

MINUTES & REPORTS

OF THE

THIRD YEAR MEETINGS

OF THE

FORTY-FIRST COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

OCTOBER COUNCIL SESSION

TUESDAY, OCTOBER 1, 1985

&

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OCTOBER 7, 21, 28 and 29, 1985

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COUNCIL SESSION

OCTOBER 1, 1985

PRESENT WERE: Warden MacKenzie, Chairman  
Deputy Warden Walker  
Councillor Poirier  
Councillor Larsen  
Councillor Gaudet  
Councillor Baker  
Councillor DeRoche  
Councillor Adams  
Councillor Gaetz  
Councillor Bayers  
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. R. Cragg, Municipal Solicitor  
Mr. G. J. Kelly, Municipal Clerk

SECRETARY: Margaret MacDonell

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CALL TO ORDER

Warden MacKenzie called the meeting to order at 6:15 with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Margaret MacDonell be appointed as Recording Secretary."  
Motion Carried.

APPROVAL OF MINUTES: SEPTEMBER 3, 1985 COUNCIL SESSION; SEPTEMBER 9, 1985 PUBLIC HEARING

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

"THAT the minutes of September 3, 1985 Council Session be approved as circulated."  
Motion Carried.

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

"THAT the minutes of September 9, 1985 Public Hearing be approved as circulated."  
Motion Carried.

AGENDA ITEMS

Councillor Bayers - District 10, Contaminated Wells  
- Crosswalks

Councillor Lichter - Telephone Service

Councillor Margeson - Acceptance of a Piece of Property in Beaverbank

Councillor Gaetz - Parkland Fund

Councillor Gaudet - Parkland Fund

MEETING WITH RCMP OFFICIALS

Warden MacKenzie welcomed the RCMP members in attendance. The following members were in attendance: Supt. Bungay; Sergeant Wayne Bishop, Cole Harbour Detachment; Staff Sergeant Doug Smith, Sackville Detachment; Sergeant Pete Leppard, Sackville Highway Patrol; Sergeant Ed Malloy, Halifax Detachment; Constable Al Jacobson, Musquodoboit Harbour Detachment; and Constable David Anthony, Sheet Harbour Detachment.

Superintendent Bungay advised that there is nothing outstanding or significant to report this year. He reported that he is not in a position to say that they are optimistic concerning any increases in manpower in the coming year. They are still awaiting the final decision concerning requested increases effective April 1, 1986. Supt. Bungay anticipated that they will receive the final answer by January.

Supt. Bungay reported that there were increases in the Cole Harbour and Lower Sackville Detachments this past year effective April 1 of one position for each detachment. It was noted that the crime prevention and police community relations programs are continuing and are on-going. Supt. Bungay advised that they are continuing with the full time crime prevention police community relation people at the Cole Harbour and Lower Sackville Detachments.

Members of the RCMP addressed a number of questions directed to them by members of Council.

APPEALS - MINOR VARIANCES - 7:00 P.M.

Appeal of Application for Minor Variance (MV 20-21-85), 185 Flying Cloud Drive, Cole Harbour

Mr. Gough advised that the Department of Development on August 28, 1985 received a letter from Lemont Bartlett requesting a reduced rear yard of two (2) feet instead of the required eight (8) feet, for the construction of a shed. Mr. Gough further reported that, prior to this, the Division was advised by the Building Inspection Division that construction had commenced for a shed on this property without the necessary permits. A site visit to the property revealed that the shed was near completion. At this time, construction had ceased.

Mr. Gough went on to report that Section 79.3 (c) of the Planning Act states that a minor variance cannot be granted if "the difficulty experienced results from the intentional disregard for the requirements of the Land Use By-law". Since construction had started prior to the issuance of a development permit as required under Section 4.1 (a) of the Cole Harbour/Westphal Land Use By-law, Mr. Gough indicated that this minor variance was refused.

Mr. Gough reported that property owners within 100 feet of the requested variance were notified by mail on September 18, 1985 of the date of the appeal hearing as required by the Planning Act.

Questions from Council

Councillor Mont inquired if there was any response from any of the property owners who were notified. Mr. Gough advised that they were notified that the abutters were not opposing the application.

Speakers in Favour of this Application

None.

Speakers in Opposition to this Application

None.

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

"THAT the application for a Minor Variance (MV 20-21-85), 185 Flying Cloud Drive, Cole Harbour be approved."  
Motion Carried.

Appeal of Application for Minor Variance (MV 19-17-85), 14 Cherrywood Drive, Cole Harbour

Mr. Gough advised that Mr. Thomas Marshall on August 27, 1985 submitted applications for Building and Development Permits along with a minor variance application. The minor variance application was to request a reduced right side yard setback of four (4) feet instead of the required eight (8) feet, for the construction of a shed.

Mr. Gough noted that a site visit revealed that the frame of the shed had been constructed without the necessary permits. At this time construction on the shed had ceased.

Mr. Gough went on to report that Section 79.3 (c) of the Planning Act states that a minor variance cannot be granted if "the difficulty experienced results from the intentional disregard for the requirements of the Land Use By-law". Since construction had started prior to the issuance of a Development Permit as required under Section 4.1 (a) of the Cole Harbour/Westphal Land Use By-law, Mr. Gough advised that this application for a minor variance was refused.

Property owners within 100 feet of the requested variance were notified by mail on September 18, 1985 of the date of the appeal hearing as required by the Planning Act.

Questions from Council

Councillor McInroy inquired if there was any response from the property owners within 100 feet of the requested variance. Mr. Gough advised that a favourable response was received.

Councillor McInroy indicated that he disagrees with the requirement to have a garage within four (4) feet of a property line and a shed within eight (8) feet. Councillor McInroy also made reference to Section 79.3 (c) stating that he does not feel that there is an intentional disregard for the requirements of the Land Use By-law.

Speakers in Favour of MV 19-17-85

Mr. Larry Marshall, 14 Cherrywood Drive, spoke in favour of the application.

Mr. Marshall advised that he had commenced construction of his shed unknowingly against the County By-laws. He reported that he had begun at a distance of three feet four inches from the property line and, when inquiring about these minor variances, he received direction that probably this fifty percent variation would be within limits of acceptability. Therefore, Mr. Marshall advised he moved the shed to within the four foot limit. Mr. Marshall felt that there should be some consistency or some firm guidelines as to what can and cannot be done and suggested that there be room somewhere in the by-laws for two types of shed construction.

