

APPROVED

HALIFAX REGIONAL MUNICIPALITY

NORTH WEST COMMUNITY COUNCIL

JUNE 27, 1996

PRESENT: Councillor Robert P. Harvey, Chairman
Councillors: Barry Barnet
Reg Rankin
Jack Mitchell

STAFF MEMBERS: Bill Butler, Manager, Planning Services, Central District
Paul Morgan, Senior Planner
Gail Bowen, Development Officer
Sean Audas, Development Technician
Sandra Shute, Assistant Municipal Clerk

REGRETS: Councillor Peter J. Kelly

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1. **INVOCATION**

The Chair called the meeting to order at 7:00 p.m. with an Invocation. The meeting was held in Tantallon, at St. Margarets Arena.

2. **APPROVAL OF MINUTES - JUNE 12, 1996**

MOVED by Councillors Barnet and Mitchell to adopt the Minutes of the meeting held on June 12, 1996. MOTION PUT AND PASSED UNANIMOUSLY.

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

The Assistant Municipal Clerk had indicated the addition of the following items to the Agenda:

- Business Arising Out of the Minutes
 - Composting/Garbeurators
 - MPS Amendment for Sackville
 - Lakes in the Metro Region
- Reports - Reports from Municipal Planning Advisory Committee

Councillor Barnet requested the addition of: Composting Workshop - Millwood

It was agreed to move up under Item 8: Western Community Planning Advisory Committee - Request to Amend the Provisions of a Development Agreement for a Golf Course Development proposed on Old Coach Road in Goodwood.

MOVED by Councillors Mitchell and Rankin to approve the Order of Business, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

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

4.1 **Composting/Garbeurators**

Community Council members agreed to receive, for information purposes, a Memorandum dated June 24, 1996 from Jim Bauld, Manager of Solid Waste in response to questions from the last meeting on composting and garbeurators.

4.2 **Municipal Planning Strategy Amendment for Sackville**

Community Council members agreed to receive, for information purposes, a Memorandum dated June 20, 1996 indicating that the Minister of Municipal Affairs approved, on June 19,

1996, File No. PA-SA-10-95 - Application to Amend the MPS for Sackville to Identify the Concerns, Common Interests and Efforts of the Community with Regard to the Protection of the Habitat and Water Quality within the Second Lake Watershed.

As Mr. Bill Butler was in attendance, Councillor Harvey questioned whether or not the application was approved by Municipal Affairs as submitted. In reply, Mr. Butler stated there had been a modification.

Councillor Harvey then requested that the amendment be circulated to members of Community Council, to which Mr. Butler agreed. Until the amendment is circulated, Community Council members would not be able to make comment on the rewording.

4.3 Lakes in the Metro Region

Community Council members agreed to receive, for information purposes, a letter dated June 20, 1996 from Dr. Tony Blouin, Principal, Environmental Issues, Policy and Planning on the data on lakes in the Halifax metro region supplied by Shalom Mandaville at the last meeting.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **PUBLIC HEARINGS**

8.1 File No. MVS-11-96-22 - Minor Variance Report - Lot 39C and Lot 39AY
Fronting on Both the Old Beaverbank Road and Irene Avenue - District 19

Mr. Sean Audas, Development Technician, with the aid of slides, provided an overview of the Staff Report dated June 18, 1996. This was an appeal of the Development Officer's decision pursuant to the Planning Act where the determination was that the proposal was not minor in that it violated the intent of the Land Use By-law. The property could be subdivided in a manner allowing the lot to be more useable and still maintain the required sideyard of 8'.

Councillor Barnet asked if there had been inquiries from the neighbours concerning this application. Mr. Audas replied that there was a question from a neighbour but it was not about the variance itself.

The Chair called for speakers in favour of the appeal.

Mr. Findlay Evong, speaking on behalf of Mr. Kennedy, advised that the property lines were created in 1993 when the lots were subdivided on the advice of Mr. Kennedy's surveyor and Mr. Kennedy did not realize, at the time, that there was any other choice in the matter. The objective was to straighten out the line from Irene Avenue back to Old Beaverbank Road and make a more suitable lot to sell. The lot would still meet the minimum size requirements, according to the new surveyor engaged.

