

<u>Section District #</u>	<u>Section-District</u>	<u>Amount</u>
15	Beaverbank-Kinsac	\$ 2,000.00
20	Cole Harbour	51,017.00
34	Eastern Passage-Cow Bay	6,550.00
41	Tantallon Elementary	.01-\$100.00
56	Herring Cove	6,000.00
69	Lakeside-Beechville	5,518.50
166	Sackville Central	12,776.40
118	Sambro-Ketch Harbour	3,650.00
137	Timberlea Elementary	5,350.00
151	Westphal-Lake Loon	5,280.00
D12	Sir John A. MacDonald High	30,025.85 Note 1
D16	Tantallon Jr. High School	12,000.00
D17	Timberlea Jr. High School	5,400.00
D19	Herring Cove Jr. High School	6,900.00
D23	Eastern Suburban High School	30,000.00

Note 1 - Include 1981 overexpenditure of \$10,025.85

Subsequent to brief discussion:

It was moved by Councillor McInroy, seconded by Councillor Baker:

"THAT Municipal Council approve the School Area Levy Requests as outlined in the Halifax County - Bedford District School Board Report."  
(See motion to amend.)

It was amended by Councillor Walker, seconded by Councillor Poirier:

"THAT D12 for Sir John A. MacDonald High School be deleted from the approval of the School Levy Requests."  
Amendment Withdrawn.

It was amended by Councillor Adams, seconded by Councillor Smith:

"THAT D12 for Sir John A. MacDonald High School, D16 for Tantallon Jr. High School and D23 for Eastern Suburban High School be deleted from the approval of the School Area Levy Requests, in the School Board Report."  
Amendment Carried.

Council engaged in the following discussion prior to the question on the motion as amended:

Councillor Wiseman expressed concern with the possibility that subsequent to Council's approval of the School Levy Requests, the Walker Commission may enact legislation which would prohibit the levy of School Area Rates, thereby leaving the Municipality in a position where it would have to either get the money for the School requests elsewhere or leave the Schools in a deficit position.

Warden Lawrence advised the Councillor there was no reason as yet to believe that this would happen and if it should, the Municipality could levy a rate of its own accord to fulfill the School Requests.

Councillor Wiseman also questioned whether there would be any problem with approving these rates now as it is usually done at the Annual Council Session; she wondered if the rate would have to be approved again at the Annual Session.

She was advised by the Solicitor that there is no reason why the Requested Rates could not be forwarded to Council earlier than the Annual Session. He further advised that the yearly listing of the Requests Rates is only a formality.

Councillor McInroy felt that any changes to be made in the Walker Commission recommendations regarding the levy of School Area Rates should occur prior to the beginning of the next Academic School Year and prior to next Annual Meeting of the School Trustees. The Councillor also advised that he was opposed to the School Board's indication that it would be "...pleased to re-submit these requests in the usual way at the time that annual estimates are submitted to Municipal Council..". The Councillor felt that the Rates should be dealt with as expeditiously as possible.

Councillor Deveaux spoke briefly indicating his agreement with Councillor McInroy.

Councillor Smith felt that any changes in the Walker Commission recommendations would not affect this year's School Area Rates as the rate is only in affect for one year. Councillor Smith also questioned what the Note 1 \$10,025,85 overexpenditure was and whether it was included in the total \$30,025.85 for Sir John A. MacDonald High School.

The Warden advised that it was a deficit accumulated by the School last year and that it was included in the \$30,025.85 requested.

Councillors Poirier and Walker also expressed concern with this overexpenditure. However, they were advised by the Solicitor and the Warden that they would have an opportunity to deal with it at the time this particular area rate for Sir John A. MacDonald High was dealt with and at the annual meeting at which time all school deficits are madatorily (according to the Education Act) dealt with.

Subsequent to the above, the question was called on the motion as amended, as follows:

It was moved by Councillor McInroy, seconded by Councillor Baker:

"THAT Municipal Council approve the School Area Levy Requests as outlined in the Halifax County Bedford District School Board Report with the deletion of D12 for Sir John A. MacDonald High School, D16 for Tantallon Jr. High School, and D23 for Eastern Suburban High School."

Motion Carried.

It was moved by Councillor McInroy, seconded by Councillor Deveaux:

"THAT the District School Board be requested to act immediately upon the above approvals."  
Motion Carried.

It was moved by Councillor Walker, seconded by Councillor Poirier:

"THAT the District School Board be requested to supply Council with a detailed breakdown of the items included in the \$30,025.85 Request of the Trustees for the Sir John A. MacDonald High School as well as the resolution passed in Council in 1981 regarding the request for levy of a school area rate by the Sir John A. MacDonald High School Trustees as well as a written legal interpretation from the Municipal Solicitor regarding the legality of the carry over of the overexpenditure of \$10,025.85 for this same High School."  
Motion Carried.

#### MANAGEMENT COMMITTEE REPORT

It was moved by Councillor Margeson, seconded by Councillor Gaetz:

"THAT the Management Committee Report be received."  
Motion Carried.

#### Garbage Collection and Disposal

Mr. Meech outlined the first item included in the Management Committee Report in regard to garbage collection and disposal rates and a combined rate for the provision of this service. He advised that the Management Committee had received and discussed a Report in this regard, which was attached to the agenda for Council's information.

Mr. Meech explained the detailed information relative to the projected rates for 1982 if the rate for garbage collection and disposal was covered under the general tax rate as compared to a common area rate.

For all the existing areas in the Municipality that have garbage collection and disposal provided directly by the Municipality by contract and by the utilization of the sanitary landfill site, there would be a common area rate for those areas of 9.2 cents.

He further advised that the reason this issue was originally raised was that there was some consideration given to providing a contract service to a portion of District 13. If District 13 did decide to implement a garbage collection system throughout the entire district it is projected that it would amount to an area rate of 13.9. However, if District 13 was included with the other Districts that are now covered by garbage collection and disposal, the combined area rate or common area rate would amount to 9.3 cents.

If Districts 10, 11 and 12 were included as well, the entire estimated cost on the general tax rate would be 9.6 cents.

He advised that if Council was not prepared to consider putting garbage collection and disposal on the general tax rate it could at least consider having one common rate for those areas which presently have garbage collection and disposal.

It was moved by Councillor Wiseman, seconded by Councillor MacDonald:

"THAT a Garbage Collection and Disposal Rate be approved in the amount of 9.2 cents to cover Districts 1, 2, 3, 4, 5, 6, 7, 7A, 8, 9, 14, and Sackville and Hammonds Plains."  
(See Motion To Amend)

Councillor Benjamin spoke briefly on the above motion, advising that he could not support the rate of 9.2 for his District because it would be a raise in the rate without an improvement to the service. He would, therefore, have no way to justify the rate to his Residents.

It was amended by Councillor Lichter, seconded by Councillor MacKenzie:

"THAT the portion of District 13, being served by the Dutch Settlement Volunteer Fire Department be included in the Common Area Rate for Garbage Collection and Disposal."  
(See Motion to Defer)

Subsequent to placing the amendment on the floor, Councillor Lichter advised that he had three area ratepayer's meetings in the last two weeks; two areas in his district would not approve of garbage collection at any cost. Dutch Settlement was in favour of the garbage collection.

Councillor Walker was opposed to the amendment advising that before he could consider it he would like to see the figures showing the portion of assessment that would be involved and any change in the figures.

