

Kelly by furnishing names of persons who were presently involved with the United Way. Mr. Kelly indicated that Mr. Murphy had called and would have a list of names prepared by April 24, 1984.

It was moved by Councillor Mont and seconded by Councillor DeRoche:

"THAT Councillor Snow be nominated as a representative to the Board of Directors of the United Way for a one (1) year term."  
Motion Carried.

Councillor Eisenhauer inquired if it had been requested that politicians not be elected to the Board of Directors. Deputy Warden Adams indicated that Councillor Poirier had been a member of the Board of Directors. Councillor Poirier indicated this was correct and the meetings were held on the same Tuesday of the month and as a result she was unable to attend many of the meetings.

#### APPOINTMENT OF WEED INSPECTOR

It was moved by Councillor Gaetz and seconded by Councillor Gaetz:

"THAT Mr. Alun Jones be appointed as Weed Inspector for the Municipality for he year 1984."  
Motion Carried.

#### RENOVATIONS TO SIR JOHN A. MACDONALD HIGH SCHOOL GYMNASIUM

Mr. Kelly indicated that the School Board had advised in the spring of 1982 the Board investigated the possibility of repairing the gymnasium floor at the Sir John A. MacDonald High School. It was reported in the memorandum that part of the gym floor has been uneven since the school was constructed. It was also reported in the memo that the cost of repairs to the gymnasium floor would be in the vicinity of \$50,000 and therefore was not approved.

Mr. Kelly also indicated he had examined capital expenditures for 1981 and that item was included in the 1981 capital requirements at an estimated cost of \$50,000. Mr. Kelly also reported there was no response from the Department of Education indicating approval of this item.

Councillor Walker (...inaudible)

Mr. Meech indicated that it would be necessary to determine if there was ever a Minister's Minute authorized for that particular project.

Councillor Walker (...inaudible...)

#### 911 SYSTEM

Councillor Larsen and Councillor Eisenhauer declared a conflict of interest and left the meeting.

Councillor Lichter indicated he was satisfied with the report.

DAYLIGHT SAVINGS TIME

Councillor Gaetz expressed an interest in having Daylight Savings Time begin the first of April instead of the end of April and suggested the Municipality approach the Province in this regard.

Councillor DeRoche indicated he would have no personal objection to advancing the change.

It was moved by Councillor Gaetz and seconded by Councillor DeRoche:

"THAT the beginning of Daylight Saving Time be moved to April 1, from the present date."

Councillor Poirier indicated she believed the whole Country changed their time at the end of April and this would put us out of kilter.

Councillor Eisenhauer indicated he would prefer if we move ahead now and the time not change to move back one hour in the fall.

Motion Defeated.

ADDITION OF ITEMS TO THE MAY 1, 1984 AGENDA

Councillor Snow requested that the topic of Kennels be added to the next agenda.

Warden MacKenzie presented his report indicating the three voting delegates and the alternate and the delegates selected were: Warden MacKenzie, Councillor DeRoche, Councillor Reid, and Councillor Baker as an alternate.

It was moved by Warden MacKenzie, seconded by Councillor Eisenhauer:

"THAT the delegates for the FCM Conference as named above be approved by Council."  
Motion Carried.

Warden MacKenzie indicated that he would be leaving for the conference on June 2, and suggested that the delegates leave at the same time. Warden MacKenzie indicated the conference would begin on June 4, and would finish on June 7.

Warden MacKenzie wished everyone a pleasant holiday weekend.

Councillor Larsen asked if the area rate would be set at the May 1, Session of Council. Mr. Meech indicated that it was the intent to be prepared to set the tax rate on May 1.

There being no further business the annual session of Council was adjourned until May 1, 1984.

MINUTES & REPORTS

OF THE

SECOND YEAR MEETINGS

OF THE

FORTY - FIRST COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

MAY COUNCIL SESSION

TUESDAY, MAY 1 and 15, 1984

&

PUBLIC HEARINGS

MAY 14, 1984 *o May 28/84*

PUBLIC HEARING MINUTES

May 14, 1984

PRESENT WERE: Warden MacKenzie, Chairperson  
Councillor Walker  
Councillor Poirier  
Councillor Larsen  
Councillor Gaudet  
Councillor Baker  
Councillor DeRoche  
Councillor Gaetz  
Deputy Warden Adams  
Councillor Lichter  
Councillor Snow  
Councillor Margeson  
Councillor MacKay  
Councillor McInroy  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Wiseman  
Councillor Mont

ALSO PRESENT: Mr. Bob Cragg, Solicitor  
Mr. K.R. Meech, Chief Administrative Officer  
Mr. G.J. Kelly, Municipal Clerk  
Mr. Keith Birch, Chief Policy and Planning  
Mr. Mike Hannusiak, Planner

Secretary: Ms. C. Lynn Weeks

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CALL TO ORDER

Warden MacKenzie called the meeting to order at 7:10 p.m. with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the roll.

APPOINTMENT OF THE RECORDING SECRETARY

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

"THAT C. Lynn Weeks be appointed as recording secretary."  
Motion Carried.

PROCEDURES FOR THE PUBLIC HEARING

Warden MacKenzie outlined the procedures for the public hearing for the people present in the gallery.

STAFF REPORT--REZONING APPLICATION RA-24-52-83-10

Mr. Hannusiak presented the report indicating a request by Dennis Day to rezone the lands of Dennis Day and a portion of the lands of Clarence J. Mitchell from an unzoned status to SD (Salvage Yard and Dump) Zone.

Mr. Hannusiak indicated the purpose of the rezoning was to allow the salvage and storage of derelict vehicles and to allow the existing garage to continue in an accessory capacity to the main salvage yard capacity.

It was indicated there was support for the rezoning from the residents in the area.

Staff's recommendation was to rezone the lands of Dennis Day and a portion of the lands of Clarence J. Mitchell from an unzoned status to SD (Salvage Yard and Dump) zone be approved by County Council.

SPEAKERS IN FAVOUR OF APPLICATION RA-24-52-83-10

Mr. Arnold Renouf, Salvage Yard Inspector for the Eastern Shore area spoke in favour of the application. He indicated he had completed the initial inspection of the salvage yard and once the rezoning was granted the license could be granted as everything was in order.

Councillor MacKay asked if it was normal that a license be issued prior to the granting of the rezoning. Mr. Renouf indicated the final license approval would be contingent upon the site receiving approval of the rezoning application.

Councillor MacDonald asked how often after the license was issued the yard was inspected. Mr. Renouf indicated that they were examined every three weeks.

SPEAKERS IN OPPOSITION TO APPLICATION RA-24-52-83-10

None.

QUESTIONS FROM COUNCIL

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

"THAT the rezoning application for the lands of Dennis Day and a portion of the lands of Clarence J. Mitchell, Application No. RA-24-52-83-10, be approved."  
Motion Carried.

STAFF REPORT FOR APPLICATION RA-24-51-83-04

Mr. Hannusiak presented the staff report for the request to rezone lot 109B of the George Yeadon Subdivision, located on the Brookside Road at Brookside, be rezoned from R-2 to C-1.

