

EMERGENCY AGENDA ITEMSCouncillor Wiseman - RCMP Communications

Councillor Wiseman advised that she has received complaints about getting the RCMP to respond to emergency calls after hours and during weekends. At this time, calls are directed to the Halifax detachment of the RCMP, and this causes time delays and confusion. She stated the referral system through the Sackville detachment is no longer in place because there is no dispatcher on duty in Sackville after 9 p.m. or during weekends.

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

"THAT a letter be sent to Chief Superintendent Reid requesting an investigation of the communication problem for the Sackville Detachment of the RCMP and that a quick response be forthcoming."

Councillor Wiseman stated it is unjust that there is not a quick response that is needed for many situation in Sackville.

Councillor MacKay asked that if correspondence has not been received by the next meeting of the Police Committee, that this item be placed on the agenda.

This lead to some discussion about the appointment of a new member to the Police Committee to replace Councillor Mont. Mr. Meech advised that a meeting of the Police Committee with the RCMP is now being arranged, and at that time another chairperson will be appointed.

MOTION CARRIED

Councillor Wiseman - Cat By-law

Councillor Wiseman stated she and others were of the understanding this issue was supposed to be on the agenda for this meeting, but as it is not, she asked when it will be discussed.

Mr. Kelly advised that he received a copy of a response to Mr. Cragg from the Department of Municipal Affairs regarding the cat by-law. He suggested it is Mr. Cragg's intention in the near future to bring back a revised draft of the Cat By-law. Mr. Cragg added that the draft by-law that was prepared was subject to about six additional concerns by the Department of Municipal Affairs. These concerns have now been addressed, and he is awaiting a final response from the Department of Municipal Affairs. He suggested the issue is down to resolveable concerns, and he suggested it should be back before Council within a short period of time.

Councillor McInroy - Paving Petition

Councillor McInroy stated he was informed that there has been a recent announcement by the Minister of Transportation relative to their participation in the paving of streets that have been listed as public

roads for at least 15 years. He advised that he was immediately presented with a petition to capitalize on this increased opportunity to have Atholea Drive, Parkland Drive, and Lansdown Drive in District 17 paved.

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

"THAT the petition for the paving of Atholea Drive, Parkway Drive, and Lansdown Drive be received and acted upon by staff."

MOTION CARRIED

Councillor DeRoche - Guardrails

Councillor DeRoche advised that he has been trying to get guardrails on an extremely treacherous stretch of Montague Road. He advised there is an "S" turn with extremely steep banks on both sides, and there have already been a number of accidents there. Councillor DeRoche informed that he was recently advised that the Department of Transportation has had money in its budget for three years for this work, and it has been struck because of cutbacks.

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

"THAT a letter be written to the Minister of Transportation requesting the installation of guardrails on the "S" turn portion of Montague Road."

MOTION CARRIED

Councillor C. Baker - Recreation, Harrietsfield

Councillor C. Baker advised there is almost two acres of land available in Harrietsfield behind the elementary school, but there is no recreation land in the area. He stated he would hate to see this sold to somebody else because it would make good recreation land for the Harrietsfield area. He advised that the asking price for the land is \$20,000, and he is willing to pay up to one-half of that amount from his district fund.

Councillor Rawding felt this should be investigated through the Property Management Department before any action is taken.

It was moved by Councillor Rawding, seconded by Councillor C. Baker:

"THAT the matter of purchasing land in Harrietsfield for recreation purposes be referred to Mr. Brine, Property Manager, for a report and recommendation to the Executive Committee."

MOTION CARRIED

Councillor Fralick - RCMP, District 3

Councillor Fralick advised that there has been a large number of daytime break-ins in his area recently, and there has often been a slow response from the RCMP Detachment in Halifax. He stated he is

looking for a detachment of the RCMP to be located somewhere in the western subsystem of Halifax County as 25 percent of the population in Halifax County is located there. He stated there should be a detachment centrally located in the western subsystem of the County.

It was moved by Councillor Fralick, seconded by Councillor Rawding:

"THAT a letter be written to Chief Superintendent Reid concerning the location of an RCMP Detachment in the western subsystem of Halifax County and that this issue be addressed at the next meeting of the Police Committee."

Councillor Rawding agreed that this problem is growing as the area becomes more urbanized. He stated the residents of District 2 are concerned about policing first and foremost, and the visibility and response time of major concern. He stated something must be done about these concerns.

Councillor Walker expressed difficulty with a letter in this regard. He felt a meeting with the Police Committee and Chief Superintendent Reid would see more action.

Councillor P. Baker commented that he has had no complaints about policing in District 4.

MOTION CARRIED

Councillor Bayers - Cross Dog, District 10

Members of Council agreed to hear this issue.

Councillor Bayers informed that he has a very serious dog problem in District 10; it has been brought to senior staff and the Executive Committee, and the issue is still not resolved. He advised that he has been receiving continuous calls about a dangerous dog that has bitten a child in District 10.

Councillor Bayers advised that on June 3 at a school bus stop, a child was bitten by a dog at the bus stop. The dog was impounded by the dog control officer, and the owners went to visit the dog and took him from the pound. Councillor Bayers advised that he knew nothing about this until the parents of the bitten child called to inform that their child would not be going to school because the dog is only 33 feet away from the school bus stop. He persuaded the parents to allow the children to go to school, and he and two parents went to the school bus stop with the children until they were on the bus.

Councillor Bayers advised that he was assured at the Executive Committee meeting on June 20 that the dog would be impounded again, but the parents are still threatening to keep their children home from school for fear of the dog. The owners will not release the dog to the animal control officer, and the RCMP are hesitating about assisting the officer. He stated he wants this issue resolved now so he will not have to continue to go to the school bus stop with the children every morning.

Mr. Cragg advised that he prepared a letter which was sent to Mr. Reinhardt, and it was delivered to Mr. Reinhardt's office early this morning. However, Mr. Cragg stated the County does not have the authority to impound the dog from private property, be it fierce of dangerous.

This lead to much discussion. It was then clarified that the dog was apprehended at the owner's home initially, and RCMP assistance was required. He stated there is no special legislation that allows a County employee to enter the property, and there is no Provincial act that would allow this. The only authority to allow this would be through the federal force, the RCMP. Mr. Cragg advised that he spoke to an officer of the RCMP today, who advised he was prepared to secure a search warrant and do whatever necessary to apprehend the dog. He noted there have been four charges laid against the owner of this dog. The cooperation from the RCMP at this point was excellent, but it must be realized that the County has no authority to apprehend the dog from private property.

Following further discussion, Councillor Walker suggested this issue should be discussed in-camera.

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

"THAT this Session of Council go in-camera."
MOTION DEFEATED

Mr. Cragg expressed concern that the dog was apprehended from private property initially. He stated two wrongs do not make a right, and the County has no authority to enter private property to impound the dog. He suggested the RCMP is the only alternative for getting the dog.

There was much concern expressed about the County not being able to do anything about a dog that is dangerous and may continue to bite children. There was some discussion in this regard.

Councillor Wiseman asked what the most severe consequences would be to the County if the dog catcher is instructed to impound the dog. Mr. Cragg speculated that the worst case scenario would be the commencement of a civil action, and he suggested that the damages would not be substantial, if the Municipality is found at fault. Mr. Cragg reiterated that the County does not have the authority, and he stated the County should not do it.