Councillor Eisenhower pointed out that his projected area rate for garbage collection and disposal in 1982 was 4.3 cents and this was due to a tendering process and a good rate with the contractor who was doing the job. The contractor was going right to the landfill site rather than the City of Halifax.

In response to the concern of Councillor Walker, Councillor Lichter advised that, although he had not received the exact figures from the Accounting Department, the approximate figures indicate that with the concentration of households in the Dutch Settlement Volunteer Fire Department district and with the assessment, the area would be slightly cheaper than having the entire district at 13.9.

It was moved by Councillor Walker, seconded by Councillor Benjamin:

"THAT a Recorded Vote be taken on this issue."  
Motion Carried.

It was moved by Councillor Lichter, seconded by Councillor Margeson:

"THAT Council recess for five minutes in which time the figures mentioned above can be obtained from the Accounting Department."  
Motion Carried.

Subsequent to a five minute recess, Councillor Lichter advised that the figures were not available from the Accounting Department. However, he reiterated that the Dutch Settlement Fire District is the most populated area in District 13. Consequently, if the cost is 13.9 for the entire District 13, then the cost should be less than that for only the most populated area. This would also result in a common area rate of less than the 9.3 cents.

Councillor Lichter also advised that if the \$274,400 grant money which District 10, 11, 12 and 13 are not receiving, is apportioned according to what the cross-expenditures would be in all districts that would amount to a subsidy of 7.24% and if any districts presently enjoying those grants would have their grants reduced by that percentage you would find that the area rate would be up very close to 9.6 or 9.2. Therefore, he felt that more study might alter the outcome of the amendment.

It was moved by Councillor Deveaux, seconded by Councillor Gaetz:

"THAT the area rate regarding garbage collection and disposal be deferred to the March 2, 1982 Council Session."  
Motion Carried.

As no decision was made on the issue at this Session of Council, a Recorded vote, as earlier requested, was not taken.

#### ADDITION TO AGENDA

Warden Lawrence requested if Council would at this time, agree to table the Preliminary Budgets for 1982 so that the Media would have an opportunity to review them.

It was moved by Councillor Gaetz, seconded by Councillor Wiseman:

"THAT the Preliminary Budgets for 1982 be tabled."  
Motion Carried.

#### COMPLETION OF MANAGEMENT COMMITTEE REPORT

##### School Sites - Beaverbank

Mr. Meech outlined this item advising that the Management Committee, at its February 8th, 1982 meeting, had discussed School Sites at Beaverbank. The Committee had also conducted an inspection of possible school sites in the area. As a result the following motions were recommended to Council:

"THAT staff investigate as an Elementary School Site, the land of Ken Barrett, across from the Woodbine Mobile Home Park and as a second choice the third parcel of land which was not previously investigated by the Management Committee, and further that staff investigate a parcel of land of an adequate acreage to accomodate a school of primary to grade nine students."

"THAT Staff investigate land adjacent to Green Forest Subdivision, off Pine Haven Drive, to be designated as a potential site for the Beaverbank Junior High School, subject to final approval of the revised request to the Department of Education regarding the reduced size of the school and subject to final approval of two separate schools."

"THAT it be recommended to Council that the issue of the Beaverbank Schools be referred to the Municipal School Board to investigate and provide all pertinent information regarding the pros and cons of a school to accomodate grades primary to grade nine students as opposed to two separate schools."

Mr. Meech further advised that the Management Committee did not have the benefit of the information provided today in the Mr. Peter Lawson's letter as it related to the whole procedure that is now to be followed for School Capital Construction. He also advised that the whole issue relating to the Junior High School is now an issue which must be addressed by the School Board and the Department of Education.

It was moved by Councillor Margeson, seconded by Councillor Wiseman:

"THAT Staff investigate as an Elementary School Site the lands of Ken Barrett, across from the Woodbine Mobile Home Park."  
Motion Carried.

#### POLICY COMMITTEE REPORT

It was moved by Councillor Gaetz, seconded by Councillor Benjamin:

"THAT the Policy Committee Report be received."  
Motion Carried.

#### Amendment Deed Transfer Tax By-Law

Mr. Meech advised that the Policy Committee had received an amendment to the Deed Transfer Tax By-Law prepared by Mr. Cragg, the Municipal Solicitor. The amendment provided for disclosure of information as required with respect to the Property Transfer affidavits where the grantee claims exemption of the tax. (A copy of the amendment was attached to the agenda).

The Policy recommended Council's approval of the amendment to the Deed Transfer Tax By-Law.

Mr. Cragg clarified that the amendment was intended to close many loopholes which have become obvious over the past number of years. Many people have been conveying property as a result of a divorce settlement whereby there have been funds transferred from one person to another. When Spouses are involved, Solicitors have gotten into the habit of saying that as it is an interspouse transfer, no deed transfer tax is applicable. If there is any lump sum transferring from one person to another via a Divorce Decree or Court Order, Deed Transfer Tax will now be applicable.

It was moved by Councillor Wiseman, seconded by Councillor MacDonald:

"THAT the Amendment to the Deed Transfer Tax By-Law prepared by Solicitor Cragg be approved by Municipal Council."

Councillor Deveaux questioned how he would go about discovering who had purchased a property in his area.

He was advised by the Solicitor that if the Deed Transfer Tax has not been paid or the affidavits have not been filed, the Deed conveying the interest in the property could not have been recorded at the Registry of Deeds. Therefore, the assessment would remain the same, the Deed Reference at the Registry would show the former owner as still the owner and the Grantee would be subject to interest for the late payment of the Deed Transfer Tax. Therefore, it is not possible to find out who purchased the property.

Councillor Lichter questioned whether the Deed Transfer Tax papers were public records or if they cannot be perused by the Public.

Solicitor Cragg advised the Councillor that these documents are public documents which can be seen by anyone at the Prothonotary's Office, although the documents held by the Municipality are not generally open to public scrutiny. However, he felt there would be no reason to hide information at the Municipality which can be seen elsewhere.

Councillor Lichter then advised that when he had asked to peruse Deed Transfer Tax Papers he was given the understanding that without a Court Order he was not permitted to look at them.

Solicitor Cragg then indicated he was not aware of any legislation either Provincially or in the Municipal By-Laws which precludes the Municipality from making these documents Public. He felt it was only Policy, and perhaps good policy, that they not be made public to anyone coming in who really has no interest in them.

Councillor Baker questioned whether, if a person gave a piece of property to a family member, they would be obliged to pay Deed Transfer Tax.

The Solicitor advised that they would be obliged to pay at least 1% of the assessed value of the property.

Councillor Lichter advised that he would not be able to support the motion based on the fact that the Municipality was trying to collect 1% of property value on property flowing between two people as a result of a Divorce Settlement, Separation Agreement or Court Order.

In response to a question from Warden Lawrence, Mr. Cragg advised that this amendment was a result of a request placed by the Tax Collection Office.

Subsequent to the above, the question was called on the motion to approve the amendment to the Deed Transfer Tax By-Law.

It was moved by Councillor Wiseman, seconded by Councillor MacDonald:

"As written previously."  
Motion Carried.

#### Capital Grants Allocation

Mr. Meech outlined this item, advising that the Policy Committee had received a Staff Report respecting the allocation of Capital Grants provided by the Province of Nova Scotia. He advised that Municipal Council has the responsibility to formulate a policy for the distribution of the Capital Grants. (A copy of the Report was attached to the agenda - See copy of report for further information).