Questions from Council

Councillor McInroy inquired if he would prefer to have a two foot clearance as opposed to a four foot one. Mr. Marshall advised that he would have preferred to have a two foot clearance. Mr. Cragg noted that Council could not technically grant that this evening.

Speakers in Opposition to MV 19-17-85

None.

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

"THAT the Minor Variance (MV 19-17-85), 14 Cherrywood Drive, Cole Harbour be approved."  
Motion Carried.

MEETING WITH LLOYD GILLIS, CEO, DISTRICT SCHOOL BOARD

Mr. L. B. Gillis, CEO, circulated copies of a report to Council from the Halifax County - Bedford District School Board. Mr. Gillis made reference to various parts of the report. With regard to pupil population, Mr. Gillis reported that the school system has once again experienced an increase in pupil population, and the final student count will be approximately as forecasted, 28,200. He further stated that on September 10, 1985, every sub-system, other than Sackville, was showing an increase in pupil population. It was noted that it is expected that the pupil population in Sackville will increase during the school year and went on to explain that school figures show that enrollment has remained relatively constant over the last two years, in spite of the great growth in the number of housing units.

Mr. Gillis stated, in terms of school facilities, new facilities have been open this year for student use in Sackville, the new Cavalier Drive School, and there was a new addition to the Humber Park Elementary School. Mr. Gillis outlined the school capital construction occurring in various locations noting that there is a good deal of activity taking place at the moment. Mr. Gillis advised that projects which have not enjoyed the same place on the priority list at the Board level, or at the Provincial level, or have been further back on the list due to changes that have occurred from the first time the application was applied, have not been forgotten and they will continue to pursue in their efforts to have the schools constructed.

Mr. Gillis made reference to three school activities which were altered as a result of Budget decisions last year. Driver Education, Summer School, and Late Bus Runs were activities which were affected as a result of the 1985 School Board Budget.

With regard to service extension, Mr. Gillis stated that the School Board, determined to give the pupils of Duncan MacMillan and Musquodoboit Rural High Schools equal access to the Intermediate Industrial, Career Services and Food Services Programs at the Eastern Shore District High School; through a combination of efforts they have thirteen senior high age pupils from the aforementioned schools receiving the benefits from instruction at Eastern Shore.

Councillor McInroy inquired as to the projected occupancy date for the Cole Harbour Junior High School. Mr. Gillis advised that the projected date is September '87.

Mr. Gillis addressed a number of questions from Council with regard to the report from the Halifax County - Bedford District School Board.

Councillor MacDonald inquired as to the percentage of students who wrote successful supplementary examinations. Mr. Gillis advised that approximately fifty (50) percent of the students who wrote supplementary examinations were successful in completing that examination and moving on within the subject.

#### BUILDING INSPECTORS REPORT, RE LESSER SETBACK

Mr. Kelly read the report advising that item number one was approved at the September 17 Session and item two was deferred to this Session. Item two is a recommendation for approval of a lesser setback of 7'. Property located at Prospect Bay. Applicant Joseph Power. The reason for this request is because of the narrowness of the lot from the road to high water mark.

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

"THAT the request for a lesser setback of 7' for property located at Prospect Bay be approved."  
Motion Carried.

#### SUPPLEMENTARY BUILDING INSPECTORS REPORT RE LESSER SIDE YARD CLEARANCE

Mr. Kelly read the report advising that approval is recommended for lesser side yard clearance of 7.0'. Lot 11, G. Wournell Subdivision, White's Lake. Applicant Robert Wournell. The reason for this request is because of the incorrect location of the footings.

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

"THAT the lesser side yard clearance of 7.0', Lot 11, G. Wournell Subdivision, White's Lake be approved."  
Motion Carried.



LETTERS AND CORRESPONDENCE

Mr. Kelly advised that a letter had been received from the Department of Transportation in response to our letter of August 23, 1985 regarding concern expressed by Municipal Council with respect to traffic congestion on Route 333 between Truck 3 and Goodwood.

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

"THAT this item of correspondence be received."  
Motion Carried.

PLANNING ADVISORY COMMITTEE REPORTLawrencetown Planning Process

Mr. Kelly read the report.

Councillor Bayers inquired, when the planning staff hired one extra staff member, will it delay the planning process in Districts 10, 11, 12, and 13 when the Lawrencetown area is done as suggested. Councillor Lichter indicated it would not. He reported that the Lawrencetown Plan is being done by a Planner who was not on staff before who has been hired for this particular project and is being totally paid by Municipal Affairs. Councillor Lichter advised that Districts 10, 11, 12 and 13 as well as some of the other Districts that are not being planned yet will probably be planned next year.

Councillor MacKay inquired if the Lawrencetown Citizen's Committee would be undergoing an election. Councillor DeRoche advised that it is the understanding of PAC that the Lawrencetown Citizen's Committee has expanded its membership and has representation from a broader portion of the total district.

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

"THAT the formal public participation resolution prepared for the implementation of the Lawrencetown Citizen's Committee as the Public participation Committee for the Lawrencetown area be approved so that the Minister of Municipal Affairs can be notified."  
Motion Carried.

Application No. RA-24-52-85-05 Rezoning Of The Lands Of Spryfield Lumber Mart, Herring Cove Road

Mr. Kelly read the report.

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

"THAT the staff report to rezone the lands of Spryfield Lumber Mart Limited from R-2 (Two Family Dwelling) Zone to C-1 (Local Business) Zone be approved and a public hearing held October 29, 1985 at 7:00 p.m."  
Motion Carried.

Application No. RA-TLB-50-85-02 Rezoning Of The Lands of Glengarry Developments Limited, Fraser Road, Timberlea

Mr. Kelly read the report.

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

"THAT the staff report to rezone the lands of Glengarry Developments Limited from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone be approved and a public hearing be held November 25, 1985 at 7:00 p.m."  
Motion Carried.

Name Change - Request From the Department of Transportation - Portion of the Old Yankeetown Road Be Renamed to "Grant Line Road"

Mr. Kelly read the report.

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

"THAT a portion of the Old Yankeetown Road be renamed to "Grant Line Road" and Canada Post be advised of this change as well as the local fire departments, Federal Post Office, Provincial Transportation, and the power and telephone companies be advised of this changed."  
Motion Carried.

SUPPLEMENTARY PLANNING ADVISORY COMMITTEE REPORT

Application No. RA-SA-44-85-20 Rezoning of Block MR-24R of the Lands of The Nova Scotia Department of Housing, Located on Rogers Drive at Lower Sackville

Councillor McInroy declared conflict of interest.