Mr. Hannusiak indicated the purpose of the rezoning was to allow a beauty salon in conjunction with the existing single family dwelling. It was recommended by staff this application be rejected.

Mr. Hannusiak indicated there was particular concern regarding this application as the area was rezoned in 1972 as R-2 and this action was initiated for three reasons: 1. To prevent the establishment of mobile homes and mobile home parks in the area; 2. To discourage apartment buildings and commercial uses from locating near the existing dwellings; and 3. To prohibit business uses other than those permitted by the by-law such as professional uses. Professional designation includes a doctor, lawyer, engineer, etc.

Councillor Walker asked what was on the lot next to the lot in question. Mr. Hannusiak indicated he was not certain but felt it may be vacant. Councillor Walker indicated he felt there was a commercial garage there.

Councillor Walker asked how the word professional should be interpreted. Mr. Hannusiak indicated there was not any indication in the by-law as to how to interpret the word professional.

Mr. Hannusiak indicated the Planning Act states if an item is not dealt with specifically, then it is not included under the Planning Act. Councillor Walker asked if, since a hairdresser requires a license and the planning act when dealing with professions in the home, could this profession not be included under this purvue. Mr. Hannusiak indicated it could not. Mr. Cragg confirmed this.

Councillor Walker asked if there was anybody opposed to this application. Mr. Hannusiak indicated there was not.

Councillor Poirier inquired what precipitated the R-2 zoning request by the residents in the area. Mr. Hannusiak indicated that approximately 85 to 90 per cent of the residents in that area requested R-2 or supported this type of zoning.

Councillor MacDonald inquired if the beauty parlour was now operating in the home. Mr. Hannusiak indicated it was not.

Councillor Margeson inquired if this area had an MDP in place how would this situation be handled. Mr. Hannusiak stated he could not answer this question as he had no indication from the residents of their views on this particular home occupation. Councillor Margeson asked if there were other areas which did allow a beauty parlour as a home occupation. Mr. Hannusiak indicated that the reaction of the residents would vary from area to area.

Mr. Hanusiak indicated that the question of zoning for this residence to allow a beauty parlour bordered on the larger question of home occupations and what would be permissible in one area would not necessarily be acceptable to the residents in another area.

Councillor Margeson inquired if an MDP was being developed for this area. Mr. Hanusiak stated he was not aware of one being developed. Councillor Margeson asked if there was any intention to develop a strategy. Mr. Hanusiak indicated he was not in a position to answer that question.

Councillor Margeson asked how many home beauty salons had to close down as the result of an MDP being put into place. Mr. Hanusiak indicated they would not close down but they could possibly be put into a non-conforming use situation. Councillor Margeson asked if the beauty salon could be allowed to operate through a contract. Mr. Hanusiak indicated there was no avenue to consider that type of development. Councillor Margeson asked if this building had been used by a professional person prior to this. Mr. Hanusiak stated it had not been to his knowledge.

Councillor Margeson asked if it was necessary to have a license to operate a beauty parlour. Mr. Hanusiak indicated there may be a necessity for a license from the Executive Office, but Mr. Hanusiak was not sure.

Councillor Margeson asked if a Provincial license was necessary. Mr. Hanusiak indicated he was not aware of any provincial licensing. Warden MacKenzie indicated that the Executive Office and the Province do not require a license.

Warden MacKenzie indicated that no doubt there was a Provincial Association License which would be required. Councillor Margeson asked if Mr. Cragg was aware of any Provincial License requirements. Mr. Cragg indicated he was not aware of any licensing requirement.

Councillor Baker stated he felt this beauty salon would provide a service in the community and for the surrounding area. Mr. Hanusiak stated that from the staff point of view there would be no problem with the beauty salon itself, but rather it was the implications of the altered zoning opening the whole property for other applications. Mr. Hanusiak indicated he did not feel it was the applicant's desire to activate that property to any higher degree than what was being requested in the application, and this request was contrary to the long established pattern of zoning in the area.

Councillor Margeson asked if it was possible to have two zones on the one property. Mr. Hanusiak indicated it was not possible to do that under by-law 24. Mr. Cragg indicated that only in one or two cases was this practice approved where dual zoning was instituted on a property. Councillor Margeson inquired if this could not be instituted here to allow residents the convenience of the C-1 zone for a beauty salon. Mr. Hanusiak indicated the application could be reduced to involve only the house. However, the problem was with allowing home occupations and the C-1 zone.

SPEAKERS IN FAVOUR OF APPLICATION NO. RA-24-51-83-04

Mr. Michael Price, 37 Brookside Road, spoke in favour of the application. He indicated last fall the application was activated to amend the zoning by-law No. 24 to include the occupation of Hairdressers under the the definition of professional people. It was rejected by the County due to the fact it would open every house in an R-2 zone to every hairdresser who wished to open a business. It was recommended at that time by the Planning Committee to attempt to rezone the lot to commercial designation. Mr. Price indicated his wife had completed a petition of the surrounding neighbors, 35-40 people, and all were in favour.

Mr. Price indicated that when they approached PAC it was indicated all that was requested was a commercial zone to open a beauty zone and not necessarily for the whole property. Mr. Price indicated this was turned down because there was no planning strategy for th area.

Mr. Price indicated there were no beauty salons in the Prospect Area until you get into the City of Halifax and felt they would be providing a service to the residents of the area with no visible negative effects on the property itself. Mr. Price indicated there would be no change in the house, the property would not change, there would be no strain on the city services as they were on a well and septic system. The lot would not change and there would be ample room for parking for ten cars. Mr. Price indicated he did not feel there would be an increase in the traffic in the area and there would be no visible sign of a business in the area other than a car in the driveway.

Councillor Snow asked what licenses are required for a beauty salon. Mr. Price indicated the hairdresser is required to have a Master's Hairdresser License to run her own beauty shop and he was under the assumption that it was necessary to have a business license to operate a business.

Mr. Price indicated in answer to Councillor's Walker's question regarding the property next door was commercial and a garage was being run there to repair heavy equipment, graders, tractors, etc. Mr. Price also indicated this person resided in the first residential lot.

Councillor Larsen asked when the Municipal Planning Strategy was developed for that area would there be any difficulty at that time entering into a contract for development. Mr. Price indicated there would not be any difficulty in that regard.

SPEAKERS IN OPPOSITION TO APPLICATION NO. RA-24-51-83-04

None.

QUESTIONS FROM COUNCIL

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

"THAT this application for rezoning Lot 109B located on the Brookside Road be approved as requested for a C-1 zone.  
Motion Carried.

FOR APPLICATION NO. RA-SA-06-84-20STAFF REPORT

Mr. Hanusiak presented the staff report indicating the recommendation from staff was for approval of the application. Mr. Hanusiak indicated that this application to rezone Lot 12F Phase 2, Sackville Developments, located at 67 Mowat Crescent, Lower Sackville, to R-2 from an R-1 designation had been advertised in accordance with the planning act.