The report outlined the criteria for rating projects, criteria for eligible projects by purpose, ineligible projects and maximum funding amounts.

Subsequent to review by the Policy Committee, it was the Committee's recommendation to Council that 25% of the Grants be distributed evenly among the Districts for projects in accordance with the criteria and subject to approval by Council and further that 75% of the Grants be distributed according to priority projects established by Municipal Council.

It was moved by Councillor Benjamin, seconded by Councillor Deveaux:

"THAT 25% of the Capital Grant monies be distributed evenly among all Districts of the County for projects in accordance with the criteria and subject to approval by Municipal Council, and further that 75% of the Grants be distributed according to priority projects established by Municipal Council." (See Motions to Amend.)

It was amended by Councillor Gaetz, seconded by Councillor Margeson:

"THAT 35% of the Capital Grant monies be distributed evenly among all Districts of the County for projects in accordance with the criteria and that 65% be distributed according to priority projects established by Municipal Council."



Councillor Margeson advised that his District was in need of Capital Grant Funds for the extension of the District's Fire Fighting Service. The Requirement of the District was approximately \$98,000 for a new pumper and about \$150,000 for a piece of land and a building which would be a combined Fire Hall and Recreation Hall.

Councillor Eisenhower advised that the Capital Grant money comes from the density of houses. He, therefore, advised that he could support the original motion but not the amendment.

Councillor Deveaux questioned how much money the 25% per District would amount to.

He was advised by Mr. Meech that by the end of 1982, there should be approximately 1.3 million dollars in the capital grant fund; 25% of that would be approximately \$400,000 and that amount divided equally among the Districts would be in the vicinity of \$20,000 per District.

Councillor Walker brought to Council's attention, the following proposed Maximum Funding Amounts:

- |    |                      |     |
|----|----------------------|-----|
| 1. | Water                | 70% |
| 2. | Sewer                | 70% |
| 3. | Storm Drainage       | 70% |
| 4. | Other (Bldgs., etc.) | 50% |

Councillor Walker felt that a Rural District would not require Capital Funding for projects such as sewer and water and probably little storm drainage. Therefore, the "Other" category would be where the Capital funding would be needed the most in rural areas, for the construction of Fire Halls, etc. It was his feeling that if the maximum funding in this category were only 50%, then the Rural areas would be receiving a lesser share of the Capital Grant fund. He, therefore, felt that the maximum funding should be equal for all capital projects.

Councillor Wiseman questioned whether the same criteria applied for the larger amount of the grant as for the smaller district share.

She was advised by the Warden that this was the case.

Councillor Wiseman then agreed with Councillor Walker that the maximum funding amounts were somewhat discriminatory and questioned whether the criteria should be reviewed and modified to reflect the needs of each individual District, as it relates to smaller percentage (25% of 35% of the Capital Grants).

It was amended by Councillor Walker, seconded by Councillor Lichter:

"THAT maximum funding amounts be 70% in all categories of the Allocation of Capital Grant Policy."  
(See Motion to Refer).

Councillor Lichter spoke briefly, advising that 70% is the maximum funding that can be approved; Council may, subsequent to review of any request, approve an amount less than 70%.

Councillor Eisenhauer was opposed to this amendment, feeling that the Capital Grant funds should be utilized first for items that adversely affect the Health of Halifax County Residents. Also on this basis he was opposed to the amendment of 35% - 65% distribution of the Capital Grants, as if 35% of the money was tied up in individual districts, it would not be available to resolve a serious health hazard and the County would be put in the position of having to borrow any additional funds required at a high interest rate.

It was moved by Councillor Eisenhauer, seconded by Councillor Smith:

"THAT the Allocation of Capital Grants Policy be referred back to the Policy Committee for further review."

Councillor Smith indicated her understanding that the County would not be receiving any more emergency funds from the Province and she felt the Policy Committee, in reviewing the Allocation of Capital Grant Policy, should keep this in mind, perhaps putting a little of that money aside for emergency situations.

Councillor MacDonald was opposed to referring this item back to the Policy Committee as a lot of thought had already been put into this recommendation.

Councillor Benjamin was in agreement with Councillor MacDonald. He also advised that there was an urgent request from the Miller Lake Homeowner's Association which had to be dealt with next on the agenda and which was dependant on the outcome of the Allocation of the Capital Grant Policy.

Councillor Wiseman, however, was in agreement with referring the matter back to the Policy Committee as she also had concerns. One of these concerns was that there was no maximum set on how much money could accumulate in one District's Capital Grant Fund.

Councillor Adams questioned whether the Capital Grant money could also be used for improvements to private wells.

Mr. Meech advised that they would meet the criteria but this was not the intention of the Policy; the intention was that it would relate more specifically to central water systems. He further advised that the Well of the Miller Homeowner's Association request was one which served forty-four homes.

Subsequent to brief discussion by Council the question was called on the motion to refer.

It was moved by Councillor Eisenhauer, seconded by Councillor Smith:

"THAT the issue of Allocation of Capital Grants be referred to the Policy Committee."  
Motion Defeated.

Subsequently, the question was called on the second amendment.

It was amended by Councillor Walker, seconded by Councillor Lichter:

"THAT maximum funding amounts be 70% in all categories of the Allocation of Capital Grants Policy."  
Amendment Carried.

Subsequent to the passing of the above amendment, the question was called on the first amendment;

It was amended by Councillor Gaetz, seconded by Councillor Margeson:

"THAT 35% of the Capital Grant monies be distributed evenly among all Districts of the County for projects in accordance with the criteria and that 65% be distributed according to priority projects established by Municipal Council."  
Amendment Defeated.

Subsequent to the defeat of the above amendment:

It was amended by Councillor Margeson, seconded by Councillor Walker:

"THAT the Capital Grants be distributed 50% evenly among all Districts in accordance with the criteria and 50% according to priority projects established by Municipal Council."  
Amendment Defeated.

At this time the question was called on the original motion as amended.

It was moved by Councillor Benjamin, seconded by Councillor Deveaux:

"THAT 25% of the Capital Grant monies be distributed evenly among all Districts of the County for projects in accordance with the criteria and subject to approval by Municipal Council and further that 75% of the Grants be distributed according to priority projects established by Municipal Council and that the Allocation of the Capital Grants Policy be amended so that the 70% maximum funding be allocated to all capital projects which meet the criteria."  
Motion Carried.

#### Grant Request - Miller Lake Homeowner's Association

Mr. Meech briefly outlined this item, advising that the Policy Committee had received a request from the Miller Lake Homeowner's Association, for the purpose of providing improvements to a central water system servicing approximately 44 households. The present water system has been determined to contain arsenic concentration above acceptable limits by the Department of Health. The estimated cost of providing the improvements to the central water system is \$45,000.

The Policy Committee recommended that Council recognize this project under proposed capital grants and provide 70% of the cost to a maximum sum of \$31,500 with the balance to be recovered from individual property owners. Further, the approval of this grant is subject to Council's approval of the recommended policy.

Councillor Benjamin also advised Council, that a letter had been received from the Honorable Ken Stretch advising that the Province would be able to contribute approximately \$10,000 to this project. He advised that this amount would come under the County's 70% share of the cost of the project.

Councillor Benjamin also advised that on-going maintenance of the water system would be handled by the Homeowner's Association.