Mr. Kelly read the report.

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

"THAT a public hearing be held November 25, 1985 at 7:00 p.m. with regard to Application No. RA-SA-44-85-20."  
Motion Carried.

EXECUTIVE COMMITTEE REPORT

Resolution - Withdrawal of Funds, Equipment Reserve Fund

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

"THAT an allocation of funds in the amount of \$20,000 from the Vehicle and Equipment Reserve Fund for the purchase of a tractor and attachments for the Department of Recreation, Parks and Grounds Division be approved."  
Motion Carried.

Request for District Capital Grant, District 4

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

"THAT a District Capital Grant, District 4, in the amount of \$4955 for the Hatchet Lake Volunteer Fire Department be approved."  
Motion Carried.

Request for District Capital Grant, District 10 and District 10  
Parkland Fund Grant

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

"THAT a District Capital Grant, District 10 in the amount of \$2,037.50 and a District 10 Parkland Fund Grant in the amount of \$962.50 for the Beechill Recreation Park be approved."  
Motion Carried.

Request for District Capital Grant, District 10

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

"THAT a District Capital Grant, District 10 in the amount of \$2000 for capital improvements to the Ship Harbour Community Hall be approved."  
Motion Carried.

Request for District 14 Parkland Fund Grant

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

"THAT a Parkland Fund Grant, District 14 in the amount of \$1850 be approved."  
Motion Carried.

Request for District Capital Grant, and Loan, District 15

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

"THAT a District Capital Grant, District 15 in the amount of \$25,000 towards construction of the Beaverbank-Kinsac Volunteer Fire Department and a loan in the amount of \$50,000 to the Beaverbank-Kinsac Volunteer Fire Department towards the construction of the fire station be approved."  
Motion Carried.

Request for District Capital Grant, District 21

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

"THAT a District Capital Grant, District 21 in the amount of \$3,000 for fencing public walkways, Cole Harbour area be approved."  
Motion Carried.

Renewal of Borrowing Resolution

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

"THAT a renewal of borrowing resolution, re file no. 82-01, Industrial Commission in the amount of \$5,000,000 be approved."  
Motion Carried.

A By-Law to Amend By-Law No. 45

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

"THAT the By-law to amend By-law No. 45, A By-law to Exempt from Taxation Property of the Cole Harbour Rural Heritage Society, be approved."  
Motion Carried.

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Request for District Capital Grant, District 4

It was moved by Councillor Gaudet, seconded by Deputy Warden Walker:

"THAT a District Capital Grant, District 4, in the amount of \$4675 for the Terence Bay Volunteer Fire Department be approved."  
Motion Carried.

Request for District Capital Grant, District 5

It was moved by Councillor Baker, seconded by Councillor Margeson:s

"THAT a District Capital Grant, District 5, in the amount of \$2000 for the Harrietsfield Fire Department be approved."  
Motion Carried.

RESOLUTION, RE WATER UTILITY ASSETS

Mr. Kelly read the report advising that the Board of Public Utilities did not exempt water utility assets from being transferred to the Public Service Commission at the time of annexation of lands with the City of Halifax.

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

"THAT Municipal Council approve the transfer of the water utility assets to the Public Service Commission deemed to be the Water Utility of the City of Halifax."  
Motion Carried.

RESOLUTION, FIRE ADVISORY COMMITTEE

Members of Council received copies of a resolution from the Fire Advisory Committee with respect to Mutual Aid Services.

Mr. Kelly read the report advising that the Fire Advisory Committee recommend that Council authorize Halifax County Fire Chiefs to respond to mutual aid calls, to provide assistance to neighbouring districts and municipalities when requested by a Chief or his Designate.

Councillor MacKay inquired if there were any problems with respect to the present legislation. Mr. Tobin advised that there was a meeting in July of the Metro area Fire Chiefs to discuss a formalized mutual aid agreement between the neighbouring municipalities. He advised that there has been no real problem for fire departments to respond from one district to another within the municipality. Mr. Tobin further explained that the Chief had no formal authorization from Council that he could take his men, manpower, and equipment to assist a neighbouring municipality and vice versa.

Mr. Tobin advised that in the City of Halifax, the Chief has Council's approval that at any time he could authorize manpower and equipment to assist a neighbouring fire department. The City of Dartmouth does not have that authorization. Mr. Tobin agreed that Council is being requested to formalize what has been in existence for a number of years.

Councillor Snow suggested that a copy of this resolution be sent to the area municipalities. Councillor DeRoche further suggested that the City of Dartmouth be encouraged to change their Charter with respect to this matter.

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

"THAT Halifax County Fire Chiefs be authorized to respond to mutual aid calls, to provide assistance to neighbouring districts and municipalities when requested by a Chief or his Designate."  
Motion Carried.

#### RESOLUTION, RE HERITAGE PROPERTY

Mr. Kelly advised that this item was deferred from the last Council Session. The item concerns an application received from the Cole Harbour Rural Heritage Society to have the former Church property, now known as the Cole Harbour Meeting House located on Cole Harbour Road, to be registered as a Municipal Heritage Property.

Councillor Mont expressed concern with regard to the proper technical procedure. Mr. Cragg agreed that we should not proceed with the application and re-due the process.

It was agreed that this matter be deferred.

#### APPOINTMENT OF REPRESENTATIVES, HALIFAX COUNTY WEST HOUSING AUTHORITY

Mr. Kelly advised that correspondence had been received from the Minister of Housing. He advises that the terms of office of Mrs. Rhetta Mattinson and Mrs. Velma Ledwidge, representatives on the Board of the Halifax County West Housing Authority will expire on October 27, 1985.

Councillor McInroy declared conflict of interest.

It was moved by Councillor Snow, seconded by Deputy Warden:

"THAT the re-appointment or replacement of Mrs. Velma Ledwidge be deferred to the next Council Session."  
Motion Carried.

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

"THAT Mrs. Rhetta Mattinson be reappointed to the Board of the Halifax County West Housing Authority for a period of three years."  
Motion Carried.

#### A BY-LAW RESPECTING A UNIFORM CLOSING DAY FOR RETAIL BUSINESSES

Mr. Meech advised that there has been a draft by-law put together with respect to a Uniform Closing Day for Retail Businesses. However, after discussions between Mr. Kelly, Mr. Cragg, and Mr. Meech, it was their view that this matter be deferred until additional time is taken to review the by-law and maybe suggest some specific changes that they would then take to the Executive Committee and then back to Council.