The purpose of the application was to bring an existing basement apartment in the dwelling into conformity with the zoning by-law for the Sackville area. Mr. Hanusiak indicated there were letters of support from two people, one being located across the street and the other adjacent to the lot.

Mr. Hanusiak indicated that Policy P-31 outlines the basis under which the re-zoning can be considered and granted. The criteria and analysis of the re-zoning application are outlined in the report and indicated that the proposed rezoning would be in conformity with all applicable provisions of Policy P-104.

Councillor Wiseman asked how long the present owners have owned the house. Mr. Hanusiak indicated they have only owned the property for about two years. Councillor Wiseman asked for how many years the property had been assessed as a two dwelling property. Mr. Hanusiak indicated the assessment for a two dwelling residence goes back approximately four years. Mr. Hanusiak indicated he had an affidavit from the original owner indicating the basement had been there for a great number of years, perhaps as long as the building itself has been in existence.

Councillor MacKay indicated when this item came to PAC the basement apartment was in existence since the building was constructed. He inquired what year the area was zoned. Mr. Hanusiak stated it came under R-1 zoning in the fall of '76 or the early part of '77. Councillor MacKay asked Mr. Cragg if a person signed an affidavit that could be proven to be wrong, what recourse would the Municipality have, and, as well, the purchaser have. Mr. Cragg indicated it was possible to give whatever weight the Municipality wishes to the affidavit in question. The Municipality could choose to ignore or accept it at face value or to determine whatever amount of weight it wishes to give to its. There would be no avenue open to the Municipality for recourse if the affidavit proved to be false.

Mr. Cragg also indicated there would be legal remedy available on the civil level to the purchaser either through damages or having the original contract to purchase rescinded.

SPEAKERS IN FAVOUR OF APPLICATION NO. RA-SA-06-84=20

Mr. Harold Edwards, applicant, and Mrs. Eva Edwards, spoke in favor of the application. Mr. Edwards indicated it was necessary to rent the apartment to pay the mortgage on the premises and were under the impression when they purchased the property that it conformed to all the appropriate by-laws.

Mr. Edwards indicated the property had been assessed for a number of years as a two family dwelling and the County had been aware of this situation for a number of years. Mr. Edwards indicated that there had been no objections to the use of this building for the years prior to submitting the application for re-zoning to allow conformity with the present zoning by-laws in the Sackville area.

Councillor Wiseman asked Mr. Edwards when he first became aware of the fact that the house was not in conformity with the Sackville MDP. Mr. Edwards indicated this came to light when a tenant in the apartment had been evicted. Councillor Wiseman asked who the previous owner was. Mr. Edwards indicated it was David Gilbert.

Councillor MacKay asked if the tenant was acquired at the time the house was purchased. Mr. Edwards indicated that was so. Councillor Mackay asked if the lawyer had indicated it was a legal two unit dwelling. Mr. Edwards indicated the lawyer did not say it was legal but also did not inform him it was illegal.

SPEAKERS IN OPPOSITION TO APPLICATION NO. RA-SA-06-84-20

Mr. Calvin Bechard, resident, 128F spoke in opposition to the application. Mr. Bechard's objection was to the parking arrangements for the basement apartment. He indicated he had had a minor traffic accident in the driveway and expense in erecting fencing on his property.

He indicated the property was not surveyed properly, and when the driveway was paved the people paving the property paved over the surveyor's markers. Mr. Bechard also registered his request for a chain link fence to separate the two properties.

Councillor Wiseman asked how long Mr. Bechard had been living in his home. Mr. Bechard indicated he had been a resident there for thirteen years. Councillor Wiseman asked when the apartment was put in the house. Mr. Bechard indicated it was approximately five years ago.

Warden MacKenzie asked if Mr. Bechard ever gave any thought to having the survey completed by himself. Mr. Bechard indicated he had had no reason prior to this to have the survey completed. He also indicated now he would like to see the property surveyed and a proper boundary of some type erected.

Mrs. Bechard asked if there would be any increase in her assessment if the property next to hers was zoned as an R-2. Mrs. Bechard indicated the property was very well kept now but prior to Mr. Edwards owning the property there were three tenants living upstairs and someone in the basement and a repeat of this may occur if Mr. Edwards sells the property.

Councillor MacKay indicated that assessment would not be a matter the County Council could deal with as assessments are completed by the Provincial Department of Assessment. Councillor MacKay also indicated that the onus would be on the Bechards to take action if they felt their property was being infringed upon by their neighbor. Councillor MacKay also indicated that according to the MDP for the Sackville area it would be incumbent upon Mr. Edwards to provide two parking spaces on this property if he was to gain approval for an R-2 zoning. This information was confirmed by Mr. Cragg and Mr. Hanusiak.

Councillor Margeson asked if there was room on the other side of the building for a second driveway. It was indicated there was not.

Councillor Wiseman indicated she would be interested in attempting to have the families work out some solution to their problems.

Councillor MacDonald asked Mr. Hanusiak if the re-zoning could be recommended without the proper parking facilities. (inaudible) Mr. Hanusiak indicated there was space to satisfy the parking requirement for two cars. Councillor MacDonald asked if the zoning was approved if Mr. Edwards was required to provide an additional parking space. Mr. Hanusiak indicated this was correct.

Councillor Wiseman stated it was her understanding if there was adequate space in a driveway for two or three cars this would be considered as adequate parking space. Mr. Bechard indicated the main problem was that the driveway was too narrow and at the house the driveway was approximately six feet.

Mrs. Bechard asked if there were any complaints in the future if there are more than two tenants living in the building if she would have any right to complain. Councillor Wiseman indicated if there was a problem of this nature it would not be handled through a zoning situation. Mr. Hanusiak stated if the unit continues in its present capacity as a conforming piece of land some sections of the planning act will kick into place indicating no physical alterations, expansions, or anything could be done to that property except necessary repairs.

Councillor Margeson asked how far from the driveway the sideyard clearance must be. Mr. Hanusiak indicated the sideyard clearance would be measured from the building and the parking facilities could be right up on the line.

Councillor Margeson asked if it would be possible to institute a contract situation. Mr. Hanusiak indicated there was no provision for this type of activity under the development contract clauses.

Councillor Poirier asked if there was any provision in the planning of this area that dictates that the two people must use this driveway or is this just an arrangement that was made between two parties. Councillor Poirier indicated it may be a solution to erect a fence along the driveway. Mr. Bechard stated there was a covenant in Sackville preventing people from erecting fences along this property line.

Councillor MacKay indicated that people were allowed to erect fences from the Department of Transportation right of way along your property line. He also stated if the fence was under four feet a permit would not be required, however, if it was over four feet it would require a permit.

Councillor McInroy indicated he felt this discussion was off the topic of the hearing and did not feel it was the purvue of the Council to resolve the personal problems between these two individuals.

#### QUESTIONS FROM COUNCIL

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

"THAT Lot 12F, Phase 2, Sackville Developments, located at 67 Mowat Crescent be rezoned from R-1 to R-2."