It was moved by Councillor Benjamin, seconded by Councillor Lichter:

"THAT Council recognize this project under proposed Capital Grants and provide 70% of the cost to a maximum sum of \$31,500 with the balance to be recovered from the individual property owners and with the understanding that any Provincial funding made available, would be applied to the County's 70% share."  
Motion Carried.

Prior to the passing of the motion there was some discussion in regard to whether or not the funds should be expended from District 14's 25% share of the Capital Grants or from the County's 75% share.

Councillors Margeson, Eisenhauer, and Wiseman indicated their opinion that it should come from the District Fund, while Councillor Benjamin felt it should come from the General Fund.

It was agreed that the funds would come from the County's General Fund.  
ADJOURNMENT FOR SUPPER

It was moved by Councillor Walker:

"THAT Council adjourn for one-half hour for Supper."  
Motion Carried.

Council adjourned for one-half hour for supper.

AMENDMENT, TAXI BY-LAW - FEE SCHEDULE

Warden Lawrence outlined the following recommended changes to the present schedule of taxi rates:

1. Initial Charge \$1.00
2. Each 1-10th mile (160 meters) \$ .10
3. Children under 10 yrs. accompanied by an adult - No Charge

The Warden further advised that these recommended changes would increase the present initial charge from \$0.70 to \$1.00 and from \$0.80 to \$1.00 per mile. The "No Charge" for children under 10 years of age when accompanied by an adult would be an addition to the present fee schedule.

The Policy Committee recommended to Council for approval and amendment to the Taxi By-Law, Schedule "C", in accordance with the above-mentioned changes and that the Municipal Solicitor be instructed to prepare the appropriate amendment for approval by the Minister of Municipal Affairs.

It was moved by Councillor Wiseman, seconded by Councillor MacDonald:

"THAT Council approve an amendment to Schedule "C" of the Taxi By-Law in accordance with the changes as outlined in the Policy Committee Report to Council of February 16, 1982 and that the Municipal Solicitor prepare this amendment for approval by the Minister of Municipal Affairs."  
Motion Carried.

Prior to the passing of the motion, Councillor Lichter requested some clarification as to the reason for the 42.8 % increase in the first mile and 25% increase beyond that.

The Councillor was advised by Mr. Kelly that when Council made changes to the Taxi By-Law in 1981, it was with the understanding that it would be reviewed the first of 1982 due to the fact that both the Cities of Halifax and Dartmouth were reviewing their Taxi By-Laws. He further advised that the cities have now reviewed their By-Laws and Schedule of Fees which are now approximately in the above range, although still slightly higher than the rates recommended by the Policy Committee.

Mr. Kelly further advised that correspondence from the President of the Taxi Driver's Association recommended a slightly higher increase. He also indicated that, in speaking to the owners of the major Taxi Companies in the Municipality, their recommended increase was in the range of the recommendations in the Policy Committee Report.

#### DEBENTURE GUARANTEE - METROPOLITAN AUTHORITY

A letter from the Metropolitan Authority was included in the Council Agenda which explained: "...The borrowing of this amount (\$2,059,307.) has been approved by the Metropolitan Authority at a meeting held February 2, 1982. The borrowing is in the form of a debenture sold to the Municipal Finance Corporation."

The letter further advised: "The proceeds of the Debenture will be used to roll over temporary borrowings used for the prior purchase of 21 new buses and the purchase of HTC and DTS assets for the operations of the Metropolitan Transit Commission."

The Municipal Finance Corporation requires that the Debenture be guaranteed by the participating Municipalities.....it is required that the guarantee resolution be passed by your council..."

Subsequent to Mr. Meech's explanation of the above:

It was moved by Councillor MacDonald, seconded by Councillor Gaetz:

"THAT the Municipality of the County of Halifax do hereby guarantee the borrowing by the Authority of Two Million Fifty-Nine Thousand Three Hundred Seven Dollars (\$2,059,307) and that subject to the approval of the Minister of Municipal Affairs, the Municipality do unconditionally guarantee repayment of the principal and interest of the borrowing so

made and that the Warden and Clerk of the Municipality do sign the guarantee attached to each of the said debentures and affix there- to the corporate seal of the Municipality."  
Motion Carried.

Prior to the passing of the motion, Councillor Margeson expressed his concern that the City of Dartmouth or the City of Halifax may pull out of the Agreement, leaving the Municipality responsible for the unconditional repayment of every borrowing. However, the Councillor was assured by Mr. Meech, Warden Lawrence, and the Solicitor that the Cities could not pull out.

#### NEW BUSINESS

##### Transit - Councillor Baker

It was moved by Councillor Baker, seconded by Councillor Deveaux:

"THAT the Policy Committee study the Transit Area Rates in District 5 which presently amount to \$0.27."  
Motion Carried.

Councillor Baker advised that he was hopeful the rate could somehow be lowered to approximately \$0.12. He advised that he could not decrease his Transit Service because it is used by the School Children. He further advised that the high rate was initiated a year ago when the Transit rate was changed to go beyond Herring Cove to Portugese Cove, three to four miles away from Herring Cove. The people in Portugese Cove refused to pay as they were not receiving Transit Service. This meant the rate for Herring Cove went up to \$0.27.

##### Meeting with Councillors and MLA's - Councillor Adams

Councillor Adams questioned whether a date had been set for the proposed meeting with Councillors and MLA's.

He was advised by the Warden that no date had been set as yet. She further indicated that as soon as a date was established, a memo would be circulated advising Council of that date.

##### Assessment of Recreation Facilities - Councillor Poirier

Councillor Poirier questioned whether a party wishing to appeal an assessment on a Recreational Facility would still go to their Appeal Board. Councillor Poirier had in mind a particular Recreation Group whose appeal had already gone to the Management Committee and had been dealt with at the Management Committee but had not come to Council yet. She advised that the request would in all likelihood be approved; therefore, she was questioning the necessity of going to the Appeal Board.

Mr. Meech advised that technically the Group was challenging whether or not the Facility should be taxable or exempt. Mr. Meech advised that in this case going to the Appeal Board would be unnecessary and the request for exemption should just continue on through the present process.

Resolutions, FCM Meeting - Councillor Deveaux

Councillor Deveaux indicated that the deadline for resolutions to go to the FCM Conference was the first of March.

Warden Lawrence advised there was some interest in submitting a resolution to the FCM on the issue of Federal Funding for Transit. She also advised that it was the intent of both herself and Councillor Wiseman to work on a Resolution in this regard. However, they had not yet found the time to do this. Since this was the last Council Meeting before the deadline, and since last year a resolution had been forwarded to the FCM from the Policy Committee on Council's behalf, she requested Council's agreement to go through the same process this year.

It was moved by Councillor Deveaux, seconded by Councillor Wiseman:

"THAT the issue of Federal Funding for Transit Services be referred to the Policy Committee for consideration and a possible resolution to be forwarded to the FCM from the Policy Committee on behalf of Halifax County Council."  
Motion Carried.

Nomination of Member to the Board of the United Way - Councillor Smith

Councillor Smith questioned whether Council should nominate a person to the United Way at today's Council Session.

She was advised by Warden Lawrence that if this matter was handled at the next Council Session there would still be time to meet the March 15th deadline requested by the United Way so that proper arrangements could be made for the Annual Meeting of the Board of the United Way, scheduled for March 30th.