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

"THAT this item be deferred to the November 5, 1985 Council Session."  
Motion Carried.

#### SMOKE ALARMS

Councillor Margeson stressed the importance of smoke alarms in homes. Councillor Margeson suggested that a by-law be put in place respecting smoke alarms.

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

"THAT the item of smoke alarms be referred to the Executive Committee for their recommendation and report."  
Motion Carried.

#### AGENDA ITEMS

##### Contaminated Wells - Councillor Bayers

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

"THAT a letter be sent to the Minister of Transportation, the Regional Representative, and the Department of Environment to examine the wells of Mrs. Romona MacIsaac and Maynard Dooks, Head Jeddore."

Councillor Bayers requested a copy of that letter. He explained that both wells are contaminated by salt and requested that action be taken to correct that problem.

Motion Carried.

#### Crosswalks - Councillor Bayers

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

"THAT a letter be sent to the Minister of Transportation, the Regional Representative (Mr. Bob Johnson), to the MLA for the area, and a copy to Councillor Bayers requesting that a caution light overhead crosswalk sign be placed at the junction of the #7 Highway and the East Jeddore Road."

Councillor Bayers explained that three families have moved into this area whom have children crossing that highway to attend school. He advised that the parents have to walk their children across Highway #7. Councillor Bayers advised that this is a dangerous area and reported that he has phoned the Regional Representative with regard to this matter but no response has been received.

Councillor Bayers further suggested that a flashing amber light be erected at that intersection along with the painted crosswalk and proper signage.

Motion Carried.

#### Telephone Service - Councillor Lichter

Councillor Lichter advised that at a recent meeting in the Meaghers Grant area, telephone service was discussed. Councillor Lichter requested that Staff and the Executive Committee find a way of implementing toll free telephone service for every citizen within the Municipality. He pointed out that a large number of the population have that access to the building while the others have to pay a long distance charge. Mr. Meech agreed that a toll free service is a minimum service that we should be able to provide to all our residents in Halifax County and advised that Staff are dealing with the matter.

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

"THAT residents of Halifax County who are living in areas where long distance telephone charges apply, call the County collect and those calls be accepted by County Staff upon identification by the operator of where the people are calling from."

Councillor Eisenhauer declared conflict of interest.

Motion Carried.

Property Located at the Corner of Beaverbank and Kinsac Road -  
Councillor Margeson

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

"THAT the property located at the corner of Kinsac and Beaverbank Roads be officially used for construction of a memorial Cenotaph."  
Motion Carried.

Parkland Fund Request - Councillor Gaetz

It was moved by Councillor Gaetz, seconded by Deputy Warden Walker:

"THAT a Parkland Fund Grant, District 9, in the amount of \$500 to the Committee in Chezzetcook for the Nathan Smith Park be approved."  
Motion Carried.

Parkland Fund - Councillor Gaudet

Mr. Kelly read the request from Councillor Gaudet for parkland fund grants, District 4. One grant is for the former Goodwood School Property in the amount of \$2500 and the other for the Pinedale Subdivision Park in the amount of \$5000.

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

"THAT a District 4 Parkland Fund Grant in the amount of \$2500 be approved."  
Motion Carried.

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

"THAT a Parkland Fund Grant in the amount of \$5000 for the Pinedale Subdivision Park be approved."  
Motion Carried.

Report Re Paving - Deputy Warden Walker

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

"THAT the Minister of Highways be requested to review its report respecting the 1985 Suburban Paving Program and reconsider their position with regard to Bonavista Drive, Parklea Drive, and Tidewater Lane."  
Motion Carried.

Retirement of Councillor Margeson and Councillor Gaetz

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

"THAT Council publicly express our appreciation for the number of years that Councillor Gaetz and Councillor Margeson has served on Council."  
Motion Carried.



Councillor Gaetz and Councillor Margeson conveyed their thanks for Councils encouragement and support.

ADJOURNMENT

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

"THAT this Session of Council adjourn."  
Motion Carried Unanimously.

PUBLIC HEARING

OCTOBER 7, 1985

PRESENT WERE: Warden MacKenzie, Chairman  
Deputy Warden Walker  
Councillor Poirier  
Councillor Baker  
Councillor DeRoche  
Councillor Gaetz  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor Margeson  
Councillor McInroy  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Wiseman  
Councillor Mont

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk  
Mr. B. Butler, Senior Planner

SECRETARY: Margaret MacDonell

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CALL TO ORDER

Warden MacKenzie called the meeting to order at 7:00 p.m. with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Margaret MacDonell be appointed Recording Secretary."  
Motion Carried.

APPLICATION NUMBER ZA-CH/W-55-85

Mr. Butler presented the application by the Municipality of the County of Halifax to amend the Cole Harbcur/Westphal Zoning By-law so as to require that multiple unit dwellings constructed with the C-2 (General Business) zone conform to the standards of the R-4 (Multiple Unit Dwelling) Zone.

Mr. Butler advised that this is an issue which has previously been to a public hearing early in 1985. It stemmed, at that time, from an apartment development proposal on the Cole Harbour Road in which there were proposed to be approximately one hundred units developed in three buildings. He advised that there was concern that the existing C-2 standards did not really contain the necessary provisions to tailor that apartment building proportionate to the size of the lot.

At the public hearing held in January of this year, although approved by a simple majority of Council to amend the plan, that amendment would have taken a majority vote of the whole Council so, as a result, it was defeated. Since the development in question early in the year is now underway, the zone amendments have been resurrected and are before Council this evening.

Essentially, Mr. Butler indicated, the standards that apply to apartment buildings in the R-4 Zone attempt to establish some sense of proportion between the building and the number of units permitted and the size of the Lot. Within the C-2 Zone in Cole Harbour where apartment buildings are also permitted, Mr. Butler stated that there are basically no proportionate type standards. The major differences between the two standards in the two zones are, first of all, that within the R-4 Zone an apartment building is required to have 6000 square feet for the first three units and 1500 square feet per unit for every unit afterwards. He explained that that 1500 square feet per unit over and above the first three does not apply within the C-2 Zone. In the C-2 Zone there is one standard sideyard requirement of fifteen feet applied instead of the one half the height of the main building standard in the R-4 Zone.

Mr. Butler went on to advise that there are no amenity area provisions for apartment buildings developed within the C-2 Zone while, in the R-4 Zone, the requirement is for one hundred square feet per dwelling unit of amenity area. In the C-2 Zone there is also no restriction on where parking can be provided while, in the R-4 Zone, parking cannot be provided within the front yard.