Councillor MacKay there would be no difference to the Edwards' use of this property regardless of whether the re-zoning was granted as the property would simply remain as non-conforming And on that basis he was in opposition to the application.

Motion Carried.

There being no further business, the meeting was adjourned.

MINUTES

PUBLIC HEARING

May 28, 1984

PRESENT WERE: Deputy Warden Adams, Chairman  
Councillor Walker  
Councillor Poirier  
Councillor Larsen  
Councillor Gaudet  
Councillor Baker  
Councillor DeRoche  
Councillor Gaetz  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor Margeson  
Councillor MacKay  
Councillor McInroy  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Mont

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk  
Mr. Bob Cragg, Solicitor  
Mr. Mike Hanusiak

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CALL TO ORDER

Deputy Warden Adams called the meeting to order at 7:07 with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT C. Lynn Weeks be appointed as recording secretary."  
Motion Carried.

PROCEDURES FOR PUBLIC HEARING

Deputy Warden Adams outlined the procedures for the Public Hearing for the spectators in the gallery and the participants

REZONING APPLICATION NO. ZA-24-09-84-01

Staff Report

Mr. Mike Hanusiak presented the staff report and indicated the rezoning application had been advertised in accordance with the planning act and no correspondence had been received either in favour or opposed to the rezoning.

Mr. Hanusiak presented the report requesting rezoning of lands along Boutilier's Road at Boutilier's Point from unzoned to R-5 for the purpose of protecting against the intrusion of incompatible land uses. Mr. Hanusiak indicated the recommendation from staff was to approve the application.

Mr. Hanusiak indicated the application for the rezoning was accompanied by a petition containing the names of twenty area land-owners in favour of the rezoning and four individuals who were opposed to the zoning.

Mr. Hanusiak indicated there was a limit as to the amount of commercial growth or expansion that can take place to a development under this zone application.

Staff was recommending approval of this application for two reasons:

1. Area is experiencing moderate increase in development, and; this zoning ensures a flexible yet consistent pattern of development.
2. This zone is not likely to produce any non-conforming uses.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF APPLICATION NO. RA-24-09-84-01

None.

SPEAKERS IN OPPOSITION OF APPLICATION NO. ZA-24-09-84-01

None.

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

"THAT Rezoning Application No. RA-24-09-84-01 be approved by Council."  
Motion Carried.

REZONING APPLICATION NO. RA-SA-12-84-20Staff Report

Mr. Hanusiak presented the staff report and indicated the application had been advertised in accordance with the Planning Act and further that no correspondence had been received either in favour of or opposed to the application.

Mr. Hanusiak indicated the request was received from Mr. Wilfred Abbott to rezone Lot 5-L of Phase 4, Sackville Developments, located at 8-10 Lynnvill Drive, Lower Sackville, from R-1 to R-2 to change the status from a legal non-conforming use to that of a conforming use.

Mr. Hanusiak presented the staff report indicating staff's recommendation to approve the application based on Policy P-31 and that the proposed rezoning is in conformity with all applicable provisions of Policy P-104 and that a building permit was issued in 1975 to construct a basement apartment which was at that time an allowable use based on the property's unzoned status.

QUESTIONS FROM COUNCIL

Councillor DeRoche asked if this was an existing R-2 prior to the development of the MDP even though it was not zoned as such. Mr. Hanusiak indicated that was so.

Councillor DeRoche asked if this incorrect present zoning was an oversight in the development of the MDP for Sackville. Mr. Hanusiak indicated it could have been overlooked.

Councillor DeRoche asked what situation brought this fact to the attention of the Planning Department. Mr. Hanusiak stated he had had a phone call from Mr. Abbot or from the present property owners expressing concern regarding the zoning as related to them by the real estate agents. Councillor DeRoche confirmed it was the sale of the property which brought this situation to light. Mr. Hanusiak agreed with this.

Councillor MacKay confirmed that the zoning should have been as an R-2 residence when the MDP for Sackville was put into place.

SPEAKERS IN FAVOUR OF APPLICATION NO. RA-SA-12-84-20

None.

Councillor DeRoche asked the present owners of the property if the property had the proper zoning when it was purchased.

Mr. Barry Johns, 10 Michael Drive, Lower Sackville, indicated when he was about to purchase the property the Abbott's had no idea the property was zoned R-1. They had purchased the property under the assumption it was an R-2 Zone. Mr. Johns also stated it was during the time he was requesting a mortgage it was discovered this property was

zoned R-1.

Councillor DeRoche asked if the property was advertised at the time of sale as a duplex. Mr. Johns indicated it was.

SPEAKERS IN OPPOSITION TO THE APPLICATION.

None.

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

"THAT Council approved the R-2 zoning for the property Lot 5-L, Phase 4, Sackville Developments Ltd., located at 8-10 Lynnville Drive, Lower Sackville.  
Motion Carried.

There being no further business, the meeting was adjourned.

MAY COUNCIL SESSION - 1984

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MINUTES  
ANNUAL COUNCIL SESSION

May 1, 1984

PRESENT WERE: Warden MacKenzie, Chairperson  
Councillor Walker  
Councillor Poirier  
Councillor Larsen  
Councillor Baker  
Councillor Gaudet  
Councillor DeRoche  
Councillor Gaetz  
Deputy Warden Adams  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor Margeson  
Councillor MacKay  
Councillor McInroy  
Councillor Eisenhower  
Councillor MacDonald  
Councillor Wiseman  
Councillor Mont

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer  
Mr. G.J. Kelly, Municipal Clerk  
Mr. Ed Mason, Director of Social Services  
Mr. Keith Birch, Chief, Planning and Policy  
Mr. Ken Wilson, Director of Finance  
Mr. Gary Smith, Financial Controller  
Mr. Lorne Denny, Executive Director, Halifax County  
Industrial Commission  
Mr. John Markesino, Director of Recreation  
Mr. Dave Ardley, Purchasing Co-ordinator

SECRETARY: C.L. Weeks

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CALL TO ORDER

Warden MacKenzie called the meeting to order at 6:08 p.m. with the Lord's Prayer.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT C. Lynn Weeks be appointed as recording secretary."  
Motion Carried.

ROLL CALL

Mr. Meech called the roll.

APPROVAL OF MINUTES

It was moved by Councillor Snow, seconded by Councillor DeRoche:

"THAT the minutes of April 3, 1984 be approved as submitted."  
Motion Carried.

ADDITIONS TO THE AGENDA

Councillor Larsen requested that the topic of "old schools" be added to the agenda.

Councillor McInroy requested that the topic of "St. Mary's University" be added to the agenda.

MEETING WITH RCMP OFFICIALS

Superintendent Cal Bungay presented his report to the Council which provided an overview of the statistics the RCMP had gathered over the past year regarding crime rates in the County. It was indicated that overall the crime rate is decreasing and this may in some cases be a result of more stringent legislation and/or more effective education programs for the public.

Many of the Councillors thanked the RCMP members for the service and the programs which had been carried on in their areas and for the community participation which the RCMP were involved with. Councillor Snow expressed some concern about the availability of drugs to young persons.