It was agreed by Council that Mr. Bernard Murphy would be contacted in the meantime to determine if he was still interested in the appointment and if not, nominations could be made at the next Council Session.

It was agreed to defer this item to the next Council Agenda.

Fire Department Fund Raising Activities - Councillor Lichter

Councillor Lichter advised that Fire Departments and other Community Organizations were finding it increasingly difficult to raise funds. He further advised that recently some of these people had met with him and indicated an area they were concerned about; The Liquor Commission demands that when a Community Hall or Group or Fire Department purchases liquor for an open bar, they must have a license. They have no quarel with purchasing a license; however, when the liquor is purchased they are also required to pay a 10% surcharge. Councillor Lichter felt this surcharge was unfair and unnecessary.

It was moved by Councillor Lichter, seconded by Councillor Adams:

"THAT a letter go to the Minister in charge of the Liquor Licensing Board requesting him to consider that when a license is being issued to a Community Hall or Fire Department, the 10% surcharge be waived."  
Motion Carried.

Prior to the passing of the motion, Mr. Kelly advised that the 10% surcharge is a regulation of the Liquor Licensing Board to cover administrative costs in the issuance of a Liquor License, to cover checking, policing and follow-up.

Committee of the Whole - Councillor Margeson

Councillor Margeson advised that when matters are brought forth from the Management and Policy Committees, there is usually a great deal of repeat discussion on them. He questioned whether Council would be interested in going to Committee of the Whole Meetings for a period of approximately three months to eliminate this repetitive discussion.

It was moved by Councillor Margeson:

"THAT all standing Committees of Council be eliminated for a three-month trial period and all issues be discussed during this time in Committee of the Whole Meetings."  
Motion Lost - No Secunder.

Warden Lawrence advised Councillor Margeson that the TRI Committee which was meeting to consider Councillor's Salaries and Committee of the Whole Meetings, had met to discuss both issues.

In the absence of Councillor MacKenzie, Chairman of the TRI Committee, Councillor Poirier read the following information from the TRI Committee Report:

"The Committee has met on three occasions to discuss matters pertaining to Councillor's Salaries and the possibility of establishing Committee of the Whole Meetings. While the Committee has given consideration to both issues, no final decisions have been made. However at the February 15th meeting the Committee recommended to Council that, prior to any decision being made on either Salaries or Committee Structure that the outcome of the Committee of the Whole Sessions being held to deal with budgets, be observed. The Committee will continue to consider the issues and will report to Council accordingly."

Municipal Budget, 1982 - Warden Lawrence

At this time, Council dealt briefly with the Preliminary Budget for 1982.

Mr. Meech outlined the introductory pages incorporated in the budget.

During the discussion, Council agreed to hold Committee of the Whole Budget Meetings on the following dates:



1. February 23, 1982 - 1:30 P.M. - 4:30 P.M.
2. February 24, 1982 - 1:30 P.M. - 4:30 P.M.
3. February 25, 1982 - 1:30 P.M. - 4:30 P.M.

ADJOURNMENT

It was moved by Councillor Deveaux:

"THAT the Regular Council Session adjourn."  
Motion Carried.

Therefore, the Regular Council Session adjourned at 8:00 P.M.

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of the

MUNICIPALITY OF THE COUNTY OF HALIFAX

ANNUAL COUNCIL SESSION

Tuesday, March 2 and 16 and May 4, 1982

&

PUBLIC HEARINGS March 31, 1982

PUBLIC HEARING

MARCH 31, 1982

MUNICIPAL DEVELOPMENT PLAN - SACKVILLE

PRESENT WERE:

Warden Lawrence, Chairman  
Councillor Walker  
Councillor Poirier  
Councillor Baker  
Councillor Deveaux  
Councillor McInroy  
Councillor Topple  
Councillor Adams  
Councillor Gaetz  
Councillor Smith  
Councillor MacKenzie  
Councillor McCabe  
Councillor Lichter  
Councillor Benjamin  
Councillor Margeson  
Deputy Warden MacKay  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Wiseman

ALSO PRESENT:

Mr. K. R. Meech, Chief Administrative Officer  
Mr. Robert Cragg, Municipal Solicitor  
Mr. G. J. Kelly, Municipal Clerk  
Mr. Keith Birch, Chief of Planning & Development  
Mr. Bill Campbell, Planning Supervisor, Policy  
Division  
Ms. Dorothy Smith, Planner  
Ms. Valerie Spencer, Planner  
Mr. Chris Reddy, Planner  
Mr. Bob Gough, Director of Development  
Mr. Glen Slauenwhite, Resident  
Mr. Iginio DiGiacinto, PPC  
Mr. Richard Derbyshire, Svil. Fire Department & PPC  
Mr. Frank Sutherland, Chairman, Svil. Advisory Board  
Mr. David Barret, Barret Lumber Company  
Mr. John Holm, PPC  
Mr. Don MacLeod, Svil. Advrsry. Brd., & PPC  
Mr. Dennis Baxter, Vice Chairman, PPC  
Mr. Ron Barkhouse, Svil. Advisory Board & PPC  
Mr. Archie Fader, Svil. Chamber of Commerce & PPC  
Mr. Bud Crandall, PPC  
Mr. Paul Hyland, Chairman, PPC  
Mr. Paul Miller, Solicitor, Riverlake Residents  
Assoc.  
Mr. Robert Grant, Solicitor  
Mr. Mike Sobey, Atlantic Shopping Centres  
Mr. George Armoyan, Resident  
Mr. Lewis Kelly, Resident  
Mr. Alan Hayman, Solicitor

SECRETARY:

Christine E. Simmons

OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

Warden Lawrence brought the Public Hearing to order at 7:05 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

PUBLIC HEARING

Warden Lawrence then outlined to those present in the Council Chambers, the procedure to be followed during the Public Hearing.

REPORT ON WRITTEN SUBMISSIONS - MR. KELLY, MUNICIPAL CLERK

Photocopies of fourteen written submissions and a covering memo from Mr. Kelly, were distributed to Council. Mr. Kelly briefly outlined the submissions, advising that six submissions expressed general support for the Municipal Development Plan and Zoning By-Law for the Sackville area; one of these also requested some minor changes to the Zoning By-Law. Five of the submissions neither supported nor opposed the documents, but requested specific changes to the Zoning By-Law. Finally, three of the submissions expressed opposition to the Plan's provisions for large commercial uses in the Sackville Commercial Core Designation, and requested changes to the Plan and Zoning By-Law. These three submissions, in opposition were from:

1. Susan C. Malone, General Manager on behalf of Bedford Place;
2. G. B. VanSickle, Assoc. Treasurer on behalf of Canada Life Assurance Co.;
3. Frank C. Sobey, on behalf of Atlantic Shopping Centres Ltd.

The remaining submissions were from the following:

4. John Jay, P. Eng., on behalf of Culverwell Holdings Ltd.;
5. Lewis E. Kelly, Sr., of Walker's Service Road, Lower Sackville;
6. John S. McFarlane, on behalf of Bedford Village Properties Ltd.;
7. Alan G. Hayman, on behalf of Carl B. Potter, property owner, Highway No. 1;
8. Alan G. Hayman, on behalf of Phillip Craig, property owner;
9. Alan G. Hayman, on behalf of Carl B. Potter, property owner, Skyridge Avenue;
10. I. DiGiacinto, on behalf of Elisabetta and I. DiGiacinto, residents;
11. John and Patricia Kehoe, 874 Highway No. 1, Lower Sackville;
12. George and Jean Cousins, 882 Highway No. 1, Lower Sackville;
13. Kenneth W. J. Butler, B.Sc., A.A.C.I., F.R.I., on behalf of the Catholic Cemeteries Commission;
14. Paul B. Miller, on behalf of the Riverlake Residents Association.