Mr. Butler advised that their staff report is the same as it was in January. The Planning & Development Department support the application of those R-4 standards within the C-2 Zone because they do establish a sense of proportion to any apartment buildings built in that particular area.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKERS IN FAVOUR OF APPLICATION ZA-CH/W-55-85

None.

#### SPEAKERS IN OPPOSITION TO APPLICATION ZA-CH/W-55-85

None.

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

"THAT Application Number ZA-CH/W-55-85 be approved."  
Motion Carried.

APPLICATION NUMBER RA-SA-32-85-19

Mr. Butler advised that the application is by Three Star Developments Limited to rezone two lots on Highway No. 1 in Lower Sackville from R-1 (Single Unit Dwelling) Zone to R-4 (Multiple Unit Dwelling) Zone. The purpose of the rezoning is to permit the construction of two apartment buildings.

Lot TS1 would at maximum potential permit the development of approximately twenty two units and Lot TS2 would permit the construction of a nine unit apartment building.

With respect to this application, Mr. Butler provided some background information. He explained that earlier this year the Sackville Plan was amended in such a way as to re-designate the area outlined in red on the overhead projector from General Commercial to Urban Residential. The impetus for the redesignation was a request by Mr. Royce Hefler to be permitted to construct an apartment building on the lot indicated. At the time Mr. Hefler applied for his rezoning, the Plan did not permit it. Within the General Commercial designation, apartment buildings could not be considered. Mr. Butler went on to state that Council did approve a rezoning which attempted to dual zone the property. However, that was appealed by the Minister of Municipal Affairs at which time Council asked staff to come back with a report outlining how the plan might be amended so as to accommodate Mr. Hefler's proposal.

The Staff Report came before PAC late in 1984. At that time, four options were presented with respect to how Council might proceed on the matter. One of the options being make no amendment. Mr. Butler went on to advise that the option that was recommended and the option that was subsequently approved by Council was to remove the general commercial designation in that particular area so as to make it urban residential within which designation the property owners would be permitted to apply for multiple family unit dwellings. The amendment was approved by Council and it was subsequently approved by the Minister in March of this year and Mr. Hefler's property was rezoned pursuant to the plan amendment.

The application before Council tonight, Mr. Butler stated, is a similar application to Mr. Hefler's in that it is in an area that was previously general commercial and is now designated as being urban residential. A review of the lots in question, indicates that both of them will have frontage onto Highway #1 and it is not felt that the increase in traffic onto Highway #1 will be significant in terms of its ability to carry that volume. Mr. Butler further advised that the general area in question along Highway #1 is quite a mixed use area in terms of having a grocery store, barber shop, auto sales, trailer sales, Maritime Tel & Tel, a trucking operation, and a confectionary store. It is not felt that in terms of land use that two apartment buildings on the two lots will make a significant difference.

Lot TS1, because it does have frontage onto Judy Avenue, might present some difficulties; however, the lot does slope upwards to Judy Avenue and does have a ridge of trees around it. It is Staff's opinion that because the lot is lower the visual effect from Judy Avenue will be not as great as if the lot was at the same height. Mr. Butler indicated that the Department of Engineering and Works has commented that the water and sewer facilities are certainly capable of accommodating the two lots in question with no problems; however, they do point out that in the long run the overall capacity of the sewage system is somewhat in question.

The School Board in response to the application indicates that there is an overcrowding situation in the area; however, that comment is one which has been heard with most other similar proposals. Mr. Butler went on to state that overcrowding is a problem in the general area but is not specific to this individual development. Both lots have access to public transit and there are sidewalk facilities in the area and in the opinion of Staff they would be appropriate for the proposed development.

Mr. Kelly read the letter addressed to Council regarding Application Number RA-SA-32-85-19 from P. Chester Gilliatt and Joan A. Gilliatt. The letter was in opposition to the re-zoning. The second letter from Ms. Audrey L. Barrett dated Oct. 5, 1985 directed to Warden MacKenzie was also in opposition to the granting of the request of Three Star Developments Limited for rezoning for two lots of land located at Highway #1, Lower Sackville, due to the proximity of these lots to her property.

#### QUESTIONS FROM COUNCIL

Councillor MacDonald inquired if a green area could be guaranteed after the apartment building is erected. Mr. Butler advised that there is no absolute guarantee that the green area will be retained.

Councillor DeRoche inquired as to what the Sackville Plan calls for with respect to amenity area. Mr. Butler advised that it calls for 100 square feet per dwelling unit. The green area calls for one half the height of the main building from the side line. Parking is one and a half spaces per unit located anywhere but the front area. Mr. Butler explained that parking basically would have to be to the rear of the building.

#### SPEAKERS IN FAVOUR OF APPLICATION RA-SA-32-85-19

Mr. John Gardin, Three Star Developments, indicated his desire to speak in favour of the application.

Mr. Gardin presented a diagram of the proposed apartment buildings. The plan presented the layout of the buildings.

Mr. Gardin indicated that he is in favour of the development because it will allow them to clean out two pockets of land which have been sitting there for a period of ten years practically unused. He noted that everytime they try to do something with them, they were opposed. Mr. Gardin pointed out that it is part of the residential development on Highway #1 but they are not on Judy Avenue.

SPEAKERS IN OPPOSITION TO APPLICATION RA-SA-32-85-19

Mr. Ciesel Piercey, 32 Judy Avenue, indicated his desire to speak in opposition to the application. Mr. Piercey presented a short video tape of the area for members of Council.

Councillor McInroy suggested that there not be any vehicular access onto Judy Avenue and suggested that the children be able to continue to use the area where the children use for a walkway now.

Councillor Wiseman inquired what time of day the film was taken and what day of the week was it. Mr. Piercey advised that the film was done on Tuesday afternoon before sunset. He advised that that is quite a busy area and they feel that the addition of driveways will make it busier.

Councillor MacDonald advised that he has a letter from the Sackville Heights Junior High School requesting that a crosswalk be installed at their intersection. He pointed out that there could be possibly three school crosswalks within three hundred meters. Councillor MacDonald felt that more development would cause more problems. Mr. Piercey stated that he would disagree with any multi level units this close to two school areas that are now overcrowded. Mr. Piercey could not see how one could justify multi level dwellings in this particular area.