The RCMP officer in that area replied to the statement and informed Councillor Snow that their detachment is well aware of this and would be keeping an "open eye" on the situation and would hope that this practice would be stopped.

Councillor MacKay expressed concern regarding vehicles which were parking in what seemed to be dangerous areas, i.e. close to corners, at stop signs, etc. The Sackville Detachment Officer informed Councillor MacKay that there was nothing that could be done if there were no signserected, i.e. no parking, if the vehicle was within the bounds of Provincial Motor Vehicle Legislation.

Councillor Baker requested that the RCMP for his area investigate the problems he is having in the ball park and on the school grounds with vehicles racing on these two properties. Superintendent Bungay indicated the appropriate detachment would be informed regarding this matter.

Councillor Wiseman inquired if the motorcycle program instituted last summer in Sackville would again be implemented for the summer of '82. One of the RCMP officers indicated it would be.

Councillor DeRoche inquired if the RCMP in the Cole Harbour/Westphal area had received an increased number of calls now that private property could be patrolled. The RCMP officer concerned with that detachment indicated that there had not been an increase in the calls.

Warden MacKenzie thanked the RCMP officers for presenting their report and answering the questions of Council members.

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

"THAT a five-minute recess be called."  
Motion Carried.

#### PLANNING ADVISORY COMMITTEE REPORT

##### Rezoning application No. ZA-24-09-84-01

Mr. Kelly read the report to rezone lands located along the Boutilier's Point of an unzoned status to R-5 Rural Residential zone. It was indicated that Planning and Development staff recommend approval of the request. A public hearing was requested for May 28, 1984.

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

"THAT a public hearing date be set for May 28, 1984 to examine a request to rezone lands in the Boutilier's Point area which are presently unzoned."  
Motion Carried.

##### Rezoning Application No. RA-SA-12-84-20

Mr. Kelly read the report requesting rezoning of Lot 5-1, Phase 4, Sackville Developments from R-1 to R-2 to bring the present usage of this property into conformity. Staff and Planning Committee recommend approval of this request and suggest the date of May 28, 1984 at 7:00 p.m. be set for a public hearing.

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

"THAT this request for rezoning of Lot 5-L, Phase 4, Sackville Developments be approved for a Public Hearing May 28, 1984, at 7:00 p.m."  
Motion Carried.

*Pages re setting of the rate & area rates reserved to annual book  
March session.*

Proposed Amendment to the Forest Hills Planned Unit Development Agreement

Mr. Kelly read the report requesting, by the Department of Housing, to amend the Forest Hills Planned Unit Development Agreement to allow approval of four single dwelling lots and a park area on a parcel of land previously approved as a Multiple Family Site. PAC recommended approval of the proposed changes.

It was moved by Councillor DeRoche, seconded by Councillor Snow:

"THAT Council approve the proposed amendment to the Forest Hills Planned Unit Development Agreement to allow four single dwelling lots and a park area on a parcel of land previously recommended as a Multiple Family Dwelling Site."  
Motion Carried.

Councillor Poirier inquired if there had been any word from the Department of Municipal affairs regarding the MacDonald property in Timberlea. Mr. Meech indicated that he had written a letter to the Minister and had contacted his Deputy last week and had not received a response.

SUPPLEMENTARY AGENDA--PLANNING ADVISORY REPORT

Mr. Kelly read the report from PAC requesting that the following be approved: Lots A1A and A1B of the Ray Guillemette Subdivision Seabright, be approved under the regulations for undersized lots and that a public hearing be held June 11, 1984 during the regular council session.

It was moved by Councillor Larsen, seconded by Councillor Snow:

"THAT a public hearing be set for June 11, 1984 during the regular Council to hear a request that Lots A1A and A1B be approved under the regulations for undersized lots ."

Councillor Larsen indicated that June the 11, 1984 was a Monday evening and therefore would not be heard during a regular Council Session.

Motion Carried.

MANAGEMENT COMMITTEE REPORTProposals--Sheet Harbour Swimming Pool Complex

Mr. Kelly read the report respecting the proposals received for the purchase or lease of the property containing the Sheet Harbour Swimming Pool Complex. It was indicated that a deed has been prepared and drawn up to transfer the property from the Association to the Municipality, and Council must formally accept title. It was also recommended by Management Committee that Council accept the proposal of the Sheet

Harbour Lions Club to acquire the property for the amount of \$1 (one dollar) with the provisions as indicated to allow the Municipality the right to approve any re-sale of the property by the Lions Club.

Mr. Kelly indicated that prior to the meeting he had received a letter from Imperial Investments Ltd. which had been circulated.

Councillor MacDonald asked what the debt was presently on the Swimming Pool Complex. Mr. Meech indicated the debt outstanding is approximately \$118,000 - \$120,000.

Councillor MacDonald asked if the Municipality planned to write this debt off and in the future there would be no more debts as far as the County is concerned. Warden MacKenzie indicated that in the documents to turn the property over to the Municipality with no debts attached to the local recreation association. Councillor MacDonald asked if the deed had been turned over. Warden MacKenzie indicated that the deed had been turned over, but it had not been executed. Mr. Meech indicated that this was the first issue that would have to be dealt with this evening. Mr. Meech also indicated that there was a motion on the books which had not been dealt with as yet and must be voted upon.

Councillor Mont inquired of Mr. Cragg if a proper tender had been advertised or if there were any concerns in this regard. Mr. Cragg indicated he was satisfied that the proposal was tendered and was tendered properly. Councillor Mont inquired if there was any need to retender. Mr. Cragg replied there was not.

Mr. Meech indicated there was a legal opinion circulated this evening from Mr. Cragg and it indicates that there should be one adjustment in the recommendation from the Management Committee and that is that the property should be leased for a period of twenty years and not to sell the property.

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

"THAT Council accept transfer of the property into the ownership of the Municipality."  
Motion Carried.

Councillor Mont indicated that he was not in agreement with the recommendation of the Management Committee. Councillor Mont indicated that nobody had been back to discuss and negotiate the offer of Imperial Investments and that perhaps Imperial Investments would be willing to offer more than \$35,000. Councillor Mont stated he felt that Council have been very supportive of the swimming pool complex and that a substantial debt had been accumulated and that the County should try to recover as much of the funds which had been funneled into the project as possible.

It was moved by Councillor Mont, seconded by Councillor Gaudet:

"THAT staff be directed to negotiate with Imperial Investments Ltd. for the sale of the Swimming Pool Complex in Sheet Harbour."

Councillor Mont indicated that William Mont was no relation to him.

Warden MacKenzie indicated that the closing date for proposals was March 15, 1984, and the proposal from Imperial Investments was received on March 29, 1984. Warden MacKenzie stated that he had indicated to Mr. Brine that it was not proper for him to negotiate with Imperial Investments Ltd. at that time. The Warden also stated that although Imperial Investments does have a use for the facility, there would be no way of preventing this organization from demolishing the building after purchase. The Warden indicated that much of the equipment and structural steel would be worth a great deal of money if the building was demolished and could be sold.