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

"THAT the dog control office and/or the RCMP be instructed to immediately pick up and impound the dog at the Martell's mobile home on the Number 7 Highway in Musquodoboit Harbour."
MOTION CARRIED

ADDITION OF ITEMS TO THE NEXT AGENDA

Councillor MacKay - Acadia School

Councillor MacKay - George Street

Councillor Snow - Department of Transportation

ADJOURNMENT

There being no further business, the Council Session adjourned at 11:15 p.m.

PUBLIC HEARINGS

JUNE 13, 1988

PRESENT WERE: Councillor Walker
Councillor Rawding
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor MacKay
Councillor McInroy
Councillor Eisenhauer
Deputy Warden MacDonald
Councillor Wiseman
Councillor Mont

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk
Mr. R. G. Cragg, Municipal Solicitor
Ms. Joan MacKinnon, Senior Planner, Policy Division
Mr. Paul Morgan, Planner, Policy Division

SECRETARY: Gail Foisy
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Deputy Warden MacDonald called the Public Hearings to order at 7:00 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

It was moved by Councillor Fralick, seconded by Councillor Rawding:

"THAT Gail Foisy be appointed Recording Secretary."

Motion carried.

APPLICATION NO. ZA-24-07-88 PROPOSED AMENDMENTS TO ZONING BY-LAW NO. 24.

Ms. MacKinnon reviewed the staff report as presented to Council. She indicated that the amendments to Zoning By-law No. 24 would require that residential care facilities proceed by a rezoning and public hearing within Municipal Electoral Districts 12 and 13.

Questions from Council

None.

Speakers in Favour of this Application

None.

Speakers in Opposition to this Application

None.

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

"THAT the amendments to Zoning By-law No. 24 be approved."

Motion carried unanimously.

APPLICATION BY FRANK VEINOT TO REZONE PORTIONS OF THE LANDS OF FRANK VEINOT ET.AL, LOCATED ON THE SOUTH SIDE OF THE HAMMONDS PLAINS ROAD (HIGHWAY NO. 213) NEAR THE LUCASVILLE ROAD INTERSECTION

Mr. Morgan reviewed the staff report as presented to Council. He indicated that the request is to rezone the lands from MU-1 (Mixed Use 1) Zone to I-1 (Mixed Industrial) Zone, for the stated purpose of permitting an extension to the existing machine shop and to permit an enlarged area for the outdoor storage of materials.

Questions from Council

Councillor Lichter asked Mr. Morgan if he did a site visit.

Mr. Morgan responded that he visited the site on two occasions.

Councillor Lichter asked for confirmation that the present operation is not screened, and that it could not be.

Mr. Morgan responded that it is not screened and that it could not be. He said that he looked at the site from both sides of the highway.

Councillor Lichter noted that there are single family residences on the right hand side, and also fronting on the road is a mobile home and a single family residence. He asked what these people now see of the present operation.

Mr. Morgan responded that the properties immediately adjacent are exposed to the present operation. He pointed out that the properties immediately abutting, except for the church, are owned by Mr. Veinot.

Councillor Lichter asked for confirmation that those who already own a home nearby already see an industrial operation that cannot be screened.

Mr. Morgan responded yes.

Councillor Lichter asked if there would be any more homes exposed to the expanded site, or whether it would only be the same homes that now see the industrial operation.

Mr. Morgan responded that it would be the same homes, but that they would be exposed to a much larger operation.

Councillor Fralick referred to the first line in paragraph two of page two which says "...incidental to the machine ship operation...", and asked for clarification.

Mr. Morgan pointed out that this should read "machine shop operation".

Speakers in Favour of this Application

Arnold Brown, Professional Forester

Mr. Brown advised that he lived at 1639 Hammonds Plains Road, on the northwest corner of Hammonds Plains Road and the Lucasville Road, and that his property overlooks the Veinot property. He said that the operation is quite visible from his front yard and from the side gravelled driveway. He indicated that in looking down at Mr. Veinot's property, the trees on his own property screen off most of the view. He stated that his view is consistently interrupted by the traffic which passes by the Hammonds Plains Road, and that any view of the Veinot property is completely lost.

Mr. Brown noted that the report indicates that the property is unscreenable, which he said he disagreed with. He stated that it is screenable and that Mr. Veinot has tried several times by growing trees on his property.

Mr. Brown stated that another objection in the staff report is that the present landfill, which is going in on the property, would impose on the floodplain of the Baptizing Lake. He noted that the topographical maps of the area identify the low lying part of the property as a swamp. He stated that it is destined to be filled in by erosion of the surrounding highway, and that the landfill is simply accelerating the fill in process.

Mr. Brown indicated that the point was made that this development would be an eyesore for the passing traffic. He suggested that anybody who takes their eyes off the road for more than two seconds is about to cause an accident. He said that he did not think the community was zoned for the benefit of passing motorists.

Mr. Brown also indicated that it should be noted that the value of the development to the community would increase the assessed value of the property, will add to the tax base, and possibly relieve some of the taxes to the other residents of the community. He said that it would also provide additional employment, and in so doing, would presumably take some people off welfare and unemployment. Also, it would add to the Provincial and Federal "coffers".

Mr. Brown stated that regarding the effects on the neighbours, the noise would be minimal. He noted that the Veinot operation only operates during the daylight hours, and that he has not heard any noise from the operation yet on a Sunday morning during church service.

Mr. Brown noted that regarding the comment that an expansion of this magnitude may also be detrimental to future residential and community facility development in the area, he said that this development would pose none that he was aware of. He stated that it certainly does not pose a problem for the golf course.

Mr. Brown also stated that he saw little, or no, potential for air and water pollution.

Mr. Brown indicated that in summary, he did not see that the Veinot rezoning would pose any problem to him personally. Based on his experience, he said that it would be a valuable asset to the community. He commented that a slight increase in heavy truck traffic is of little consequence, and certainly not in daylight hours. He stated that he thought the problem in Hammonds Plains was not this proposal, but rather the steady commercial traffic. He felt that the sooner the by-pass is built, the better.

Questions from Council

Councillor Snow noted that there is an excavating company across the street, and asked if it was screened.

Mr. Brown responded that it is not screened; it is open from the Lucasville Road and from the Hammonds Plains Road.

Speakers in Opposition to this Application

None.

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

"THAT the application to rezone portions of the lands of Frank Veinot ET.AL. be rezoned from MU-1 (Mixed Use 1) Zone to I-1 (Mixed Industrial) Zone."

Councillor Eisenhauer indicated that there are a number of employees of the operation present in the gallery. He said that the staff report does address some of the area as far as view plains are concerned. He felt that an extension of the operation would do no further harm. He stated that it is an important part of the community, and that he would encourage Council to approve the application.

Motion carried unanimously.

APPLICATION NO. RA-TLB-32-87-02 APPLICATION BY W.P. EISENHAUER TO REZONE THE LANDS OF KEVIN AND KAREN EISENHAUER AT 1380 BAY ROAD, LAKESIDE.

Mr. Morgan reviewed the staff report as presented to Council. He advised that the application has been made to rezone 1380 Bay Road from R-1 (Single Unit Dwelling) Zone to R-4 (Multi-Unit Dwelling) Zone. The stated purpose of the application is to increase the sale value of the property.