On a question from Councillor Mitchell as to whether or not there was anything on the property now, Mr. Evong replied there was nothing.

Ms. Gail Bowen, Development Officer, who was also in attendance, spoke on the purpose of a minor variance under the Planning Act, advising that a minor variance was an exception. In this case, however, this was an existing building with an existing setback that meets the required setback. To reduce it now would be after the fact. This was not a situation where a building would be built on a property as it was already existing. There were other options that would straighten out the line and maintain the 8' setback without encroaching into the sideyard.

The Chair called for speakers opposed to the appeal, and in favour of the decision. There were none.

There were no written submissions to Community Council with regard to this application.

Mr. Evong, having asked to make rebuttal, advised that no one had offered any alternatives to straighten out the lot, certainly there had been no alternatives offered by staff.

Councillor Barnet stated that the line makes more sense than the original crooked line. This was a situation where the lot is owned by the family. The lot would be difficult to market in its present form. Considering the fact that at the front of the house there was 12' and no reason for a variance, he considered it a reasonable request.

MOVED by Councillors Barnet and Mitchell to grant the appeal from the ruling of staff on the Minor Variance. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Request to Amend the Provisions of a Development Agreement for a Golf Course Development Proposed on Old Coach Road in Goodwood

Community Council members were in receipt of a Report dated June 27, 1996 from Western Region Community Planning Advisory Committee recommending that the amending agreement attached to the June 3, 1996 Staff Report be approved.

Mr. Paul Morgan, Planner advised that under the original Development Agreement, the main building had to be at least 75' from any property line and in the general location approved. By having the building 75' from the nearest property line and away from the parking lot, it was too close to the tee off spot for the No. 1 tee. The owner was requesting that the setback be amended to 25', which was the only amendment to the Development Agreement. The proposal would not adversely affect nearby residential or community facility development because the two large lots at the end of Old Coach Road were not developed and were owned by the applicant. It was the opinion of staff that there would be plenty of room for setback and screening. Anyone interested in buying the lots would know there was a golf course on the abutting property as it was being started in the near future. Staff was recommending approval of the amending agreement attached to the Staff Report dated June 3, 1996.

As this was deemed a non-substantial amendment, Mr. Morgan said there was no notification put in the newspaper; however, anybody within 500' of the applicant's property received written notification affording them an opportunity to speak this evening.

The Chair called for speakers in favour of the application. There were none.

The Chair called for speakers against the application. There were none.

MOVED by Councillors Mitchell and Rankin to approve the amending agreement attached to the Staff Report dated June 3, 1996. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

Correspondence - None

Petitions - None

9.1 Presentation on Development Program for Lucasville/Upper Hammonds Plains

The Chair welcomed Rev. Darryl Gray, Development Coordinator, who introduced the rest of his delegation - Carol Oliver, Chair, Management Board, Lucasville/Upper Hammonds Plains Development Program, Daniel Norton, President, Upper Hammonds Plains Community Development Association, Elwood Marsman, Chair, Melvin Land Tract Protection Society. Community Council members received the following documents:

1. Strategic Plan for Lucasville/Upper Hammonds Plains
2. Affordable Housing Development Plan - Lucasville/Upper Hammonds Plains Development Program

3. Presentation on Development Program for Lucasville/Upper Hammonds Plains dated June 27, 1996 for Community Council

Rev. Gray provided an overview of the issues affecting the communities of Lucasville and Upper Hammonds Plains and said he hoped that Community Council members would be more sensitive to the needs of those communities. He outlined the development of the Strategic Plan, employment strategies in the area and explained the project objectives of the Affordable Housing Development Plan. He outlined recommendations to Community Council regarding issues and needs in both communities and asked for support from Community Council. Referring to water issues in the area, he advised that he would also be making a presentation to the Regional Water Commission.

On a question from Councillor Barnet as to whether or not the Melvin lands would be used for housing, Rev. Gray replied it was too far away especially when making an argument for water. New houses in the community were a better argument for water.