Mr. Kelly further advised that six additional letters were received just prior to the Public Hearing.

These letters were from tenants of the Downsview Mall and the Presidents of the Downsview Mall and Bedford Place Merchants Associations, and were in opposition to the Plan's provisions for large commercial uses in the Sackville Commercial Core Designation.

These letters were from, the following:

1. Donna Mulburn, C. & M. Sewing Centre, Downsview Mall;
2. Marie and Patricia Gilhooly, Natural Way, Downsview Mall;
3. Thomas F. Jordan, Connors Gourmet Foods, Downsview Mall;
4. Michael DeSantis, President, Bedford Place Merchants Association;
5. Anne C. Kelly, Anne's Craft Boutique, Downsview Mall;
6. W. D. Robinson, President, Downsview Mall Merchants Association.

#### SPEAKERS IN FAVOUR

Mr. Glen Slauenwhite, Upper Sackville: Mr. Slauenwhite advised that he would like to make a positive address regarding the effects of the Municipal Development Plan and Zoning By-Law on Sackville Recreation. He advised that he was the President of the Lake District Recreation Association of Sackville. He indicated that his group had been pleased to present a brief to the PPC on behalf of Recreation as they hoped it would develop in the Sackville area. Mr. Slauenwhite further outlined the mandate of the Lake District Recreation Association. He advised that without the benefit of a Plan in the past, Recreation had developed in Sackville, in a helter skelter manner. However, it was the opinion of the Association that with the assistance of the Plan, recreation in Sackville would develop in an organized manner. He urged that Municipal Council support the Municipal Development Plan and Zoning By-Law for Sackville.

Mr. Igino DiGiacinto, Beech Street, Halifax: Mr. DiGiacinto advised that he was representing the property of Elisabetta DiGiacinto, located on Highway No. 1, Lower Sackville. Mr. DiGiacinto advised that he had come before Council three years ago to speak in opposition to a County-wide Municipal Development Plan, prepared by Project Planning Consultants Ltd. He indicated that this Plan had been rejected at that time because it had not been developed with Community Input and the Planners had not considered the development which was already in existence.

The rejection of that Plan did not solve the need, however, for a development plan for Sackville, which was necessary for the organized future growth of Sackville. A Plan had to be formulated taking into consideration the desires of residents of the Community. However, he advised that from that rejected Plan, the residents realized the need to have input into a Plan, and from there, the Sackville Public Participation Committee was formed with Paul Hyland as Chairman and assistance from the Halifax County Planning and Development Department. He advised the Plan before Council tonight was the result of the joining and working together of those two bodies.

Mr. DiGiacinto indicated his belief that the Sackville Municipal Development Plan and Zoning By-Law as presented was a strong foundation on which to build the future of a community. He urged that Council accept the Plan as submitted in order to give it a chance to prove itself. He advised that with the implementation of the Plan, the people of Sackville should be able to unite and work together for their future goals. He also advised that in the usual proceedings of community growth and development, there are usually two opposing bodies; the residential and commercial bodies. He felt that the MDP and Zoning By-Law has addressed this situation satisfactorily and aims at a consensus of both groups, enabling them to work together harmoniously.

Mr. Richard Derbyshire, Deputy Chief, Sackville Fire Department: Mr. Derbyshire spoke briefly in support of the Municipal Development Plan and Zoning By-Law, advising that the Plan, as presented, complimented the Fire Department's own planning process for the future.

Mr. Frank Sutherland, Chairman, Sackville Advisory Board: Mr. Sutherland advised he was present tonight, not only as a Chairman but as a concerned citizen of Sackville. Firstly, he thanked Mr. Paul Hyland, and Glen Robertson, who was no longer with Halifax County Planning Staff, for their untiring work in helping to develop the Plan. Mr. Sutherland further advised that the major difference between the Plan presently before Council and that presented three years ago and rejected, was the planning process. The new Plan was formulated with much community input and would, therefore, be an efficient document for the people of Sackville and for Halifax County Staff, who are often called upon to make decisions on spot development and rezonings.

He also advised that the plan is merely a frame-work from which to grow and build and it will be continually reviewed for improvements. He advised that the Sackville Advisory Board is, therefore, in support of the Plan and Zoning By-Law in their entirety.

Mr. David Barret, Secretary, Barret Lumber Company: Mr. Barrett advised that he had been in Council several years ago to express his dissatisfaction with the previous plan. He indicated that this opposition had been due to the fact that the plan did not recognize what was already in the community. He indicated that the new plan did address what the community has in existence. He advised that it was said of the previous plan, that it had been a waste of money on the part of the Municipality. He felt however, it was money well spent as it had brought people to the realization that their input was necessary for the development of a good plan. As a result, during the development of the present plan, people got interested and willingly participated. Mr. Barrett also indicated his view that the present plan has made compromises wherever possible and, if implemented in the same approach in which it was drafted, he did not feel there would be any detrimental complications which could not be worked out to everyone's mutual satisfaction.

Mr. John Holm, Resident of Sackville: Mr. Holm advised that, as well as being a resident of Sackville, he was a member of the Public Participation Committee. He indicated his support for the plan, although there were some minor reservations with regard to it. However, he also indicated the strength of the Plan is it was prepared by the residents of Sackville for the residents of Sackville. He urged that Council support the Plan in its entirety.

Mr. Don Macleod, Resident of Sackville and Member of the Sackville Advisory Board: Mr. MacLeod briefly indicated his full support for the Plan, both as a member of the Sackville Advisory Board which was in support of it, and as a resident of Sackville. He also extended his thanks to the members of the PPC, Paul Hyland, Chairman of the PPC and Municipal Planning and Development Staff; in particular, Mr. Glen Robertson, who he had been sorry to see leave the employ of the County of Halifax. He also indicated his appreciation for the opportunity he had, of participating in the development of the Plan and Zoning By-Law.

Mr. Dennis Baxter, 341 Highway No. 1 (Sackville Drive): Mr. Baxter advised that he was a resident of the main road in Sackville which took the majority of time to plan and zone. He advised that not everyone was satisfied with the Plan; however, the Plan had attempted to address and eliminate the concerns of everyone and compromised wherever possible. On behalf of the Committee he wished to endorse the Plan and urged Council to approve it.

Mr. Ron Barkhouse, Sackville Advisory Board: Mr. Barkhouse advised that, although he was a resident of Beaverbank, he had taken part in the discussions of the Plan from its beginning. He advised it is a blended plan taking into consideration the interests of both the residential and commercial business population of Sackville and it would enable both bodies to live together in harmony. He also felt, in view of the fact that the fringe areas of the County were to be studied next, the plan would allow a comfortable blending in of the Urban and Fringe areas. He requested that Council support both documents.

Mr. Archie Fader, Sackville Chamber of Commerce: Mr. Fader advised that he was here tonight as a representative of the Sackville Chamber of Commerce, as a businessman and a resident. He advised that the Chamber of Commerce supports the Plan and was of the opinion that it had been properly dealt with; over a fair amount of time, with the proper advertising and media coverage and an enormous amount of residents input and support. He indicated that the Plan should be expedited for final approval and implementation, as it was needed by the Community.