Warden MacKenzie also indicated that the Lions Club had, over the past number of years, contributed a lot of time and money to the operation of the pool. It was also indicated that the Department of Culture and Fitness was to be approached by the Hon. Tom MacInnis for funding to proceed with the restoration of the site.

Councillor Mont inquired if it would be possible to accept the tender of Mr. Mont (William) from Imperial Investments at this point in time considering it was submitted fourteen days late. Councillor Mont indicated that if we could not accept this tender, the County would not be bound to accept any of the tenders submitted. Mr. Cragg indicated this understanding was correct and considering the situation the best solution to the problem may be to retender.

Warden MacKenzie indicated that Deputy Warden Adams had indicated he wished to speak on the motion and that there was a group in the chambers from Sheet Harbour.

Councillor DeRoche indicated there was a resolution already adopted by Council one year ago initiating the business on the floor which stated in part that the facility be put up for sale to the highest bidder to enable the County to realize the greatest return on our investment. Councillor DeRoche also indicated that if we do not retender, then the highest possible return on investment would not be realized.

Deputy Warden Adams indicated he had been speaking with one of the representatives from the Native Council, Jackie Mackie, who had indicated to the Deputy Warden that the Native Council had some new information with regard to finances which could be put towards the purchase of the pool. Deputy Warden Adams also indicated that the Native Council were hoping to be able to address Council this evening.

Councillor Mont indicated he had no objection to hearing the representative from the Native Council, but would like to hear from representatives from the Lions Club and Imperial Investments Ltd.

Warden MacKenzie indicated there was opposition to having the representative from the Native Council heard this evening.

Councillor Walker inquired if the building would be sold for \$1 (one dollar) or if the building would be leased for that sum of money. Mr. Meech indicated that the building would be leased.

Councillor Walker indicated he felt a one-year lease should be executed in order to allow the County an opportunity to assess the person who does lease the building.

Warden MacKenzie indicated he did not feel that any group would be interested in taking over the building on the basis of a one year lease. Councillor Walker indicated his intention was to provide the lease with the option to renew after one year.

Mr. Meech indicated that the property would require a number of major repairs to put it in operational condition and this would require a fair amount of money to be expended and any organization may hesitate to go ahead and spend either the time or money in making the facility useful for one year if the lease is not renewed for any reason.

Councillor Poirier indicated she felt that the community people should keep and maintain the building for the benefit of the community and the \$35,000 which may be recovered by the outright sale of the building would be insignificant when considering the benefits which could be derived from a community organization working with and in the community for their benefit.

Councillor Wiseman indicated in the report in the second paragraph under proposal one it states the Lion's Club Building committee intends to use it as a recreation center and a meeting den. She also indicated the report stated the Lions Club would not be using the pool and they were attempting to secure \$50,000 of funding from the government. Councillor Wiseman inquired what would be happening to the pool equipment, who would be paying for maintenance, etc. Warden MacKenzie indicated that anything that could be removed, it would be available for examination to the Recreation Department and could be removed if it was of value to the Department.

Councillor MacKay inquired how much money went into the original capital construction of the building. Warden MacKenzie indicated there were grants from a number of sources and levels of government. Mr. Meech indicated from the information he had available, the cost would have been in the area of \$500,000. Warden MacKenzie indicated he felt that value would be quite high and may actually be in the vicinity of \$400,000. Councillor MacKay stated that considering the cost of the building, the debt which was to be written off the books, plus the cost of the grants given by the Municipality, the total cost of the building would be in the vicinity of half a million dollars and the County

should attempt to recover as much of its losses as possible. Councillor MacKay also indicated he felt the community should have been willing to support the pool by levying an area rate. Councillor MacKay indicated that the Kinsmen in Sackville had been leasing land from the Municipality on the basis of a two-year renewable lease and have expended almost a million dollars on a building and facilities.

Councillor MacKay also indicated he would be willing to support one of two things: 1. that an advertisement be placed in the newspaper asking for proposals, not a monetary offer, from community organizations; or 2. sell the property to the highest bidder.

Mr. Meech indicated to the Councillor that both of these options had been explored in the request for proposals which had been advertised in the newspaper.

Councillor Eisenhauer asked Mr. Cragg what the guideline was in the Municipal Act for the period of time the Municipality was able to lease a property. Mr. Cragg indicated that the County could lease for a period not exceeding twenty-one years. Mr. Cragg also indicated that for a lease of this period of time it was not necessary to receive ministerial approval, however, ministerial approval was required for conveying a property for something in excess of \$25,000 and is found in Section 134 of the Municipal Act.

Warden MacKenzie asked Mr. Cragg if the lease arrangement was not changed recently with regard to the twenty year period. Mr. Cragg indicated this was the amendment which was ratified in 1983. Councillor Eisenhauer asked Warden MacKenzie if he had a level of faith that the Lion's Club could perform or manage the financial end of this operation. Warden MacKenzie stated that he had not been involved with the club and discussed this project other than with individual members, but it was his feeling that the Lion's Club could support the complex financially. Councillor Eisenhauer indicated that he agreed with leasing the building.

Councillor Reid stated it was his understanding of the discussion during the Management Committee meeting to deal with this issue that not just the re-sale of the property would be with final approval from the Municipality but also any resale of equipment or property within the building.

Warden MacKenzie indicated he was very disappointed that the facility was not a success in the community and hoped at some point in the future the support would be available for the pool.

Deputy Warden Adams indicated that only two local offers were made before the deadline advertised, and further that the native council has further information which Council elected not to hear, he would be supporting Councillor Mont's motion.

Councillor Mont amended his motion, seconded by Councillor Gaudet:

"THAT Council have staff re-tender for business groups, community groups, and any proposals from a community group of a recreation nature should be evaluated by the Municipality's Department of Recreation."

Councillor MacKay asked Councillor Mont if it was his intention that the property be tendered for sale or if it was more in the line of a proposal from community groups as we would request from community schools when it becomes surplus property and is turned over to the Municipality. Councillor MacKay also indicated that this would be a lease situation as opposed to a direct sale of the property.

Mr. Meech indicated that Councillor Mont's motion was identical to the procedure which had been followed by the County in March to receive tenders up to this point. Councillor Mont indicated that one of the proposals was too late for the tender date. Councillor Mont stated that according to Mr. Cragg's opinion the County was not bound to accept any tenders and that we have the right to retender. Councillor Mont indicated he did not feel the existing tenders which were for examination this evening were sufficient.

Councillor MacKay inquired of Mr. Cragg if, with the history on the motions which have been made in the past by this council, are we now in the position to accept ownership and if we could also lease it to an organization without going through any further process. Mr. Cragg indicated that the County was in a position whereby it was possible to accept a deed and record it and thereby take ownership of the property, and once the County has become the registered owner of the lands it is possible to deal with the lands as the County sees fit within the bounds of the law.