Councillor Harvey asked if any approach has been made as yet to staff regarding the July 2 meeting mentioned on page 3 of the Presentation. Rev. Gray replied it was unfortunate that the calls made to staff have not been fruitful to date.

Councillor Harvey pointed out that July 2 was Regional Council night and many of the senior staff were required to be in attendance. Councillor Barnet added that Mr. Carl Yates, General Manager, Regional Water Commission would likely be the appropriate staff person to be in attendance. In reply, Rev. Gray stated he would be meeting with Mr. Yates tomorrow and hoped to know more after that time.

As Councillor for the District that includes Lucasville/Upper Hammonds Plains, Councillor Rankin noted that he had attended a public meeting recently which was also attended by the MLA and MP for the area. At that time, there was general comment made on roads, water and employment opportunities. Acknowledging the fact that the issues were not insignificant and recognizing that the water project in Lucasville is on-going, he hoped that the residents would not be badly disappointed if there was indication later in July rather than on July 2. He went on to recommend that the documentation received, specifically the recommendations, be sent to the Chief Administrative Officer for Halifax Regional Municipality for his review and delegation to whatever Commissioner he sees fit. Noting that there was already a mandate for economic development by way of \$1.3 million being given in the last month to general economic development, there was ample precedent to do as much as possible to facilitate some of the recommendations.

MOVED by Councillors Rankin and Mitchell to refer the documentation to the Chief Administrative Officer for a general response within two months and for the Chief Administrative Officer to do what he can to facilitate and provide a coordinating role

from his office, with a copy to be sent to Mayor Fitzgerald and Mr. Carl Yates.
MOTION PUT AND PASSED UNANIMOUSLY.

The Chair thanked Rev. Gray and his delegation for attending.

9.2 Glengarry School Busing

The Chair welcomed Jeanette Pelley, 85 Charles Street and Ian Leathem, 15 Charles Street, both of Glengarry Estates.

Ms. Pelley provided background information regarding school bus service in Glengarry Estates which has been operating for approximately four years as a courtesy run so that the children would not have to go onto Highway 3 or cut through a wooded area to walk to school. The School Board recently made the decision to discontinue the service for the 1996/97 school year because there would be a road in place to connect the subdivision to the school and because students from Greenwood Heights subdivision have been walking about 1.8 km since the school opened. Because Glengarry Estates has been under construction for two years and it was expected to continue for at least another two, it was not fair to compare the situation with Greenwood Heights and there was the concern with construction traffic in Glengarry Estates.

Ms. Pelley went on to explain about a presentation made to the School Board regarding the residents' concerns and the fact that the School Board had already made its decision to remove Glengarry from the school bus schedule even before her presentation. She expressed concern that the Board members did not tour the site in consideration of the residents' concerns. The School Board indicated that what they would do would be remove the bus and monitor the situation. If they felt it was dangerous, they would put another bus service on.

Ms. Pelley circulated information to each Councillor and went on to explain the situation existing in Glengarry Estates by way of a concept plan and pictures and pointed out that no matter which way the children walked, they would have to enter the intersection with the crosswalk in the construction area. Because there was no money to staff crosswalks, they would have to be staffed by volunteers if they were available. She asked Community Council to consider the children and to ask the School Board to reconsider its decision.

Mr. Ian Leathem summed up the points made by Ms. Pelley and pointed out that construction would continue for at least the next two years, meaning heavy traffic and construction vehicular traffic. He urged Community Council to think proactively rather than have the bus service put back on after something has happened.

Responding to a question from Councillor Barnet as to what has happened to make a change, Mr. Leathem replied that James Street was formerly a dead end and the students were bused along the highway to the school. He pointed out that no special consideration was being requested in the long run, just for the length of time the construction continues in the area.

Mr. Bill Butler, in attendance on another issue, advised he had discussed the situation with the Building Inspector, who confirmed that the area was very chaotic at this time. The long term intent was for the bus to be cut but with that amount of activity, it would no doubt be dangerous to walk through the subdivision.

Councillor Harvey asked, if the subdivision were fully developed, would that be a different matter, to which Ms. Pelley replied that the residents would deal with it. It was during the height of the construction period that was the concern.