Questions from Council

Councillor Mackay referred to the second paragraph on page two, and noted that the School Board has indicated that the students generated could be accommodated. He said that it was his understanding that the school is overcrowded, and questioned that if that is the case, how the students would be accommodated.

Mr. Morgan responded that the correspondence from the School Board indicates that the students could be accommodated at Lakeside, but not at Timberlea.

Councillor Rawding indicated that the Glengarry Elementary School and the St. Andrew's Elementary School in Timberlea are both at capacity, and that the school in Lakeside is fairly full. He said that he believed the students

generated could be accommodated, but did not think that it was done in consideration. He noted that there was a recent announcement that a new consolidated school would be built.

Councillor MacKay asked how far away the school in Lakeside is from the proposed development.

It was responded that the school is approximately 400 - 500 yards away.

Councillor MacKay referred to the sixth paragraph on page two, and noted that the report indicates that "lack of a specific development proposal for the subject property makes it impossible to evaluate...". He pointed out that nobody is required to submit development proposals. Somebody may state that they are going to do such and such, but there is nothing to hold them to that.

Mr. Morgan referred to Policy P-33 of the Timberlea/Lakeside/Beechville Municipal Development Plan, and said that one of the criteria that Council is to consider is the location and appearance of access and parking areas.

Councillor MacKay said that the statement means nothing because a person can say all types of things, but there is nothing to hold them to it. He asked if it would be governed by the maximum density.

Mr. Morgan responded that that was correct.

Councillor MacKay asked if the Department of Planning & Development put much weight on any prospective plans that a proponent would give during the application process.

Mr. Morgan responded that when plans are submitted, staff have been advised by Council to evaluate on the applicant's intentions.

Councillor MacKay commented that the end result is that development is governed by density and height restrictions.

Councillor Rawding asked for confirmation that the two lots would accommodate 178 units in total.

Mr. Morgan responded that that was correct.

Councillor Lichter noted that the report indicates that the stated purpose of the application is to increase the sale value. He asked who made the statement and in what manner.

Mr. Morgan responded that the applicant, Mr. W.P. Eisenhauer, indicated on the application form that the stated purpose was to increase the sale value.

Speakers in Favour of this Application

Mr. Dale Eisenhauer, son of Mr. W.P. Eisenhauer who applied for the rezoning, and brother of Kevin and Karen Eisenhauer.

Mr. Eisenhauer indicated that it was their feeling that the rezoning was not a necessity. He advised that the property has been used for many years as a multiple dwelling unit. There were three apartments on the property up until a short time ago, when one section rotted and was removed. He indicated that when the property was purchased it was with the understanding that the area was for the eventual enlargement of the Lakeside Industrial Park.

Mr. Eisenhower stated that regarding the property location, the developer he talked to thought it was a good location, even with the other possible developments. The property is close to the Lakeside Industrial Park and the City of Halifax's Industrial Park, which is a good rental advantage. He said that he was asked by J.Y.K. Holdings Ltd. to request a contract R-4, which he understood to mean that if the County rezones the property, the developer would submit plans and a construction schedule for approval to the County. He noted that the developer hires local people from the community whenever he can.

Mr. Eisenhower commented that there are highway improvements needed shortly in the area. He said that the only way to get these improvements is when the need is there.

Mr. Eisenhower indicated that it was his understanding that there has been a petition circulated, and that he was asked by a couple of people why the petition did not have a space to sign for and against.

Mr. Eisenhower further indicated that he was a member of the Lakeside Fire Department. Council approved the purchase of an aerial truck with the understanding that there would be apartment buildings up to 35' in the area.

Mr. Eisenhower commented that with a R-1 tax base it takes a long time to develop, as opposed to R-4 and commercial development. He said that he agreed with a lot of the people that it is a residential community, since he lived there, but at the same time felt that if the community can get better service for the amount of money paid, more development is needed.

Questions from Council

Councillor DeRoche asked when the property was purchased.

Mr. Eisenhower responded that the property was purchased approximately fifteen - eighteen years ago.

Councillor DeRoche asked Mr. Eisenhower if he had a potential sale.

Mr. Eisenhower responded yes, with the provision of a R-4 contract.

Councillor DeRoche asked for confirmation that there is presently a structure on the property which contains three apartments.

Mr. Eisenhower responded that there were three apartments; one section was recently removed because of its poor condition.

Councillor DeRoche asked for how long the apartments have been in existence.

Mr. Eisenhower responded that the apartments were there for more than eighteen years, and that they were there when his father bought the property.

Councillor MacKay noted that there are now two apartments and asked what type of structure was there.

Mr. Eisenhower indicated that the house is approximately 100 years old and is in poor shape. One section was being rented for quite awhile, but there was no foundation under it and the wood rotted. He said that they were requested by the County to remove the one section.

Councillor MacKay said that it was his understanding that the option for contract R-4 development was not a provision in the Timberlea/Lakeside/Beechville plan.

Councillor Rawding responded that the provision for a contract is not included in the plan.

Councillor MacKay said that he agreed with Mr. Eisenhower's comment that the need has to be there before the road is improved.

Councillor MacKay asked Mr. Eisenhower if when he purchased the property it was the understanding that it would be for the eventual enlargement of the Lakeside Industrial Park.

Mr. Eisenhower responded that it was his understanding in talking to small businesses and residents of the area that that was the intention until the plan was adopted.

Councillor Rawding asked if anyone presently lived in the dwelling on the property in question.

Mr. Eisenhower responded that his brother and mother still lived there.

Councillor Rawding noted that according to planning principles this property could be sold and the developer could make his own application for R-4 zoning with specific details. He asked why the developer was reluctant to give a purchase price and proceed with his own proposal.

Mr. Eisenhower responded that a lot of developers are finding that they spend a lot of time approaching Councils and planning departments, and if their application is refused it is a waste of time. He said that the developer has arranged the financing and is willing to look at the property and what is allowed there.

Councillor Rawding noted that Mr. Eisenhower made the comment that R-4 development is needed because the fire department purchased an aerial truck. He stated that the truck came after the apartment buildings and is needed. He pointed out that there is an apartment building in Lakeside owned by Mr. Goshen, one in Timberlea, and another application is being appealed by Mr. Smith and Mr. Willett.

Councillor Rawding agreed that highway improvements are needed, however, they are coming. He felt that Mr. Eisenhower would agree that there would be concern for the children walking along that road. He asked Mr. Eisenhower if he could picture what the proposed development would do in the community.

Mr. Eisenhower responded that he did think about it, but when considering the development occurring, for instance in Greenwood Heights, as well as the apartments mentioned, it is only a small percentage of gross traffic.

Councillor Rawding asked Mr. Morgan if contract R-4 is available.

Mr. Morgan responded that under the present municipal planning strategy there is no requirement for a development agreement on this site. The Timberlea/Lakeside/Beechville plan only requires a development agreement for an apartment on a local street. He pointed that the proposal in question is located along an arterial road.