Councillor MacKay asked if, considering this information, it would still be possible to offer this property for lease. Mr. Cragg indicated it would or that it would be possible to offer the property for sale as well. Mr. Cragg indicated it would be possible to seek the same proposals for lease or purchase the property as he did before. Mr. Cragg indicated it was not necessary to accept any of the proposals and if desired it was possible to re-invite proposals for either a straight lease situation or a lease/purchase proposition.

Councillor MacKay indicated that there have been decisions made in the past which may have been made hastily and therefore careful consideration should be given to the decision whether to offer the property for sale/lease and to the group or organization which will retain the property.

Warden MacKenzie asked if the title still had to be searched. Mr. Cragg indicated that this would be correct. Mr. Cragg also indicated that the County should accept title if the property is free and clear of all encumbrances.

Councillor DeRoche indicated it was his feeling that in the interest of fairness the only option available at this point in time would be to re-tender. Councillor DeRoche indicated that this opinion was based on the fact that the Deputy Warden had indicated additional information would be available to the County from the Native Council. Councillor DeRoche also indicated that it was his feeling that representation had been made on behalf of the Lion's Club by the Chair and to give anyone interested in acquiring the property a fair chance to do so a second tender should be called.

Warden MacKenzie stated he was not involved with the Lion's Club at the time of the committee establishing guidelines for the proposals. Councillor DeRoche indicated he was relating his comments to the information the Warden had given regarding the financial capability of the Lion's Club to operate the property and the Native Council had not been given the same opportunity to offer information. Warden MacKenzie indicated he was answering questions from the floor at that time.

Councillor Lichter indicated that a simple solution was available to Council. He also stated that a proper tender was called, there were two groups who tendered. Councillor Lichter also indicated there was new information available and;

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

"THAT this item be deferred until the Council session of May 15, 1984 and one speaker from each group be permitted to present their proposals and respond to questions."

Councillor Mont raised a point of order that the intention of the motion by Councillor Lichter was not simply to defer but to defer to allow the two groups to speak.

Councillor MacKay indicated that the motion by Councillor Lichter is to defer to the next Council Session and have one speaker from each group come forth to give proposals and this would take the original motion completely out of context. Councillor MacKay also indicated that the motion was out of order and for that reason he would be unable to support the motion.

Mr. Cragg indicated that this motion could be dealt with as a deferral and before dealing with the matter at the next Council session, we would hear from those groups.

Warden MacKenzie inquired if it was agreed by Council this item be deferred and the two groups in question be heard from at the next session.

Deputy Warden Adams inquired if it would be agreeable to hear the presentations at the Management Committee instead of at the Council Session. It was indicated this would not be agreeable to all members of Council.

Councillor Mont indicated he would agreeable to the motion of deferment put forward by Councillor Lichter if Imperial Investments Ltd. is also invited to make a presentation to Council.

Councillor Lichter indicated he would agree to this change in the motion of deferrment.

Councillor Margeson indicated he would move that the proposal of the Lion's Club be accepted after discussing this matter with Sargeant Bishop. It was indicated by Councillor Margeson that it was his feeling the motion had been withdrawn. Warden Mackenzie indicated the motion had not been withdrawn.

Motion Carried.

It was asked if it was possible to deal with the proposal by Imperial Investments. Mr. Cragg indicated it was possible to deal with this proposal although it could have been excluded due to its lateness.

#### Request for Loan--Waverley Fire Department

Mr. Kelly read the report requesting a loan for the Waverley Fire Department in the amount of \$60,000 for the purpose of expanding the Fire Hall. It was recommended to Council by Management Committee for approval.

It was also indicated the loan would be repaid over a period of ten years for both the principal and the interest with the provision of the right to levy an area rate in default of payment of either principal and/or interest.

It was moved by Councillor Snow, seconded by Councillor DeRoche:

"THAT Council approve the loan to the Waverley Fire Department in the amount of \$60,000 for the expansion of the Waverley Fire Department Fire Hall with the provision that the County have the right to levy an area rate in default of payment of principal and/or interest."

Motion Carried.

#### Request for Funds--Nova Scotia Housing Commission Funds

Mr. Kelly read the report indicating Management Committee had received a request for funds in the amount of \$5,000 from the Nova Scotia Housing Commission Funds. The funds were requested for the purpose of upgrading a recreational ball field located in District 19 on the Old Beaverbank Road. It was recommended for approval to Council from the Management Committee.

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

"THAT funds be made available from the Nova Scotia Housing Commission Funds for the purpose of upgrading the Ball Field in District 19 on the Old Beaverbank Road."  
Motion Carried.

Request for Loan--Upper Musquodoboit Bicentennial Theatre Cultural Center

Mr. Kelly read the report indicating a request for a loan from District 12 in the amount of \$50,000 to be advanced for a period of three years with the Municipality having the right to levy an area rate in default of payment of principal and/or interest repayment. It was indicated this loan would be for capital improvements to the Middle Musquodoboit Bicentennial Theatre and Cultural Center.

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

"THAT Council approve the request of a Loan in the amount of \$50,000 for the capital improvements to the Middle Musquodoboit Bicentennial Cultural Center and Theater with the provision that the Municipality have the right to levy an area rate in default of principal and/or interest payments."

Councillor MacKay inquired what would happen in the event of default of payment. Would there be an agreement through ratepayers meetings that an area rate could be levied if there was a shortfall. Councillor Reid indicated there has been no agreement with the Ratepayers Association, however, a finance committee was set-up who has volunteered to be responsible for raising the \$50,000 and the projects they hope to incorporate will be in place very shortly. It was anticipated the fund raising will be completed by the end of this year.

Councillor Reid also indicated the commitment for the area rate was made strictly by himself along with the understanding of the four people who are on the finance committee which consists of John Logan, Chairman, Tom Parker, Ken Streach, and himself.

Councillor MacKay asked of the District Capital Grant was included in this request. Councillor Reid indicated this request was over and above the request for a District Capital Grant. Mr. Kelly indicated the breakdown on the funding was available as an attachment to the supplementary and the total funding would be \$200,000.

Councillor Reid indicated that the area rate would be applicable to District 12 only.

Councillor Gaetz asked if the property was in the name of the County. He was advised that this property is in the name of the Municipality.

Motion Carried.

Request for Grant--General Green Area Fund--District 10

Mr. Kelly read the report requesting \$6,000 from the General Green Area Fund for the purpose of constructing a recreational playing field in Musquodoboit Harbour on lands owned by the Eastern Shore Recreation Commission. It was recommended to Council for approval by the Management Committee.

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

"THAT Council approve the request for \$6,000 from the General Green Area Parkland Fund to construct a recreational playing field in Musquodoboit Harbour on lands owned by the Eastern Shore Recreation Commission."

Councillor Gaetz inquired if the regulations regarding grants from the County had been changed as his experience had indicated the land had to be in the name of the County to receive a grant. Councillor Gaetz indicated one of the requests which he had had refused on this basis had been from the Community Center in Seaforth and the second was from the Community Center in Lawrencetown, both of which were to the best of his knowledge incorporated groups. Mr. Cragg indicated that to the best of his knowledge the park had to be owned by the Municipality to receive funds in the form of a loan, however, it was not necessary for the County to own the land to qualify for a grant.