Councillor Rankin clarified that the bus service was provided on a courtesy basis because there was no link to the school. The opinion of the School Board and the community was that travelling on Highway 3 was totally unsafe and it had nothing to do with the 2.6 km., which was the norm. The second entrance was a requirement by the County for Mr. Armoyan to put in if he wanted his development. It was amply evident that the area was not safe for the uninitiated, especially young children. He had attempted to point out the facts in a letter he wrote to the School Board. There was a moral obligation to at least look at the problem inasmuch as the road was put in as a requirement and Community Council should ensure that the School Board does not unduly take advantage of the road, which will not be a safe road until the construction is over. There was also an obligation to monitor the project during the course of the construction and one of the implications was safety. He recognized it was a courtesy run but circumstances have not sufficiently changed to change the safety concerns. He suggested that a strong letter should be sent to the School Board requesting that they re-examine the issue with a view to looking at the safety concerns and that there is a contractual agreement for the road but it is not safe until the construction period is over. Failing reinstatement immediately, at the very least the School Board should examine the situation as they indicated they would and advise at the beginning of the school year regarding their position.

MOVED by Councillors Rankin and Mitchell that a letter be sent to the School Board in this regard. MOTION PUT AND PASSED UNANIMOUSLY.

During the course of the presentations, there was reference made to construction vehicles on subdivision roads. Councillor Barnet asked if these construction vehicles were licenced to drive on those roads. As Sgt. Bishop, RCMP was in attendance, he responded by saying that the Highway Patrol could look into the situation; however, he would appreciate a letter requesting same.

MOVED by Councillors Barnet and Rankin that a letter be sent to the RCMP Tantallon Detachment requesting that the Highway Patrol check out the situation and provide a report back to Community Council. MOTION PUT AND PASSED UNANIMOUSLY.

The Chair thanked Ms. Pelley and Mr. Leathem for attending and expressing their concerns.

10. **REPORTS**

10.1 Water Study - Goodwood

Councillor Mitchell advised that a water study is presently being carried out in the Goodwood area consisting of 2.1 km from the Atlantic Winter Fair to the Old Coach Road. A report should be available shortly as to costs.

10.2 Planning Advisory Committee Structure

At the last meeting, a report from staff was received regarding the formation of a Planning Advisory Committee for Community Council. The report was subsequently sent to the existing Planning Advisory Committees for comment, either written or verbal for this meeting.

Community Council members were, therefore, in receipt of the following reports:

1. Report from Sackville Community Planning Advisory Committee including a recommendation for the formation of two Planning Advisory Committees for the North West Region along the lines of Plan areas.
2. Report from Western Region Community Planning Advisory Committee including a recommendation for the formation of one Planning Advisory Committee for the North West Region.
3. Report from Municipal Planning Advisory Committee including a recommendation for the formation of one Planning Advisory Committee for the North West Region.
4. Letter dated June 20, 1996 from Delphis Roy, member of Municipal Planning Advisory Committee recommending the formation of one Planning Advisory Committee for the North West Region.

MOVED by Councillors Rankin and Mitchell that the staff recommendation be supported and that there be one Planning Advisory Committee for the North West Region consisting of ten citizens - two from each District - and two Councillors. Further, that members of the new Planning Advisory Committee be paid travel costs, but no stipend.

Councillor Rankin clarified his motion by saying that he had originally thought there should be more than one Planning Advisory Committee but, if there was going to be a community of interest, from the very beginning there should be one Planning Advisory Committee to reflect that community of interest.

Councillor Mitchell stated he supported the motion, reflected in the fact that he had seconded it.

Councillor Barnet stated he also supported the motion. Originally, he leaned towards more than one Planning Advisory Committee but had changed his mind because of work load and representation. He explained further and said it was important to have no more fragmentation than necessary.

The Chair invited comments from the public.

Ms. Anne Marie Kelly, Chair, Sackville Community Planning Advisory Committee stated she felt that the Councillors have already made a decision without much input from the residents who were part of the Planning Advisory Committees. She wished, however, to review the recommendations put forward by the Sackville Community Planning Advisory Committee.