Speakers in Opposition to this ApplicationAnne Fournier, Resident of Timberlea, Member of the District 2 Public Participation Committee

Mrs. Fournier stated that she felt staff have looked at the municipal development plan for Timberlea/Lakeside/Beechville and the criteria that is expected of them when they review any application. She felt that the comment made by Mr. Morgan that staff cannot do a proper evaluation until the properties previously rezoned to R-4 are developed was a valid point.

Mrs. Fournier said that the municipal development plan for Timberlea/Lakeside/Beechville states that the intention is to protect the low density residential environment, and that one of the criteria is to examine the impact to the residential environment. She noted that if you look at Munro Subdivision and the other R-1 properties along the Bay Road, that the two rezonings previously approved would have an impact. She indicated that there is no development agreement option available which says that a developer has to submit anything for approval other than to meet density, lot sizes, or height requirements. She pointed out that 178 units can now be developed in that small area, and it is not known what the impact will be.

Mrs. Fournier indicated that regarding the school population, the capacity of the school in Lakeside is near capacity, though not overloaded.

Mrs. Fournier commented that she found it hard to believe that an expansion of the Lakeside Industrial Park to this property was considered. She noted that St. Luke's Anglican Church is adjacent to the property, and that she hoped there would be foresight by planning people not to locate more industrial development around a church. As well, when Munro Subdivision was planned, there were promises and commitments made that the people would have a residential environment.

Mrs. Fournier advised that the residents have had to make phone calls and ask the owner of the property which was previously rezoned to put it back to its original state, as the public participation committee feels that it has become partly dangerous. She said that she hoped there would be some further action taken on that request.

Councillor MacKay pointed out that the reference to the condition of the adjacent property, which was previously rezoned, had no bearing on the current application.

Mrs. Fournier noted that the only reason she mentioned it was because there was no guarantee that the property in question would not also be stripped by the developer if it was rezoned, and then development might not take place.

Mrs. Fournier referred to Policy P-89 of the plan and indicated that she thought the road network is a very important aspect to consider. She said that it is a very winding area, and the lot in question is on an incline. She then referred specifically to clause (iii) of the policy, and indicated that apartment buildings would mean parking lots and an increased use on that small area, which would make this clause questionable.

Mrs. Fournier commented that regarding the petition, when a person petitions something they can only petition one idea, and noted that the applicant could have circulated a petition in favour of the application as well. She also advised that there was a petition posted in the Lakeside Post Office which somebody removed.

Councillor Snow asked why the land next door to the church was bulldozed.

Councillor Rawding advised that the owner, Mr. Goshen, thought he owned a larger tract of land and started to excavate, at which time a boundary dispute arose.

Councillor Deveaux asked if the owners were advised when the plan was adopted in 1982 that their zoning was going to change from General to R-1.

Mrs. Fournier responded that she thought it was a residential dwelling, and that it does not appear as a normal apartment unit; it looks like a two storey home.

Councillor Lichter indicated to Mrs. Fournier that one of her concerns was the idea that the property in question would be rezoned and stripped, and then not get developed. He asked for elaboration.

Mrs. Fournier responded that she was trying to make the point that there would be no guarantee that the property would be developed. If proposals are not required by staff or Council, then everything is in good faith. She suggested that perhaps because there was a legal dispute on the adjacent property, that this property might get excavated as well and then nothing happen.

Councillor Lichter commented that he thought the residents opposing the development would be happy if the development did not take place.

Mrs. Fournier indicated that if she had seen the public hearing notice in the paper for the previous rezoning application she probably would have objected to that one as well, as she felt that it was not the proper location for an apartment building.

Councillor Lichter noted that behind the residential dwellings in the area is a large tract of I-4 land.

Mrs. Fournier advised that that I-4 land was part of the transformer zone, which she thought was owned by CBC.

Councillor Wiseman indicated that the enrollment at the elementary school in Lakeside is fairly comfortable, and that a twenty-seven unit building would probably only generate ten children, which could be accommodated.

Councillor Wiseman commented that she thought the possible development of the adjacent site, as well as the proposed expansion of Mr. Havill's mobile home park in Lakeside, had to be taken into consideration.

Councillor Wiseman noted that it is difficult to predict development when no development has begun. She expressed surprise that a reason for opposing R-4 development would be because it is located next door to a church.

Mrs. Fournier responded that the site faces onto Munro Subdivision, which is developed with single family homes. Also, that she did not think it would be appropriate to have an apartment building developed next door to a church.

Councillor Wiseman commented that she did not see it as being inappropriate to have an apartment building next door to a church.

Councillor P. Baker indicated that he thought the Department of Community Services purchased a tract of land for a seniors complex, which is next door to a church. He felt that it would be advantageous to the church as it would increase their congregation.

Councillor Deveaux agreed that he could not understand anybody being opposed to locating an apartment building next door to a church. He noted that Mrs. Fournier, in her comments, indicated that she did not want any more industrial or any apartment buildings, and asked if she only wanted single family dwellings developed in the district.

Mrs. Fournier pointed out that the plan does allow R-2 development, and said that the people have the right to indicate that they only want single family units and duplexes around their church.

Helen Dorrington, Beechville

Mrs. Dorrington advised that she would like to present Council with a petition against the proposed rezoning to R-4. She said that she did not think a R-4 development would benefit the community, and that it would not enhance the rural lifestyle that the residents are used to. She pointed out that very near the proposed site are single family homes and a church, and noted that a high rise apartment building would be right on top of the homes. She said that the residents have been living there for a long time and are used to a quiet lifestyle, which is beneficial for bringing up families. She commented that this would also cause traffic congestion, and could be dangerous for people walking along the road. She also referenced previous comments wherein the schools are overcrowded.

Mrs. Dorrington stated that regarding the highway, the community has a rural type of highway. All the residents live near it and if it is widened some of the residents would be dislocated. She said that the residents do not want to be squeezed out. She also noted that the area excavated next door to the church used to be a ball field.

It was pointed out that there are 150 names on the petition.

Councillor Deveaux asked if most of the people who signed the petition lived in the immediate area.

Mrs. Dorrington responded that everybody in Munro Subdivision signed the petition, as well as people who lived across the road from the site and residents from Beechville.

Reverend Dwayne Tanswell, St. Luke's Anglican Church

Reverend Tanswell advised that he was present to speak on behalf of members from the congregation of St. Luke's Church and for residents of Lakeside. He said that the residents have a great deal of interest in the development of their community. He referred to the map on page five of the staff report and indicated that the church is at the corner of Oliver Street and the Bay Road, and that it is only one block after the proposed site for rezoning.

Reverend Tanswell indicated that he wanted to speak in favour of the staff recommendation, which is rejection of the application.

Reverend Tanswell noted that Council is being asked to approve a rezoning to increase the dollar value of the property, which he felt would not be in the best interests of the communities of Timberlea, Lakeside, and Beechville as a whole.

Reverend Tanswell stated that Council is primarily being asked to approve a rezoning for an apartment building, for which plans have not been provided. Since there are no plans, we do not know what the building will look like or how it will fit in with the existing structures in the community. He pointed out that the site could accommodate twenty-seven units. He said that Council is not being given any concrete information to make a solid decision for the good of the communities of Timberlea, Lakeside, and Beechville.

Reverend Tanswell indicated that the land immediately east of 1380 Bay Road has already been rezoned to R-4 for the purpose of constructing an apartment building. He pointed out that this property has not been developed yet because there are some unsolved problems with the lot line. It is still not known what kind of apartment will be constructed on the previously approved lot or what it will look like.