Councillor Mont inquired if Mr. Piercey's concerns were primarily with Lot TS1 or does he have the same level of concern with Lot TS2. Mr. Piercey advised that his greatest concern as a neighbour to TS1 is TS1. He pointed out that he is concerned with both lots and noted that his objection to TS2 is principally to the overcrowdedness of the schools. Mr. Piercey suggested that an overhead crosswalk be installed.

Diane Laking, 36 Beaverbank Rd., indicated her desire to speak in opposition to the application as president of the Sackville Heights Elementary PTA. Ms. Laking discussed the desparate situation their school is in. She stated that the large subdivisions are having an effect on their schools.

Mr. John Holm (MLA), 30 Nictaux Drive, Lower Sackville indicated his desire to speak in opposition to the application. Mr. Holm suggested that the Council may have made an error, in his opinion, when they changed the designation on this property to accommodate Mr. Hefler and his apartment building.

Mr. Holm went on to state that there was an extensive Municipal Development Plan Process that was underway within the Community and, at that time, numerous discussions were held with respect to these particular properties in question. The residents in the area were contacted and they came forward at that time and raised concern with respect to the overcrowdedness of the schools. Mr. Holm inquired if we continue to rezone property to multiple family use, will the Municipality be able to honour its commitment to the entire serviced area within the boundaries of the entire service because of the increased capacity that is being proposed in certain areas. Mr. Holm expressed concern with regard to the school situation, the major intersection, and the fact that the residents have shown their objection to the rezoning of this property to multiple family use. Mr. Holm did not feel it would be wise to rezone this property to multiple family use at this time.

Councillor Bayers expressed concern with regard to the housing shortage in the Cities of Halifax and Dartmouth and in the County as well. He felt that there is a need for more affordable housing.

Councillor Lichter advised that all of the schools in Sackville are overcrowded. He inquired if Council could place a moratorium on development based on the overcrowdedness in the schools in both Sackvilles. Mr. Holm suggested that Council could not make that decision but felt that Council does not have to make the situation worse by rezoning property that is presently R-1 to Multiple Family Dwelling.

Mr. Tom Rafter, 25 Judy Avenue, indicated his desire to speak in opposition to the application. He expressed concern with regard to the destruction of property, vandalism occurring on a daily basis, etc. as a result of apartment dwelling units. Mr. Rafter also expressed concern with regard to parking and the decrease in property values.

Mr. Bill Cromaine, 10 Dannette Crescent, Lower Sackville, indicated his desire to speak in opposition to the application.

He also expressed concern with regard to the school system. Mr. Cromaine expressed concern with regard to the sewage system. He pointed out that the area in question has an over capacity of sewage and this poses a serious problem.

Mr. P Chester Gilliatt, indicated his desire to speak in opposition to the application. Mr. Gilliatt presented a series of petitions from the neighbourhoods concerned. There were approximately 240 signatures indicating their opposition to the plan zoning change of lots TS1 and TS2 in Lower Sackville from R-1 Residential Single Family Dwelling to R-4 Multi Family Dwelling. The residents stated that the proposed change is unnecessary and not compatible with the existing dwellings in the immediate vicinity. The proposed change, they indicated, would also add to the already overcrowded schools in the area and pose a potentially dangerous situation for children crossing to and from the school. Mr. Gilliatt presented the petition to Warden MacKenzie.

Mr. Dick Murtha, 56 Judy Avenue, indicated his desire to speak in opposition to the application.

Mr. Murtha outlined his points of concern. He explained, if Council approves the application, we will be looking at a traffic nuisance and danger, sewage capacity overload, alteration of the neighbourhood, pedestrian danger, property devaluation, generally offensive to good planning principles, and that there may be adverse environmental effects.

Mr. Frank Sutherland, resident of Sackville, indicated his desire to speak in opposition to the application.

Mr. Sutherland advised that this particular application came before the Sackville Advisory Board on September 24, 1985. The Board, at that time, did not take a stand simply because some members felt unqualified to vote before knowing all the facts and the options. Following the Advisory Board Meeting, Mr. Sutherland indicated that a subcommittee consisting of Councillor MacDonald, residents of Judy Avenue, developers, Mr. Birch, and himself were set up to see if the impasse could be broken by improving the communications between the residents and the developers. Towards the end of the meeting, Mr. Sutherland reported that there would be no compromises and both parties were adamant in their stand; thus, there is no recommendation from the Sackville Advisory Board.

In Mr. Sutherland's opinion, the rezoning being requested for approval would not be before Council if the Municipal Development Plan for Sackville had not been amended to accommodate the Hefler property. The public participation committee, in their wisdom, deemed that properties abutting Sackville Drive along the strip should remain under commercial designation to provide an appropriate use of the land. With the direction of the Department of Municipal Affairs, the Council amended the Plan to create an Urban Residential strip. This, in his opinion, was when the damage was done and it paved the way for multi unit dwellings.

In summation, Mr. Sutherland urged Council to deny the rezoning and seek a further amendment to the MDP which would redesignate the property in keeping the original intent of the MDP.

Mr. Cragg suggested that a positive motion be placed so that we can seek a majority of the whole of Council.

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

"THAT the Sackville Land Use By-law be amended by rezoning Lots TS1 and TS2 of the lands of Three Star Development Limited on Highway No. 1 in Lower Sackville from R-1 (Single Unit Dwelling) Zone to R-4 (Multi Unit Dwelling) Zone."

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

"THAT decision be deferred until after an enabling amendment was made to the Sackville Municipal Plan which would then permit us to enter into a contract on those two properties."



Mr. Cragg brought to Council's attention that there are five Councillors who are not in attendance and they will not be allowed to vote when the matter is brought back to Council and if there are other Councillors who are present today and who will not be back that will mean seven Councillors out of twenty one who will not be able to vote. He further noted that any others who do not return at that time and are replaced by new Councillors, their votes will be lost as well.

Councillor McInroy suggested that Council has a responsibility to make a decision tonight.

Motion of Deferrment Defeated.

Original Motion Defeated Unanimously.

ADJOURNMENT

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

"THAT the public hearing adjourn."  
Motion Carried.

PUBLIC HEARING

OCTOBER 21, 1985

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

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer  
Mr. R. Cragg, Municipal Solicitor  
Mr. G. J. Kelly, Municipal Clerk  
Mr. B. Butler, Senior Planner  
Mr. M. Hanusiak, Planner

SECRETARY: Margaret MacDonell

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CALL TO ORDER

Warden MacKenzie called the meeting to order at 7:00 p.m. with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Margaret MacDonell be appointed as Recording Secretary."  
Motion Carried.