Mr. Fader also advised that it was difficult to satisfy everyone but expressed the opinion that it did satisfy as many people as reasonably possible. Regarding the people who would be coming forward later in the Public Hearing in opposition to the Plan, he advised that due to the excellent media coverage and advertising, as already specified, these people had been given ample time and opportunity to come forward and express their concerns. He urged that Council support the Plan and Zoning By-Law as did the Sackville Chamber of Commerce.

Mr. Bud Crandall, Public Participation Committee: Mr. Crandall spoke briefly, indicating his endorsement of all previous comment in support of the plan and advising that everyone in the community had ample opportunity to have input into the plan. He requested that all Councillors support the Plan as presented.

Mr. Paul Miller, Solicitor for the Riverlake Resident's Association: Mr. Miller advised that the Organization which he represented, a neighbour to Sackville, has closely followed the planning process of the Plan and Zoning By-Law. Mr. Miller's presentation was generally in favour of the Plan; however, he indicated his client's concern over the fact that the MDP Boundary encompasses all of Second Lake, of which a significant portion of shore front is within District 14 in Windsor Junction. He advised that the Riverlake Resident's Association wished him to inform Council that they feel they should be consulted in any planning or development relating to the area which is within their district boundaries, and they wish to remind Council of their continuing interest in insuring protection to the lake's ecologies.

He advised that the Association was not interested in making any amendments to the Plan but suggested rather that it be put in place with all due haste.

Mr. Paul Hyland, Chairman, Sackville Public Participation Committee: Mr. Hyland felt that the MDP and Zoning By-Law was a job well done by the Community of Sackville and he indicated his hope that any comment in opposition to the Plan would not get into technicalities over the issue of the proposed Bernac Shopping Centre.

Mr. Hyland then read to Council a letter he had written to Mr. Kelly, which summarized the position of the PPC in regard to the Plan and Zoning By-Law, as follows:

"On behalf of the Sackville Public Participation Committee, I am pleased to be able to make this submission in support of the Municipal Development Plan and Zoning By-Law for the community of Sackville.

Since September of 1980, this committee of just over 40 members has convened approximately 50 meetings, held a number of general public meetings, distributed numerous information flyers through the community, placed a display in the Sackville Library, made a presentation to Council and conducted a bus tour of the area for Council. In summary, an extensive community based planning process has occurred to prepare the documents now before Council.

The Committee expresses its gratitude for being able to take part in such a process and as well congratulates Council for establishing such an effective planning process.

In general, the Committee summarizes its support with the following:

- a) Public Participation was the foundation of the process. For that reason, a truly community based Plan has been produced.



- b) Sackville has been without a Plan and Zoning By-Law prepared under the present Planning Act. Development control has largely been the result of zoning established in the early 1970's prior to the extensive development of the mid 70's. Policy and control for the Sackville of the present and near future is needed in order to steer Sackville through the 80's.
- c) Specific areas of concern were identified and dealt with in terms of public discussion, policy and development control. Some of the more important were:
1. identification of a commercial core;
  2. the commercial mainstreet of Sackville Drive has been maintained with special provisions to prevent conflict with the core and perhaps more important provisions to protect adjacent residential properties;
  3. the community has identified its priority areas for the future growth of the community;
  4. provisions have been made to provide protection for the Little Sackville River;
  5. priority has been given to protect existing residential neighbourhoods by requiring by-law amendments for more intense residential developments;
  6. improvements to the transportation system have been identified;
  7. the importance of recreation land has been emphasized with specific recommendations for the future; and
  8. priority has been given to the development of the new industrial park."

Mr. Hyland then named the members of the Sackville Public Participation Committee as follows:

- |                                   |                           |
|-----------------------------------|---------------------------|
| 1. Mr. Ron Barkhouse              | 2. Mrs. Anne Merritt      |
| 3. Mr. Richard Derbyshire         | 4. Mr. Sam Walker         |
| 5. Mr. John Holm                  | 6. Mrs. Mary O'Neil       |
| 7. Mr. Don Jeffrey                | 8. Mr. Lloyd Maxwell      |
| 9. Mr. Stan Deal                  | 10. Mr. Gregory Smith     |
| 11. Mr. Roy Corbin                | 12. Mr. Blois Boyd        |
| 13. Mr. & Mrs. Clary Ayers        | 14. Mr. Bud Crandall      |
| 15. Mr. Ken Grace                 | 16. Mrs. Shirley McGovern |
| 17. Mrs. Judy Williams            | 18. Mr. Archie Fader      |
| 19. Mr. Joe Maund                 | 20. Mr. Tom Peters        |
| 21. Mr. Jack Graham               | 22. Mr. Alex Jacobsen     |
| 23. Mr. Dennis Baxter, Vc. Chrmn. | 24. Mr. Mike O'Leary      |
| 25. Mr. Bill Promaine             | 26. Mr. J. E. Kehoe       |
| 27. Mr. Owen Davis                | 28. Mr. Vance Wirth       |
| 29. Mr. Ross Carroll              | 30. Mrs. Elva Walters     |
| 31. Mr. DiGiacinto                | 32. Mrs. Carol Brasok     |

Mr. Hyland advised that Mrs. Carol Brasok, also a member of the Lake District Recreation Association, has now moved out to the West Coast; however, she was a member in the beginning of the process and was a great help, especially with regard to recreation.

Mr. Hyland also recognized those Councillors who assisted in the process: Councillor Benjamin, Councillor Margeson, Councillor Wiseman, Councillor MacDonald, Councillor Eisenhauer and Deputy Warden MacKay.

Mr. Hyland also noted that the following people deserved special mention for extra duties they performed during the planning process. These were:

1. Ann Merritt - prepared minutes of meetings.
2. Mr. Don Jeffrey - who took extra time to visit his neighbours concerning zoning in their immediate area.
3. Mr. Dennis Baxter - Vice Chairman of the PPC.
4. Lloyd Maxwell - represented Beaverbank Road and informed Beaverbank Residents about the planning process.
5. Mr. Bud Crandall - represented the Cobequid Road Residents and informed them of the process.
6. Mary O'Neil - in addition to preparing minutes, Mrs. MacNeil represented the citizens of Kay Street and informed her neighbours concerning the zoning abutting their properties.
7. Mr. Alex Jacobsen - represented Walker's Trailer Park and represented the views of Mobile Home Dwellers during the planning process.
8. Mrs. Carol Brasok - represented Sackville Recreation
9. Councillor John Benjamin - for his ongoing attendance and interest in the planning process.
10. Councillor Ken Margeson - who helped to form the Committee in the beginning and whose interest and attendance proved most helpful.
11. Councillor Eisenhauer - for his interest and input into the planning process.
12. Councillors MacDonald, Wiseman and Deputy Warden MacKay - who gave their time and energy in addition to serving their constituents and handling their other daily concerns. He advised that all three Council representatives played a very active role and their input proved to be most valuable in the final plan.
14. Glen Robertson - Glen worked for 14 months with the Committee, before leaving the employ of the County of Halifax, Planning Department and deserved a very special mention for his assistance and advice throughout the process.

Mr. Hyland indicated to the Warden and Councillors that the Staff members who worked with the Committee throughout the planning process proved to be receptive to the community's ideas and the relationship between Municipal Staff and the Public Participation Committee had been excellent.