Reverend Tanswell further indicated that the residents would like to know the impact of so many apartment buildings in the area. He also expressed concern for the pedestrian traffic, especially since there are no sidewalks.

Reverend Tanswell asked if the Department of Recreation was consulted. He said that recreation facilities would be needed, and questioned where the children from the proposed apartments were supposed to play.

Reverend Tanswell summarized that they did not oppose the previous rezoning application. He said that they found out very quickly the conception of what an apartment would look like and how it would blend in on the side of the hill. He said that from his understanding it would block the whole of Munro Subdivision from the Bay Road.

Reverend Tanswell stated that the members are not against change or development, but would like the County to get together and do some sane and sound development of proposals to protect the present and future residents. He said that the County should be able to ask for an artists concept of how the building would look in the community, which would help the residents to better understand.

Reverend Tanswell referenced comments about increasing the number of church members by having an apartment building next door to a church, and indicated that statistics show that church members are generated from single and duplex dwellings, not apartment dwellers.

Councillor Snow asked Reverend Tanswell if the church considered purchasing the whole block for future expansion.

Reverend Tanswell responded that the church presently has about one acre of land, and also owns another lot of land to the left, which is designated P-2. He said that he did not think the church could afford to purchase the property at this time.

Councillor P. Baker said that if he was the pastor of St. Lukes he would encourage an apartment building to be constructed to increase the number of church members. He indicated that he intended to support the application, mainly out of respect to Mrs. Dorrington, and felt that it is right to support the people of that community.

Reverend Tanswell indicated that the church was thinking of the people of the community. He stated that a development should enhance the community, and not in the way of an eyesore. The people want their community to be planned.

Councillor MacKay indicated that due to a lack of foresight in the development of most of the plans, a provision was not incorporated for development agreements, so Council can only act on the good faith put forward by the developer. Often applicants do come to Council with an artist's concept, and then after the development is completed it does not look like it did on paper. He hoped that during the review process that there would be a provision wherein developers would have to adhere to their intentions. He said that he appreciated Mr. Eisenhauer indicating that the purpose was to increase the sale value of the property.

Reverend Tanswell suggested that perhaps the application by Mr. Eisenhauer was made too quickly and should be dealt with during the plan review.

Mr. Morgan advised that the figures used in the staff report were based on the previous applications. Staff were made aware by Reverend Tanswell's solicitor that there is a property dispute on the adjoining property; however, it was difficult to comment on because it has not been resolved and the applicants property was not involved.

Catherine Pelrine, Timberlea

Mrs. Pelrine indicated that to appreciate the whole application one would have to go up the hill in the sun. She suggested that perhaps the lot previously rezoned to R-4 might be consolidated with this lot, making the whole area apartment buildings. She noted that she lived in Timberlea, but pointed out that she had to drive by the site.

It was moved by Councillor Rawding moved, seconded by Councillor P. Baker:

"THAT staff's recommendation be accepted."

Motion carried.

Councillor Rawding indicated that with respect to long range planning concerns for the area, Council has heard reasonable and researched opinions and has been presented with a petition which was signed by 150 people.

Councillor Rawding summarized that Mrs. Pelrine spoke about safety concerns, which are reasonable and should be respected. He noted that Reverend Tanswell's comments represent the congregation of St. Lukes, as well as the entire district, and spoke in favour of staff's recommendation. It was indicated that rezoning for the increased value of the property is not in the best interests of the communities, and that if there were plans it would probably be more acceptable.

Councillor Rawding further summarized that the community should be considered as a whole. As well, the pedestrian and vehicle traffic should be considered. He said that drivers have to be careful because there are a lot of children on the road. The increased tax dollars from R-4 development might have to be offset by sidewalk and recreation facilities.

Councillor Rawding indicated that, in addition, Mrs. Dorrington's comments, as a longstanding resident of Beechville, should be considered. The residents are concerned about property values and their lifestyle. He pointed out that Munro Subdivision is one of the integral subdivisions of their community. Another concern of Mrs. Dorrington was with regard to the height of the apartment building, as it would cut off their viewplain of the Bay Road.

Councillor Rawding pointed out that there is conflict with adjacent land uses.

Councillor Rawding stated that Council is not closing the door, and that the application could be brought forward again in the future. He pointed out that the staff report did indicate that the application was premature.

Motion carried unanimously.

ADJOURNMENT

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

"THAT these public hearings adjourn."

Motion carried.

The public hearings adjourned at 8:55 p.m.

SPECIAL COUNCIL SESSION

FOUR OPTIONS FOR SACKVILLE

JUNE 15, 1988

PRESENT WERE: Warden MacKenzie
Councillor Walker
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor MacKay
Councillor McInroy
Deputy Warden MacDonald
Councillor Wiseman
Councillor Mont

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer
Ms. Gerry Masters, Department of Municipal Affairs
Mr. Jack Novack, Henson College

SECRETARY: Glenda Hill

Warden MacKenzie called the meeting to order at 3:35 p.m. He advised that this special meeting of Council has been called to deal with the options for the community of Sackville and possible other communities within the County in the future.

Councillor Merrigan, Chairman of the Sackville Ad Hoc Committee, presented the report on the four options for the governance of the community of Sackville, noting it has been prepared by the Ad Hoc Committee with staff support from the Province of Nova Scotia, Municipal Affairs Department; the County of Halifax; and Henson College.

Councillor Merrigan reviewed the first two options of the report, advising that Option No. 1 (the Existing Structure) will leave the legislative and policital framework unchanged. Certain administrative measures, including the establishment of a sub-office and consultative bodies, would improve relationships with Sackville. The County may seek a stronger role as an advocate for its citizens with Provincial departments by setting up a local traffic authority, a community transportation committee, and strengthening the role of the police committee. He stated a sub-office in the community would improve accessibilty and provide services such as the payment of tax bills, the handling of inquiries, the issuance of licenses and permits, and

providing information. A sub-office administrator would be the only increase in staff; the others would be transferred from the County. He stated this option is the least costly.

With respect to a Community Council (Option No. 2), Councillor Merrigan informed it is the intent to provide Sackville with a greater degree of control over decisions directly affecting the community. The Community Council would comprise five Sackville Councillors, who will be elected at the Municipal election in October. If this option is chosen, he suggested that County Council should immediately pursue the Province of Nova Scotia legislative authority to delegate to the Community Council full autonomy power for decisions relating to local services, including the power to recover the cost of services through a community service rate (which would replace existing area rates levied by Council). He concluded that the services this Community Council would be responsible for would be a matter of negotiation between Sackville and Halifax County. The legislative authority would also be sought to delegate to the Community Council full authority for planning with respect to the Municipal Planning Strategy, Land Use By-law, and the Subdivision By-law. He noted it will be some time before all legislation could be passed by the Province to give this autonomy, and until this legislation is passed, the authority of the Council will be limited to recommendations to County Council. The Community Council will assume the cost of a community clerk, and other required staff would be continued to be provided by the County.

Mr. Novack presented the third option (County-Town). Initially, he informed that the four options represent a progression of independence for Sackville from Halifax County.