APPLICATION NO. DA-SA-25-85-16

Mr. Hanusiak stated that the application is a proposed development agreement between the Municipality of the County of Halifax and Oakdene Estates Limited for Lot R-2 ATB located on Sackville Drive. The agreement would provide sufficient parking spaces for a proposed commercial use.

Mr. Hanusiak stated that the application was advertised in accordance with the provisions of the Planning Act and to date they have received no correspondence either in favour of or opposed to the particular development agreement.

Mr. Hanusiak outlined the development agreement and recommended approval of the application.

QUESTIONS FROM COUNCIL

Councillor Mont inquired as to what the commercial use of the parking lot would be for. Mr. Hanusiak advised that staff did not know what the commercial use was when this agreement was prepared and further noted that they do not know at this point in time. Mr. Hanusiak pointed out that the number of parking spaces that are being provided is based on the assumption that there will be a building with probably five thousand square feet on the lower level and five thousand square feet on the upper level so we are looking at somewhere in excess of sixty parking spaces which would be consistent with the by-law as it stands now.

Councillor DeRoche inquired if it is intended that the buffer area exists also on what is designated as the loading area. Mr. Hanusiak indicated that the buffer area is to run where it is marked loading area on Appendix A. Mr. Hanusiak further advised that the buffer is to exist between the loading area and on the property that faces out towards Florence Street.

SPEAKERS IN FAVOUR OF APPLICATION NO. DA-SA-25-85-16

Mr. Art Gillespie, President of Oakdene Estates, indicated his desire to speak in favour of the application.

Mr. Gillespie pointed out that the purpose of the agreement is to provide parking and loading facilities for a commercial use which is intended for the front portion of the property in question.

SPEAKERS IN OPPOSITION TO APPLICATION NO. DA-SA-25-85-16

None.

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

"THAT the proposed development agreement between the Municipality of the County of Halifax and Oakdene Estates Limited for the construction of a parking lot and loading space on Lot R-2AYB of the subdivision of the lands of O.E.L. and lands of Oakdene Estates Limited, located on Sackville Drive at Lower Sackville be approved."  
Motion Carried.

PLAN AMENDMENT NO. SA-04-85

Councillor McInroy advised that his brother Peter is representing people advocating a particular position on this issue and he pointed out that he has not reviewed the situation and requested time to clarify the issue. In the absence of background information, Councillor McInroy declared a conflict of interest.

Mr. Butler advised that the matter before Council this evening has to do with a plan amendment in Sackville which would create a new commercial zone to be applied within the Rural Residential portion of that community. Mr. Butler indicated that Mr. Lewis Kelly, in July of this year, appeared before the Planning Advisory Committee with a request to expand his existing business onto the abutting property zoned R-1 as well as to expand the operation to include a towing service. Mr. Lewis currently has a top soil screening business and also repairs bulldozers and trucks. At that time, Mr. Butler indicated that it was their understanding that the towing service would not be a salvage yard but would be a detention center for cars pending RCMP investigation as to why they were there and once a determination was made the cars would be removed from the property.

Mr. Kelly, although having a C-2 Zone on his existing property is in a situation where the C-2 Zoning given in 1982 is really not accommodated in the plan; therefore, there is no provision within the existing plan for him to expand onto the adjacent property.

Mr. Butler went on to state that PAC heard Mr. Kelly's request and pursuant to that asked Staff to prepare a report which would provide some alternative ways by which that request might be accommodated. That report was submitted to PAC on August 7 of this year. Essentially, Mr. Butler advised, the report provided three options by which the plan could be amended so as to accommodate Mr. Kelly's request. Before outlining the options by which the Plan could be amended, Mr. Butler stated that the Planning Department looked at the Plan for some guidance as to how they might proceed. The Plan does not provide very much guidance with respect to the rural residential area. Mr. Butler went on to report that they reviewed the situation and tried to determine how many properties would be in the same situation as Mr. Kelly. It was found that there were fifty five properties within the Sackville Community which are zoned C-2 and without any support given in the Plan for that zoning. Eleven of those properties are located within the rural residential designation. Mr. Butler reviewed the options which are outlined in the August 7, 1985 report to PAC. Option

1 would be to permit rezoning or development agreements for general commercial uses on property abutting existing businesses. Option 2 would be to permit additional commercial uses by right. Option 3 would be to permit rezoning or development agreements for new commercial uses throughout the Designation. The Planning Advisory Committee reviewed the Staff Report and favoured option three which would be new uses by a development agreement or by a rezoning.

Mr. Butler advised that Public Participation on the issue was held on September 9. At that time, Mr. Butler indicated that PAC asked staff to prepare the specific amendments for Option 3 incorporating either a development agreement or rezoning provisions. This was done and the report was presented to PAC on September 16 with Option 1 creating the new C-4 Zone to be applied within the Rural Residential Designation being the recommended option by Staff and the one recommended by PAC to Council on September 17th.

The amendments provide for rural commercial uses within the rural residential designation and those uses are defined in the new zone (C-4 Rural Commercial Zone) as being trucking, excavation, landscaping and paving services; welding, plumbing and heating, electrical, carpentry and other special trade contracting services; general contracting storage yards and services; machinery and equipment repair; and vehicle compounds as well as single unit dwellings would be permitted.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKER IN FAVOUR OF PLAN AMENDMENT NO. SA-04-85

Mr. Archie Fader, Walker Service Road, advised that he lives in the R-6 (Rural Residential) Zone. He pointed out that all the people who lived on Walker Service Road supported the R-6 and supported the idea of moving the service boundary line out on the center of the #101.

Mr. Fader stated that he has a letter mailed to him and signed by Ruth Hart. Apparently, Mr. Fader, advised that a group of residents were holding meetings to discuss this issue. Mr. Fader indicated that he is confused with regard to this issue and requested clarification.

Mr. Butler pointed out that they are talking about the creation of a new C-4 (Rural Commercial) Zone that could be applied within the areas designated in red. No property under the amendment will be specifically rezoned at this point in time. The plan amendment sets up the new zone and the mechanism by which a property owner can apply to have it. Mr. Butler explained that it was Mr. Kelly's intent to apply for that Rural Commercial Zone at such time as this amendment is approved. Mr. Butler further advised that Mr. Kelly would be eligible to apply for the C-4 Zone as with every other property owner within the red area if the amendment is approved by the Minister of Municipal Affairs.