Warden MacKenzie requested Mr. Wilson to comment on the concerns of Councillor Gaetz. Mr. Wilson indicated it was possible to receive a grant if the land is not owned by the Municipality from the General Green Area fund.

Warden MacKenzie inquired if Mr. Markesino had any information he would like to bring forward. Mr. Markesino indicated his understanding (inaudible). Warden MacKenzie asked if the land was to be sold to the County and then leased back to the organization.

Councillor Bayers indicated this was the first major project which had been taken on in District 10 for some time, and was a \$45,000 project. Councillor Bayers indicated there were two ball teams in that area playing "A" ball with no field to play on and the teams must travel to Dartmouth to play ball. The recreation commission own a portion of that land in front of the rink area and the other portion, which is approximately one-half the ball field is owned by a Rev. Murray MacInnis who lives in Ontario. Rev. MacInnis was brought up in this community and plans to retire in that community and will be willing to give and/or is willing to lease the land to the community so long as it is used for recreation.

Councillor Bayers has indicated to acquire the funds for this project he had asked for a district capital fund from last year of \$7,000 and has received that grant. He also indicated he will be requesting an additional \$7,000 from the 1984 District Capital Grant and for \$6,000 from the Area Greenland Fund and hopes to receive \$15,000 from the Provincial Recreation Department.

Councillor Bayers also indicated that \$2,000 would be donated from the Lion's Club and the Musquodoboit Ball Association has fund raised \$2,000 and the community contributions through fund raising are \$6,000. Councillor Bayers also stated that the Lion's Club is willing to maintain the field and to administer the booking of the field to all residents of the Eastern Shore and County and the land will be leased to that organization for the duration of fifty years.

Councillor Eisenhower indicated his support for Councillor Gaetz and he did not feel this money was a grant, but a direct contribution by land owners and Councillor Bayers indicated two months ago he wished to have his district exempted from these provisions. Councillor Eisenhower indicated that the money acquired from the tax for the subdivision, it was his understanding the monies would be used for acquiring and for capital costs. Councillor Eisenhower indicated he felt this money should be used for land owned by the Municipality and not for private organizations who would be selling the land for a profit. Councillor Eisenhower also indicated that in his opinion the prime consideration was that the land be in the name of some level of Government. He also indicated that although the purpose now was to use the land for public purposes, that may change down the road with a change in population or a change in representation.

Councillor DeRoche indicated it was his understanding that the green area fund is derived from cash received in lieu of properties and it is to purchase recreational properties that are more suited to the area than that which would be donated by a developer. This would mean that the property would be owned by the Municipality. As well, the Councillor of the district concerned opted out of this several months ago, and now it seems he wants to benefit from the funds after having opted out. Thirdly, and one that he brought to light himself, was that apparently last year he obtained district capital fund approval for development of this same property and that is definitely against the district capital grant fund regulations which is for development of Municipally owned property, and under these circumstances he would have no choice but to vote against this motion.

Councillor Gaetz indicated that he had agreed to the District Green Area Fund and was not benefiting from the fund yet District 10 would benefit although they were no longer contributing and this did not seem proper to him.

Councillor Lichter indicated that although District 10 had expressed a desire to opt out the developers had been paying in because the Minister has not yet signed the bill.

Councillor MacKay stated that it was his understanding that the money be expressly used for the purpose of Municipal property and the development of the same. With that said this was also to be the same terms of reference for the District Capital Grants. Councillor

MacKay indicated he had used District Capital Grants for other purposes and will continue to do so as long as I have asked for grants and have been the recipient of grants for the Fultz House which is a museum in the community accessible to all people. Riverview Community Center which is a sports complex in the middle of Sackville available to all residents, but is operated and owned by a private organization under the registered societies act. I have asked for and had grants for the Acadia recreation club which is the same thing. Councillor MacKay indicated it was his understanding that it was available to all residents of the community and/or county. Councillor MacKay indicated he would support the motion on the floor but with the clear understanding that the land is available to all community residents and that all people in the County have the same right.

Warden MacKenzie suggested that Councillor Gaetz make another request for funds.

Councillor MacKay asked Councillor Bayers if there was any money available in his district parkland fund. Councillor MacKay indicated that if there was any money available in the District 10 Green Area Fund that money should be taken out as well. Warden MacKenzie indicated he felt there was approximately \$900 available from this source.

Councillor Bayers requested that the Council support this request for the following reasons: 1. that the fire department's have received funds and their buildings are not in the County's name. 2. that District 10 was contributing to the Green Area Fund, District 10 was, in fact, still ontributing to this fund. 3. that the piece of land which is being donated by Reverend MacInnis is a piece of land in the recreation area and the District is trying to develop this area.

Motion Carried.

Councillor Gaetz brought forward a point of order and indicated that he had requested funds for a project and had been refused because the Municipality did not own the land.

Deputy Warden Adams brought forward a point of clarification that the moneys just granted were from the general green land fund and not from the district green area fund. Mr. Meech confirmed this.

Councillor Wiseman indicated there were a lot of concerns expressed this evening and suggested that the whole question of capital grants and green area fund grants be referred back to the Policy Committee and a report come back to Council to clarify how this money can be spent and how it would be generated. Warden MacKenzie indicated that the rules and regulations governing this distribution of funds were written up and this would be available to all Councillors.

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

"THAT the policy committee examine the criteria for granting monies from the Green Area Fund."  
Motion Carried.

Request for Loan--Musquodoboit Harbour Fire Department

Mr. Kelly read the report from the Musquodoboit Harbour Fire Department requesting a \$20,000 loan for the purpose of acquiring a fire truck with a ten year repayment plan of principal and/or interest and that the Municipality have the right to levy an area rate in the default of payment of either the principal and/or interest.

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

"THAT Council approve a loan to the Musquodoboit Harbour Fire Department in the amount of \$20,000 to be repaid over a period of ten years with the Municipality reserving the right to levy an area rate in default of principal and/or interest payments."  
Motion Carried.

SUPPLEMENTARY MANAGEMENT REPORT

Request for Contribution--County General Parkland Fund

Mr. Kelly read the report requesting \$2,000 for the Nathan Smith Park for construction of a recreational field. This grant was recommended to Council for approval.

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

"THAT a General Parkland Fund Grant in the amount of \$2,000 for the construction of a recreational playing field be approved by Council."  
Motion Carried.

POLICY COMMITTEE REPORT

Request for a District Capital Grant--District 5

Mr. Kelly presented the report requesting a District Capital Grant in the amount of \$3,000 for the purchase of hose for the Herring Cove and District Volunteer Fire Department which is required as a result of the installation of the dry fire hydrant system used by the Fire Department. It was recommended for approval by the Policy Committee.

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

"THAT Council approve the request for a District Capital Grant in the amount of \$3,000 for the purchase of a dry Fire Hydrant hose for the Herring Cove and District Volunteer Fire Department."  
Motion Carried.