He advised that this third option provides for a five member Council composed of the Sackville County Councillors and a Mayor elected at large. He stated this is the first time a chairman would not be appointed from the existing membership.

Also, the authority under this option would be clearly delineated between the County-Town and the County. He referred to a list of these services and priorities as outlined in the report. He noted this option also reflects that County administration will continue to provide for tax collection, building inspection and permits, and technical planning service, so as not to duplicate any of the administrative structure. Mr. Novack stated it is the intention that the County-Town could, at its discretion, have its own offices and its own location, as opposed to sharing accommodations with County administration. The County-Town will have its own initial staff of six and may wish to hire additional staff at its discretion, if the community is willing to pay for it.

Mr. Novack advised that the financial implications of this option indicate that there would be an increase of 3.3 cents on the residential rate and 6.6 cents on the commercial rate. He referred to a table on page 21, indicating the tax impact based on two levels of assessment. He noted the additional costs are from the incremental cost associated with operating a County-Town, and the six additional staff members.

Mr. Novack concluded that the legislative hurdles are expected to be somewhat complex, and there has not been a specific plan plotted out. He noted there are several Acts which will have to be investigated and amended to enable the County-Town option to be effective. He concluded that this is only a model, and eventually there will be a requirement for some adjustment based on real life experience.

Ms. Masters stated following the release of the impact study by the Department of Municipal Affairs in October, 1987, there was interest from the community of Sackville and amongst County Councillors to have the model revised to reflect the impact of re-assessment. She advised that the Department of Municipal Affairs has undertaken this project, and she referred to a letter to Councillor Merrigan in this regard.

Ms. Masters stated in addition to implications on revenue, a change in assessment also affects a number of expenditure areas where assessment is used as a reflection of municipal ability to pay for the purposes of cost-sharing agreements. Therefore, it was necessary to consider changes in expenditures as well as projected changes in revenue when revising the model. The major revenue source affected by a change in assessment is the unconditional operating grant paid by Municipal Affairs.

However, Ms. Masters stated because uniform assessment lags one year behind its actual application, it is not affective until fiscal 1988. Therefore, a budget for 1988 had to be developed in order to determine the implications of re-assessment for 1987 on the community of Sackville should it become a city or town.

Ms. Masters stated when the study was initially done last fall, the Department was able to rely on existing financial statements except for police, transportation, and general government. It was the decision of the Department to review Municipal expenditures across the Province over the past four years to determine the average increase in cost; this amounted to approximately 6.3 percent, per year. To update the 1987 model to 1988, the figure had to be doubled for a total increase of 13 percent. Exceptions to indexing were made where actual figures were available. Also, social services expenditures were estimated over the past two years, rather than using an average because expenditures in this area vary so much. This resulted in a 26.8 percent increase, rather than the average of 13 percent.

Ms. Masters continued that as a result estimated costs in the updated scenario total approximately \$19.5 million, an increase of 15.1 percent over the \$16.9 million in the 1986 model.

For purposes of comparison, Ms. Masters advised the 1988 Halifax County proposed budget was compared to the 1986 budget. This reflects a 15.2 percent increase over actual budget figures for 1986.

With regard to revenue, the original model treated Sackville as a town or city, and all grants and cost-sharing arrangements were applied; this was also done for this model. The most significant increase was

in the Department's unconditional operating grant. As a result of the increase in dwelling units and changes in assessment in the community, Sackville has moved from a Class 2 community to a Class 1 community for the purpose of operating grants. This results in a grant payable of \$2.5 million, a 78 percent increase over the entitlement of \$1.4 million in the 1986 model.

Ms. Masters continued that the tax base for 1988 scenario had the most impact, showing substantial gains in the base for the community, having increased 62 percent since 1986. The total residential assessment has increased 64 percent, and commercial assessment has increased approximately 50 percent. Of the total tax base, 86.7 percent is residential and 13.3 percent is commercial.

The next step was calculating expenditure needs. There was a \$19.5 million expenditure, less \$5.5 million in transfers in grants (of which \$1.1 million was an increase in the Department of Municipal Affairs' transfer) leaving \$12.9 million to be raised from property taxes (\$1.3 million above the amount required in the 1986 model). The resulting rates were \$2.57 residential and \$5.13 commercial; in the 1986 model they were \$1.78 residential and \$3.55 commercial. Based on general and area rates approved in 1986, Districts 16 and 20 would have a residential rate of approximately \$1.47 and District 19 and the unserved portion would have an approximate residential rate of \$1.18; the commercial rates for Districts 16 and 20 would be \$2.45 and for District 19 it would be roughly \$2.17.

Ms. Masters stated re-assessment will usually bring down tax rates, so she reviewed the residential tax burden. In 1986, residents of Sackville paid approximately \$773 per dwelling unit in residential taxes, including general and area rates. The initial model would have generated a dwelling unit tax burden of \$1,173; the current scenario generates a tax burden of \$1,141. The average tax burden for towns in 1987 was \$582 and the average for cities was \$705. Residential tax burdens here are fairly substantial because there is no commercial base in Sackville to absorb a greater portion of the burden.

Councillor Merrigan noted that the Ad Hoc Committee is not making a recommendation with regard to the option Sackville should choose. He stated from meetings in the communities, it became obvious that the people want to make the choice themselves.

Councillor P. Baker asked if it is the intention of the Committee to recommend a plebescite to Council. Councillor Merrigan advised that the Committee of the Whole has passed a resolution recommending a plebescite.

It was moved by Councillor Reid, seconded by Councillor P. Baker:

"THAT a plebescite be held during the Municipal election in October and that all four options be presented;

AND FURTHER THAT Council take immediate steps to implement proposals if Options 1 or 2 (existing structure or Community Council) are chosen in the plebescite;

AND FURTHER THAT Council will approach the Provincial government for necessary legislation if Option 3 (County-Town) is chosen in the plebescite."

Councillor P. Baker stated that the Ad Hoc Committee has worked very hard with regard to this matter, and the process has been very democratic. He stated this question should be resolved without hours of debate.

Councillor McInroy inquired about the intent of the motion with regard to Council's commitment to seek legislation changes relative to the Community Council concept. He suggested this direction would be proceeded upon without legislative changes, but those responsibilities to be delegated to the Community Council will be subject to legislative changes. Mr. Meech stated this was not mentioned in the resolution, but it was his understanding that this is the intention. He stated if Option No. 2 is accepted, there will be some legislative changes required to enable the County to delegate those powers to the Community. Councillor McInroy suggested this should be made clear in the resolution in order to make the options more clear to the residents of Sackville.

Councillor Reid and Councillor P. Baker agreed to incorporate necessary legislative changes relative to the adoption of Option No. 2 into the recommendation. The final resolution read:

"THAT a plebescite be held during the Municipal election in October and that all four options be presented;

AND FURTHER THAT Council take immediate steps to implement proposals if Options 1 or 2 (existing structure or Community Council) are chosen in the plebescite;

AND FURTHER THAT Council will approach the Provincial government for necessary legislation if Option 3 (County-Town) is chosen in the plebescite."

AND FURTHER, if the Community Council option is chosen, that negotiations between Sackville Community Council and Halifax County begin to develop the necessary legislative changes and the Province of Nova Scotia be requested to provide the necessary legislation to fully implement the Community Council option."