Following Ms. Kelly's review of the recommendations, Councillor Barnet pointed out that the Planning Act requires two Councillors to sit on a Planning Advisory Committee. In response, Ms. Kelly said that two Councillors would sit, according to the recommendation, in the North West Region, one on each Committee.

On a question from Councillor Barnet as to why the Committee was recommending that Councillors should not be Chair or Vice-Chair, Ms. Kelly replied that the Committee felt the Councillor filled the role of liaison and was someone to whom the Committee could pose questions.

Ms. Helen Matheson, Chair, Western Region Community Planning Advisory Committee reviewed her Committee's report and expressed concern that Community Council should recruit the right people for the new Committee. She stressed this was a voluntary body.

Mr. Tony Edwards, Member of the Bedford Planning Advisory Committee suggested there should be one Committee for each of the Plans in effect in the North West Region. There were different restrictions in different Plans and this could prove to be confusing if there was only one Committee.

Ms. Berit Pittman suggested that if there was going to be one Committee only, that the County building could be the meeting site for the majority of meetings which would be a focal point for people travelling from different areas.

Ms. Theresa Scratch questioned how the one Committee would be able to function with the workload it would have. Citing the work carried out by Sackville Community Planning Advisory Committee, she asked if it would be realistic to ask a volunteer body to meet two or possibly three times a month. By setting up one Committee, it would have to meet at different locations throughout the North West Region and might not be able to deal with a certain issue in the location of the issue.

In response, Councillor Rankin said he did not think a hearing had to be held in the community where the issue arises. There would be an opportunity for anyone to speak no matter where the meeting is held. He added that the five Councillors making up North West Community Council had moved to strike a community of interest. One Planning Advisory Committee would encourage a community of interest on the grass roots level whereas Community Council would not have the opportunity to reach out to the community on planning issues. *at*

In response to too much workload for volunteers, Councillor Barnet said he did not see this to be the case. He cited Municipal Planning Advisory Committee as an example. With regard to area advisory committees, this was a positive approach.

Ms. Ann Murray, Seabright suggested that one Planning Advisory Committee could be formed to see how it works. If there were problems, it could be reviewed at a later date.

In response to a question from the Chair with regard to workload, Mr. Butler replied that if the workload was getting too heavy and the time frame was getting too long to make decisions, he would be the first person to come back to Community Council. In terms of the number of meetings per month, Councillor Rankin stated he could see one meeting a month, with a maximum of two.

Mr. Mike Gray, Member of Sackville Community Planning Advisory Committee stated he also felt the decision was already made. He asked if Community Council thought a committee of ten members and two Councillors would be able to handle the workload required. He pointed out that all that was needed was for the two Councillors to disagree on an issue, particularly if one of them was Chair or Vice-Chair. He saw two committees as an efficient use of people and time available, with one Councillor dealing with the issues on each committee. Having one committee would smother the public access to which residents have become accustomed. He suggested that with the absence of Councillor Kelly, Community Council should defer a decision until the next meeting.

Mr. Walter Regan said he believed there should be two Planning Advisory Committees.

Councillor Mitchell, in reply to the comments, said that if one Planning Advisory Committee cannot handle the workload, then changes can be made.

Having been forced to look at new communities, Councillor Rankin said that he was not going to have his District split for planning issues. He could not see why one area could not look at planning issues for another area. If there was any pretence, he wanted out and would go with his new community of Hammonds Plains/ Timberlea. At this time, it was necessary to get on with other structures that reflect the new community of interest.

With regard to the recommendation for two committees, Councillor Harvey said he saw merit in this because of the size of the new Regional Municipality wherein Community Councils were being formed to mitigate the size. Formed from those Community Councils would be committees which would keep government close to the people, decision making close to the people and involve as many citizens at large as possible. He saw a North and West Planning Advisory Committee as one way of involving people in planning matters that affect them most closely. Whatever the decision of Community Council, he saw merit in assessing it within a year to see if it is working. He foresaw the Bedford District and the two Sackville Districts as a natural involvement with the remaining parts fitting into a second committee and did not see it as continuing old loyalties or structures. For these reasons, he would not be supporting the motion.

