the In Camera Community Council session held on January 5, 2017. It is further recommended that the citizen appointment be released to the public following ratification and notification of the successful candidate.

MOTION PUT AND PASSED.

15.1.2 Shubenacadie Canal Commission Appointments – *Private and Confidential Report*

MOVED by Councillor Mancini, seconded by Councillor Nicoll

THAT Harbour East Marine Drive Community Council appoint two (2) Citizen Representatives to the Shubenacadie Canal Commission for a term to November, 2018 as per the decision of the In Camera Community Council session held on January 5, 2017. It is further recommended that the citizen appointments be released to the public following ratification and notification of the successful candidate.

MOTION PUT AND PASSED.

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Mr. Peter Lund, Dartmouth spoke about the Lot Grading By-law, suggesting Council look at the By-law from the rural perspective and noted examples where flooding was the result of how lots were graded regardless of the size. Mr. Lund indicated that he would be making a written submission to Council when the By-law goes before them for revisions.

Ms. Barbara Adams, Eastern Passage expressed concern and noted the importance of leaving boundaries intact, adding that she has always considered Rainbow Haven Beach part of Cow Bay. She also spoke about the busing issue between Cole Harbour and Eastern Passage and the impact on kids getting to and from the communities for employment.

Mr. Tanner George, Eastern Passage echoed concern with adding hydrofluoric acid (fluoride) to the Halifax Regional Municipality's water supply, as raised by Ms. Dana Landry during the Community Council's December 8, 2016 public participation. He pointed out that it is a choice to add fluoride to the water supply and how there are safer fluorides such as calcium fluoride that could be used and does not contain mercury or arsenic. Mr. George commented that Halifax Water should not be actively putting fluoride into the water supply.

19. DATE OF NEXT MEETING – February 2, 2017, 6:00 p.m. HEMDCC Meeting Space Main Floor, Alderney Gate 60 Alderney Drive, Dartmouth

20. ADJOURNMENT

The meeting was adjourned at 7:09 p.m.

Krista Vining
Legislative Assistant