Mr. Butler advised that he did meet with the residents of Walker Service Road, Scott Edward Drive and Brian Drive. The residents requested that the area bounded by Highway 101, Walker's Trailer Court, D.N.D. Rifle range and the Old Sackville Road, be excluded from the proposed amendment that would allow for the proposed new C4 Commercial designation within the R6 Zone.

Mr. Fader advised that he still supports the R6 Zone and stated that he would like to see the amendment approved.

SPEAKER IN OPPOSITION TO PLAN AMENDMENT NO. SA-04-85

Mr. Peter McInroy, Miller & Associates, made a submission on behalf of the residents of Scott Edward Drive opposing this possible plan amendment.

Mr. McInroy circulated copies of his presentation to members of Council. Mr. McInroy also showed some slides of the area. Mr. McInroy in conclusion stated that Mr. Kelly's operation is an isolated commercial use on the Walker Service Road and; therefore, should be given isolated treatment in the Municipal Development Plan so that it can expand only by Development Agreement.

Councillor MacKay pointed out that are limitations as to what you can and cannot do. He explained that it is difficult under the Planning Act to have the ability within a certain designation to deal with a piece of property on one and one and go through a development agreement.

Councillor DeRoche inquired if Mr. McInroy's presentation is in support of the premise put forth by Mrs. Hart in her letter of October 3, 1985 to the Warden and members of Council and as identified in the attachment to her letter. Mr. McInroy stated that he did not see Mrs. Hart's letter but, it was his understanding, that Mrs. Hart was suggesting that a certain portion of those lands south of Highway 101 be excluded. Mr. McInroy agreed that her suggestion is quite similar to one of the suggestions he is making but stated that he is suggesting that the whole section south of Highway 101 not be part of this. The key suggestion they have is that Mr. Kelly be dealt with separately.

Mr. Brian Kelly, advised that he lives in one of the homes displayed in the slide presentation. Mr. Kelly stated that they are not trying to rezone all of Sackville. He advised that the parcel of land being referred to by Mr. McInroy is down in a hole which you can't see from even the Old Sackville Road. He explained that this was the only piece of property in question. Mr. Kelly felt that the C-4 Zone would be good because it would not restrict people from doing business if they wanted to. At this point, Warden MacKenzie cut off the presentation by Mr. Kelly advising that he was given an opportunity to speak when speakers in favour of were called upon.

Mr. Kelly read the letter dated October 3, 1985 from Ruth Hart addressed to the Warden and Members of Council. The letter stated that the residents of Walker Service Road, Scott Edward Drive and Brian Drive object to the proposal to rezone their immediate area from R-6 to allow C-4.

Mr. Kelly also read the petition to the Warden and Members of Council in objection to the proposal to amend the zoning By-law for Sackville to allow a new Zone C-4 designation in present R-6 areas. The petition included the signature of thirteen area residents.

Councillor Poirier felt that some people are confused as to what was to be presented and what exactly the issue was. Councillor Poirier felt that Mr. Kelly should be given the opportunity to speak if there is some misunderstanding.

Councillor Lichter suggested that PAC be given an opportunity by Council to have the whole matter referred to the Committee and have the Committee hear all the objections, all the alternatives, and all the arguments in favour of the situation.

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

"THAT this item be referred to PAC."

Councillor MacKay suggested that the plan amendment be adopted by Council.

Mr. Cragg advised that the motion to refer the matter to PAC would be in order. He explained that if PAC were to recommend anything other than the options put before Council this evening, it would have to go to another public hearing.

Mr. Cragg advised that Council has the ability to deal with the amendment to a lesser extent but not to a greater extent. He advised that Council could if they wished delete all of the red areas except the red area in which the Lewis property is situated.

It was Mr. Birch's position that you cannot do plan amendments for specific pieces of property without good and sufficient planning reason. He explained that there would have to be something unique about that piece of property which warrants it being developed on an individual basis. Consequently, Mr. Birch stated the approach of going to a contract agreement as opposed to the ability to apply for a zone change has to be available to more than one property.

Motion of Referral Carried.

Councillor MacKay indicated his disagreement with the Solicitor's ruling and requested that PAC, when considering this property, to consider the Gardin property on Sackville Drive that was recently dealt with by Council.

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

"THAT Council adjourn for five minutes."  
Motion Carried.

PLAN AMENDMENT NO. SA-05-85

Mr. Butler advised that the application is for an amendment to the Sackville municipal planning strategy which would redesignate approximately 11 acres of land located between Highway No. 101 and Sackville Drive across from Skyridge Avenue in Lower Sackville, from "General Commercial" to "Urban Residential". Mr. Butler indicated that the applicant, Tri-Arm Developments Limited, has stated that the purpose of the amendment is to permit the development of the site for two unit dwellings. The applicant further requests that the lands be rezoned from C-2 (General Business) Zone to R-2 (Two Unit Dwelling) Zone in order to accommodate approximately 46 lots.

In making the application to amend the plan, Mr. Butler advised that the applicant supports his request by stating that maintenance of the existing commercial zoning along a 300 foot area fronting on Sackville Drive supports the plan's intention of accommodating commercial development along this roadway; secondly, by reducing the amount of the site available for commercial development supports commercial development within the designated core area; thirdly, residential development on the lower portion of the site is consistent with what has occurred elsewhere along Highway No. 1 where residential uses abutt commercial development; and fourthly, the site is located close to open space and recreational facilities as well as schools and other community facilities and is, therefore, appropriate for residential development.

Mr. Butler outlined the staff report and recommended approval of the plan amendment and rezoning.

Concern was expressed with regard to which school the students from this area would attend. Mr. Butler advised that he did not receive a firm answer from the School Board as to which school they would attend.

SPEAKERS IN FAVOUR OF THE PLAN AMENDMENT AND REZONING

Mr. Steve Moyer, Alderney Consultants Ltd., indicated his desire to speak in favour of the land redesignation and on the rezoning.

Mr. Moyer stated, with regard to the municipal plan, that they feel this request is consistent and outlined their reasons why as outlined in the staff report.

Mr. Kelly read the letter from Jim Jer Investments Limited dated October 17, 1985 regarding designated parks. The President for Jim Jer Investments Limited, in his letter, stated that he has no objection to the request made by the Armoyan group and also encourages the designation of the quote "Residential Inlight" due to the fact he will be making a similar request for a designation in the near future.

SPEAKERS IN OPPOSTION TO THE PLAN AMENDMENT AND REZONING

None.