At this time, Councillor Harvey asked Councillor Rankin if he wished to defer this matter until the next meeting, consider the idea of using the new District boundaries and allow Councillor Kelly to speak to that.

In response, Councillor Rankin stated he would not have two committees within his District; however, he might consider the idea of using the new District boundaries but, in his opinion, it was an inferior position. By deferring the issue, it would mean another hour of debate when staff and public representations were invited for tonight.

Councillor Barnet called for question on the motion. If the motion was defeated, however, he wanted to see a Staff Report on the issue of a two-committee concept.

MOTION PUT AND PASSED 3-1.

The motion having passed, Councillor Harvey requested that Community Council review the formation of one Planning Advisory Committee in six months after the first meeting of the new Planning Advisory Committee, with a staff review with input from the committee as to how the committee is working to date.

MOVED by Councillors Mitchell and Barnet to request a staff review in six months from the date of the first meeting, along with input from committee members. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Harvey then asked how Community Council wished to proceed to solicit interested citizens. Community Council members agreed to advertise and that the Terms of Reference to be worked on be as contained in the Staff Report dated June 6, 1996. As well, it was agreed that the members of the various Planning Advisory Committees now in existence be invited by letter to apply. With regard to a time frame, it was agreed that the end of August would be acceptable for appointments. In the meantime, the interim committees would continue to function as required.

Councillor Rankin left the meeting at 9:30 p.m.

10.3 Spruce Island - Proposed Development Agreement

Mr. Butler advised that the Nova Scotia Utility and Review Board has sent back a Development Agreement which the former Town of Bedford refused to approve prior to amalgamation, the decision of the Board being that the refusal was inconsistent with the Municipal Planning Strategy and, therefore, the appeal by the applicant was upheld. The direction of the Board is to refer the matter back to North West Community Council to approve the Development Agreement. Under the Planning Act, Community Council would have 90 days to enter into an agreement with the applicant or the applicant could apply to the Board for an order more specific. It was the recommendation of staff, however, that the Development Agreement originally put before the Town of Bedford, with a couple amendments noted in a Memorandum, be approved by Community Council relative to the cabin and boat house on Spruce Island.

Should Community Council approve the Development Agreement tonight, Mr. Butler indicated that an advertisement would be put in the newspaper to that effect and there would be an opportunity for anyone to appeal it; however, the Board would not hear an appeal unless there was something new.

Councillor Mitchell asked the implications of deferral to the next meeting in view of the fact that Councillor Kelly was not present. In response, Mr. Butler replied there were 90 days and he did not see any problems.

MOVED by Councillor Mitchell and Barnet that this matter be deferred to the next meeting. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. **ADDED ITEMS**

12.1 **Composting Workshops - Millwood**

Councillor Barnet advised that two composting workshops would be held at Millwood High School on June 29, 1996 - one at 9:00 a.m. and one at 1:30 p.m. This was an opportunity for people who have questions and concerns regarding composting to raise them.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Ms. Ann Murray asked if traffic lights for the junction of St. Margarets Bay Road and Highway 333 at Tantallon were still on the priority list. In reply, Councillor Mitchell advised this issue was still on the waiting list for funding but it might mean waiting for another couple years.

Ms. Berit Pittman expressed concern that the speed limit at Head of St. Margarets Bay should be 50 km/h. In response, Councillor Mitchell advised that a study had been carried out but Department of Transportation was not ready to reduce the speed limit. This matter was still on his agenda as a concern.

Mr. Walter Regan, Sackville Rivers Association asked the status of a Topsoil By-law Enforcement Officer and also the status of additional garbage cans for Sackville. In response, Councillor Harvey stated that the Operating budget was still not approved and both items would be part of that.

15. **NEXT MEETING** - July 11, 1996 - 7:00 p.m. at Halifax County/Bedford District School Board Office, Cobequid Road, Lower Sackville.

16. **ADJOURNMENT** - Meeting adjourned at 10:00 p.m.

Vi Carmichael
Municipal Clerk