In summation of his presentation, Mr. Hyland indicated that every attempt was made to give every person, who desired it, input into the planning process; this included private citizens, institutions, businesses and organizations. There was more than adequate media coverage of the planning process and a great deal of advertisement of the meetings. He also advised that the wording of the Plan and By-Law had been carefully prepared and scrutinized by the PPC and is felt to be acceptable.

Mr. Hyland also expressed his thanks for having had the opportunity to be of service to the Community by serving as Chairman of the Committee and to work with a group of people equally concerned with the future of the Sackville Community.

On behalf of the Sackville Public Participation Committee and the Community of Sackville, Mr. Hyland encouraged Council to unanimously approve the adoption of the Sackville Municipal Development Plan and Zoning By-Law as presented.

#### SPEAKERS IN OPPOSITION

Mr. Robert Grant, Solicitor - Stewart, MacKeen & Covert, Barristers & Solicitors, on behalf of Canada Life Assurance Company and Bedford Place Limited: Mr. Grant advised that his clients were in favour of the general intent of the Plan and Zoning By-Law with the exception that, if adopted in its present form, the Municipal Development Plan would allow large commercial or retail development to take place within the commercial core designation, without any public participation or review of the desirability of that development for the area.

Of particular, immediate concern is that the proposed Burnac Shopping Complex would be able to locate in that designation, the effect of which is summarized as follows:

"The effect that must be expected is the bankruptcy of the four major shopping centres (Downsview Mall, Sackville Town Centre, Bedford Place and Sunnyside Mall) currently servicing the primary trade area. These centres have no choice but to compete for the retail dollar spent by the residents of the Sackville-Bedford trade area. All other markets must be judged to be beyond their reach. Their position is already highly vulnerable (with an average vacancy rate of more than 10% in 1981 and a low average sales level per square foot). The entry of a new and larger centre on the scene with desirable anchor tenants and well-performing branches of national-regional chains (necessary to achieve sales of at least \$163.00 per square foot) will not leave the existing centres with adequate room to operate. The effect of these bankruptcies will be the loss of many businesses now serving the area, and the employment they provide. Four vacant shopping centres with their large parking lots, may present a number of problems to these Municipalities. A shopping centre is an expensive single-use facility that cannot readily be adapted to other urban uses. A failing centre must be expected to have a depressing effect on property values, and will affect the taxes paid by the surrounding land uses. This represents a high cost to the public. Lack of business activity and vacant space tends to encourage vandalism and other socially undesirable activities that must be dealt with at public expense."

Mr. Grant, on behalf of his clients, proposed the following amendments to the Municipal Development Plan in order to recognize the twofold goals of a community; first, in protecting existing merchants and taxpayers; secondly, in providing a public forum in which the Council and public may evaluate whether or not a proposed development is either necessary or consistent with the orderly development of the commercial core area. The proposed amendments would be alterations to Policies P-42 and P-43 so that they would read as follows:

"P-42 Subject to Policy P-43, no development containing more than 25,000 sq. ft. shall be permitted in the commercial core zone."

"P-43 Notwithstanding Policy P-42, it shall be the intention of the Council to consider uses for properties within the commercial core zone containing more than 25,000 sq. ft. only in accordance with Section 33 (2) (b) and 34 of the Planning Act. In considering such agreements, Council shall have regard to the provisions of the Policy and to the contents of the secondary plan, as well as to a detailed market analysis prepared by the developer of the proposed development."

In addition, Mr. Grant explained, there would be a necessary consequential change to the draft Zoning By-Law, particularly in Section 3.6 (e) which would have to be amended to read:

"Commercial core uses with greater than 25,000 square feet of floor area."

In conclusion, Mr. Grant indicated that in considering whether to adopt the Municipal Development Plan for Sackville, in its present form, Council should:

1. Make provision whereby the decision of the Provincial Planning Appeal Board regarding the proposed Burnac Development is not effectively reversed by the adoption of the Municipal Development Plan and draft Zoning By-Law for Sackville;
2. Make provision for the orderly and controlled development commercial facilities in the commercial core area of Sackville through mechanism of contract-zoning provisions of the Planning Act.

Mr. Grant was questioned at length by Municipal Council. Councillor MacDonald as well as Councillor Wiseman and Deputy Warden MacKay were generally in favour of the proposed Burnac Shopping Centre. They felt that a new Mall would be an advantage to the Sackville area as it would generate more tax dollars; much more than what would be lost should the Sackville Town Centre go bankrupt. As well, they did not feel that it was the fault of Burnac that the Town Centre was experiencing difficulties; rather it was the fault of some bad decision-making and management at the Town Centre. The Sackville Councillors; Deputy Warden MacKay, in particular, indicated that the PPC, made up of citizens representation, had thoroughly discussed and understood this issue and made their recommendation, as presented this evening, with respect to the commercial core designation. It was obvious, therefore, that the proposal had the support of the area residents.

Councillor Topple spoke briefly advising his opinion that the clients of Mr. Grant were more concerned with the Burnac proposal than they were with the MDP and Zoning By-Law. He also questioned the legality of making an amendment which would prohibit Burnac from developing. He questioned the Municipal Solicitor in this regard.

Solicitor Cragg advised that such an amendment, as proposed, would not be advisable or appropriate, as Council would be delegating its rights, powers, and duties to another body which is not in any way related to the Municipality.

Councillor Lichter as well questioned the right of Council to prohibit Burnac from Developing. He advised that it did not concur with the free enterprise system.

Mr. Frank C. Sobey, Atlantic Shopping Centres Limited: Mr. Sobey indicated that he was in support of the comments of Mr. Grant regarding public participation for future development and contract zoning. He advised that what he was opposed to is uncontrolled, large scale development at the present time. However, at such time as the economic situation improves and Sackville grows to the extent that it requires another shopping complex, then development could proceed.

Mr. Sobey displayed a table depicting the tax revenue increase upon which he felt Council was basing its decision to allow commercial growth to continue in Sackville. His table indicated that such revenue grows to a point until expansion has a detrimental effect on the existing commercial space, at which time tax revenues will begin to decrease. He indicated his opinion that Sackville had already reached this point and that commercial operations in Sackville should remain at its existing level for the present.

The Sackville Councillors again addressed this speaker, indicating their concern regarding proper development in the community but advising that, in their opinion, the Sackville Municipal Development Plan and draft Zoning By-Law addresses these concerns adequately.

Mr. George Armoyan, Lower Sackville: Mr. Armoyan advised that he was not in objection to the MDP and Zoning By-Law in whole, but had one objection with respect to his own land. He advised that his land had been zoned R1 in 1980; he had applied for a rezoning in September of 1980 and attended a Public Hearing, at which time his rezoning had been approved to C1. He advised that due to economic difficulties he had been unable to construct the apartments he had been planning in 1981. As a result of the MDP in its present form if approved it would change his zoning from C1 to C2. Although Mr. Armoyan would be able to construct office facilities in the C2 zone he would be unable to build the residential use he wishes. He, therefore, requested that his property be zoned C2 and R4 in order that he will be able to construct a multi-unit building as per his original plans. He urged Council to approve his request due to the time and money spent in 1980 in having the property zoned to allow this development.

Subsequent to brief discussion it was determined that Mr. Armoyan had not come forward during the Public Participation process.