Deputy Warden MacDonald noted that the resolution on the floor will not resolve this issue once and for all. He stated the options must still be presented to the public. He expressed hope that the information and public meetings will commence in the near future in order for the best decision to be made.

Councillor Deveaux stated he has no objection to Sackville or any other community being given options as to their future, but he stated he is not in favour of the County-Town option; therefore, he cannot support the motion because if this option were supported by the residents of Sackville, he would not be able to support them. Councillor Deveaux stated there are many areas of the County looking for more autonomy, and decisions made at this point will be precedent-setting, and if we want to keep these areas within the County, some additional dollars will have to be spent. Councillor Deveaux further stated he is not supportive of the third option because the costs are too high, and it is not known how many other districts or communities will follow suit once this decision is made. He also stated if Option 3 is adopted by Sackville, legislative changes will be more far-reaching than those included under the other options. If Option 3 is chosen, it will affect communities Province-wide. He continued that Option 3 would give Sackville more power and authority than Halifax County Council itself. When these discussions first began, it was highly recommended that Halifax County Council support an option for Sackville, but it now seems this has changed. He felt the residents of his district would support the second option, as it would present many opportunities and autonomy for the future of the community without entailing the many ramifications of the future.

Councillor Deveaux concluded that Halifax County Council should only support the second option, and allow the residents of Sackville to still have the freedom to chose this.

Councillor Deveaux proposed an amendment to the resolution whereby Halifax County Council would recommend support for Option No. 2, but members of Council objected, stating the amendment appears to be changing the intent of the original resolution.

Councillor Merrigan agreed, stating the Ad Hoc Committee discussed recommending one of the options, but it was decided against because of response from community meetings. The people of Sackville made it clear that they felt they should be making their own decisions about their own destiny.

Councillor Lichter stated he has supported the idea of a plebescite since the initial discussions about the destiny of Sackville. He stated Council cannot make a recommendation to best satisfy the residents of Sackville in this regard.

However, he stated he could not support the resolution because the options should be very sincere and clear to all residents. The sincerity depends on whether or not any one of the options can be decided, and he could not support Option 3.

With respect to Option 1, Councillor Lichter stated Halifax County Council has already put much effort into this option. There will be additional representatives from Sackville following the municipal election - 20 percent of the representation when they have 25 percent of the population (almost an ideal ratio). Also, a satellite office is being set up in Sackville which will give real service to the people at a more convenient location than it was in the past. Under this option, the planning issue will remain with the Municipality, but there is nothing to prevent Halifax County Council from holding public hearings in the community as has been discussed and done in the past. He stated the main reason he supports Option No. 1 is because there are no additional costs associated with this Option for either the Municipality or the residents of Sackville.

With regard to the second Option, Councillor Lichter stated the Community Council in Sackville will give the five community Councillors an opportunity to sit as representatives of Halifax County, as well as the community of Sackville on a local level; they will receive extra stipends, extra pay for additional meetings, and the cost will be borne by an area rate. If this is a psychological advantage, and the people want to pay for it, he stated he will support it based on certain guidelines from the beginning, including the exclusion of the five Sackville Councillors from Municipal Plan Committee meetings, Planning Advisory Committee meetings, and public hearings outside Sackville, or in Urban Services Committee meetings dealing with area rates. He stated there is no need for this duplication. He also stated all minutes of all meetings of the Sackville Council will have to be provided to Halifax County Councillors in order to know what is going on, and any decisions made by the Sackville Council will have to be ratified and debated by Halifax County Council.

Councillor Lichter stated he fears that more time will be spent on arguing about whether or not something should be debated, rather than conducting the business of the County. He stated there should be some mechanism for decision-making, such as a majority vote - otherwise, an issue should not be debated. He stated should it ever happen that Halifax County Council overturns a decision of the Sackville Council, it should not be considered betrayal; he stated it must be understood that Halifax County supports Sackville making its own decisions.

Councillor Lichter stated the third option is not acceptable. This option is not clear cut, and it would create extra expenses to the citizens of Sackville and Halifax County. Much tax dollars has already been spent exploring that option, and none of the details of this option have been explored in the cost analysis by Henson College or by the Ad Hoc Committee. He stated there have now been three documents presented, which are all almost identical.

Councillor Lichter stated the Province will probably not grant legislative changes, which will nullify this option, misleading the citizens of Sackville into believing they have been betrayed by the Municipality. It must be clearly understood that if this option is support for the residents, and all four options are supported by this Council, the blame should lie where it belongs as opposed to having it remain with the Municipality.

He expressed fear that that this option will lead to the eventual crumbling of the existing Municipality.

With respect to the fourth option, Councillor Lichter stated only the citizens of Sackville can determine if they are willing to support the Town-City option. However, it is time to hold a plebescite and let the people determine their own future.

Deputy Warden MacDonald stated he can see Councillors having problems with each of the options, but the direction is to present the people with the options, and let them decide. He stated it is the only fair way to deal with this issue.

Councillor Merrigan stated the Committee realizes there may have to be some changes to the existing structure, but it was felt that at this point in time, it is more important to find a way for Sackville to have more autonomy and decision-making ability. He stated the details can be worked out later.

Councillor Lichter stated the explanation of the situation is no different for the Executive Committee, the Planning Advisory Committee, etc. He stated staff must often determine which committee should deal with an issue, and he expressed concern that this same issue will develop if Option 2 is supported and implemented. He stated he can support the second option, although he could not approve it in principle and then have something state they understood it to be something else. He concluded that he would not support the third option.

Councillor Wiseman stated the Committee has worked hard on these well thought-out options to be presented to the residents of Sackville, and she stated it should be up to those people to determine which option will best suit their needs. She stated everybody has preferences, but they are up to the individuals, and the majority will rule. She stated the Community Council option will offer more independence and self-determination than the previous options, and the County-Town options seems to push it beyond that; the major concern about the County-Town option is the large amount of legislation that will have to be amended to allow this, and it will have implications Province-wide.

She concluded that the fourth option appears to reflect high costs, but it is a matter for the community to decide upon, as well. She asked for the support of Council to present these options to the residents of Sackville for their discussion and vote.

Councillor McInroy stated it is obvious and logical that there must be change in the municipal government administration in Sackville. He stated there must be an understanding of the situation, and having everything carved in stone or black and white is impossible because

regardless of the route chosen by the people of Sackville, there must be negotiation and discussion amongst the County, the Province and the community of Sackville. He stated he will support the resolution, as it is the only logical thing to do.

MOTION CARRIED 12 YES
 4 NO

There being no further discussion, the meeting adjourned at 4:35 p.m.

PUBLIC HEARING

ADOPTION OF THE MUNICIPAL PLANNING STRATEGY AND
LAND USE BY-LAW FOR PLANNING DISTRICT 5

JUNE 16, 1988

PRESENT WERE: Warden MacKenzie
Councillor Walker
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor McInroy
Deputy Warden MacDonald
Councillor Mont

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor
Ms. Valerie Spencer, Director, Planning and Development
Mr. Bill Butler, Manager, Policy Division
Ms. Joan MacKinnon, Planner

SECRETARY: Glenda Hill

Warden MacKenzie called the Public Hearing to order at 7:05 p.m. with the Lord's Prayer. Mr. Kelly called the Roll.

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

"THAT Glenda Hill be appointed Recording Secretary."
MOTION CARRIED

Warden MacKenzie advised that this public hearing has been called to deal with the adoption of the Municipal Planning Strategy and Land Use By-law for District 5. He reviewed the procedures for the Public Hearing.

Ms. MacKinnon next presented the draft Plan and By-law for Planning District 5. She advised these documents are the result of a long and involved public participation process, and she thanked all members of the Public Participation Committee for their time, effort, and work into this document. She also expressed appreciation for so much representation at the public hearing.

Ms. MacKinnon stated there was much debate during this process took place, but the majority of the issues were settled to most people's satisfaction, although there are still several issues that will have

to be dealt with this evening. She also expressed appreciation to Councillor C. Baker for his input and patience during this planning process.

Ms. MacKinnon advised that the generalized land use map shows the eight different land use designations under this Plan, and the zoning map indicates the zones on each property. She next reviewed three minor amendments for clarification or to correct typographical errors.

Speakers in Favour of this Plan and By-law

Alderman Rick Grant, 3 Linden Lane, Halifax advised that he is the Aldermen representing the Spryfield area in the City of Halifax. He stated he is in favour of planning, and his area of the City recently passed a Strategy and By-law after eight years of extensive planning.

Alderman Grant stated the plan in question at this public hearing seems to be a very well thought out plan, although he expressed concern about a parcel of land adjacent to the City boundary which is proposed to be designated C-5. He stated this is adjacent to Long Lake Provincial Park and a residential area, and he expressed concern about having an commercial zone next to this land from an environmental and aesthetic perspective. He stated his residents are opposed to this zone because it is felt the provincial park is an asset to the City and the County, and the fewer intrusions, the better it will be. He stated it is his recommendation that this area be given a residential designation and zoned consistent with the Department of Housing lands in the County and adjacent lands within the City, presently zoned R-2 (maximum two unit dwellings permitted). Alderman Grant stated if this cannot be accommodated, an alternative would be excluding the area from the proposal and reviewing it as a separate planning matter in coordination with the City and the Province, or permitting development in this sensitive area only by development agreement and subject to very rigorous development guidelines.

Alderman Grant concluded that he is pleased to see this Plan, and he felt it is consistent with development in the City.

Questions from Council

Councillor C. Baker noted that the planning process has been on-going for almost five years, and he asked why this concern has not been brought forth earlier. Alderman Grant replied that he has been so involved in the development of the plan for his own area, that he did not have time to consider somebody else's plan. Since this planning process began, the land was protected by the Public Services Commission until Pockwock came about, and the City had every intention of designating it residential, until it was sold to the Province for a provincial park. He added that until the Irving Station was constructed, it was not realized that the commercial zone extended that far. He stated there was no notice of construction of the Irving Station until construction began, although there were some rumors. He stated the Station is now there, although he is not pleased with it.

He stated he does not want to see anymore of this development; the land adjacent to the park should be protected. He noted the land the City has developed is across the road, and it does not touch the provincial park, although the lands in the County abutt the park and can have a direct affect upon it. He stated the City's own industrial park has been developed to protect against harm to the Long Lake Provincial Park with setbacks, arrangements for water and drainage, etc. He stated it is preferred that development here be restrained or that it be restricted to residential.

Councillor Deveaux noted that Alderman Grant has spoken in favour of planning, although his comments appear to be in opposition to this Plan. Alderman Grant responded that he is supportive of the Plan except for the one area zoned C-5, which is of concern.

Councillor Fralick clarified that Alderman Grant is only concerned about this specific section of land along the Long Lake Provincial Park. Alderman Grant agreed.

Councillor McInroy asked if the correspondence received from Alderman Grant in this regard was supported by those it was copied to. Alderman Grant responded that he has apprized them of this situation from the start, and they are aware of it. He felt they were supportive of his position, although there has been no formal resolution from City Council; City staff are concerned about the potential of the park.

Graham Taylor, Sambro Head, advised he is a former chairman of the PPC for this district. He stated the process was very long beginning in the fall of 1983 with a very large committee; all the various communities were very well represented. He stated there were a number of public meetings at each stage of the process, and five chairmen over the six year period. He expressed appreciation to each of them, as well as to each of the planners involved; he stated they were very helpful and patient seeing that public participation was fully recognized.

Mr. Taylor continued that District 5 is next to the City of Halifax, so it is suburban, although it has many traditional fishing villages and much recreation land and undeveloped coastal lands. The Public Participation Committee sought to strike a balance in this Plan between the desires to preserve the coastal areas and the residential pattern of the communities and to accommodate the existing commercial enterprises in those communities, such as fisheries, the local retail stores, and the small businesses in the district. He stated as a whole, the PPC has been successful in striking that balance, although there may be some general concerns. He referred to three concerns he had about the plan including:

- 1) the establishment of public transportation throughout the district;
- 2) police protection should be located closer to the district; and

- 3) the major environmental problems, such as uranium in the water supply and the City sewage runoff into Herring Cove.

He noted that Halifax County Council may not be able to deal with these issues directly, but the PPC would like to see them addressed by Council in an effort to have these concerns resolved.

Questions from Council

Councillor C. Baker advised that he worked on transit for the Harrietsfield area until he finally got the Provincial government to spend \$30,000 for a trial run, and the bus was not used at that time. He agreed that it is sad there is no bus service there, but if it is not used, there is no sense in having the service there. Mr. Taylor responded that questionnaires were sent to everyone in the community, and the problem of public transportation was identified as a major concern in every community in District 5. He expressed appreciation for Councillor C. Baker's efforts in this regard, but use of this service will only be seen if it is given on a lasting basis; the service on a temporary basis is not definite enough for people to alter their patterns of transportation.

Patrick Flemming, 19 Ocean View Drive advised that he is representing a group of residents from Ocean View Drive. He began by reviewing a letter he wrote to the Municipal Clerk on June 9, 1988. The letter indicated that the residents agreed with the recommendation that Mr. Edwards be allowed to continue his well drilling operation as it presently exists, although they are opposed to any commercial zoning on Ocean View Drive. He referred to an area on his map where Mr. Edwards parks his well drilling trucks and vehicles, and he stated this is an area of concern because it devalues other properties on Ocean View Drive. He stated the residents would like to see this area zoned R-2 and have the trucks removed. He felt that Mr. Edwards would be in agreement with this because he has stated at previous public meetings that he intends to remove the trucks from this lot when alternate arrangements can be made.

Questions from Council

Councillor C. Baker stated this lot was previously occupied by a blacksmith shop, so it must have been zoned commercial. He asked why it cannot be zoned commercial now, if it has been for some time. Mr. Flemming replied that Ocean View Drive was officially zoned R-2 in 1972, and this was upheld in 1973. Therefore, the area should remain zoned R-2.

Councillor Lichter noted that Mr. Flemming referred to Mr. Edwards purchasing the lot zoned R-2 in 1979. He asked where Mr. Edwards operated his business from previously. Mr. Flemming advised he is not sure when he purchased the business, although the business at one time belonged to someone who lived on the Purcell's Cove Road. He stated to the best of his knowledge, this lot was purchased in 1979. Councillor Lichter noted that Council has received a copy of a letter