

Councillor Harvey stated he did not know the sent level of the one building ready to be occupied, but it appeared to be a respectable building. He stated these were targeted for seniors and adults without children. He stated these 179 units had quite an impact on the number of apartment units in Sackville. He also referred to #11 of the information package with respect to the need for higher density residential. He felt in this particular neighborhood, the four buildings presently there plus the others Mr. Miller mentioned would more than meet the need in the neighborhood. He felt the neighborhood was doing its part in providing a variety of housing types.

Councillor Harvey commented on the amount of investment that Mr. Maskine had put into the project.

Mr. Miller stated this had been an expensive project for Mr. Maskine. He stated he was trying to put together a quality package, which he had done in conjunction with Planning Staff.

Councillor Harvey asked if Mr. Miller had represented Mr. Maskine in other developments.

Mr. Miller responded he had not represented Mr. Maskine in other developments.

Councillor Harvey stated the Municipality's taxpayers had invested quite a bit of money as well. He referred to the Aerotech Park development. He stated the taxpayers of this Municipality had paid Mr. Maskine's mortgage for six months.

Mr. Miller stated he had no knowledge of this situation.

Warden Lichter stated this was the Industrial Commission's concern. He wished no apprehension of who made the decision.

Councillor Harvey felt the residents in this area were receiving "a shot in the arm".

Mr. Miller stated this was pure speculation on Councillor Harvey's part.

Councillor Eisenhauer referred to the list Mr. Miller provided pertaining to houses with two mailboxes.

Mr. Miller responded there were few houses with two mailboxes. He stated most houses contained two meters or two addresses.

Councillor Eisenhauer stated he assumed a house built twenty years ago with two meters meant a house had electric heat. He asked if Mr. Miller was indicating his theory was wrong.

Mr. Miller stated he did not go inside the houses. He really could not tell Councillor Eisenhower what two metres meant. He asked if Councillor Eisenhower could argue the point that there were not illegal basement apartments along Riverside Drive.

Councillor Eisenhower stated there were legal ones there. He stated the key here was whether this development would have a significant impact on existing land uses. He referred to site elevations.

Mr. Miller responded that he could not talk of site elevations because that was not his expertise. He stated the existing apartment buildings on Riverside Drive, in his opinion, did nothing for Riverside Drive because they were not well maintained.

Councillor Eisenhower stated more details would have to be obtained with respect to two mailboxes, meters, etc.

Councillor Cooper stated arguments should be kept to whether the apartment building would be located in the neighborhood.

Councillor Sutherland referred to the package presented to Council. He stated he agreed Mr. Maskine was a reputable builder. However, that was not in question here tonight. He stated Mr. Clarke, indicated in his letter that formal lands were originally designated reserved area on a legal subdivision plan prepared in May of 1969. He stated he could show six people in the audience contrary to what had been stated by Mr. Clarke.

Councillor Morgan referred to Policy 103 quoted in Mr. Miller's presentation. He asked if Mr. Miller had found any land and what it was called.

Mr. Miller stated his understanding was that there had been multiple family rezonings in the Sackville area. Since the plan had come into operation, it had undergone many changes. He stated this was not only the intent of the plan but that it was the actuality of the fact that the plan was supposed to be flexible enough to grow to the needs of the community.

Councillor Morgan stated in the R-6 Rural Residential Designation, he had tried to call this a holding zone for future development. He stated some agreed and some disagreed. He suggested at present that the Urban Residential may be considered the same way for residential purposes. He stated it seemed to him the plan was written that way. He asked which designation could be rezoned. He stated the plan indicated that it was not intended that all land be rezoned, yet, in fact, all land was rezoned.

Mr. Miller stated he believed this plan was passed in 1982. He

referred to the Public Participation Committee at that time which Mr. Hyland chaired. He stated this plan when presented to Council and amended, and ultimately approved by the Department of Municipal Affairs, reflected the intent of the people in Sackville who participated. He stated if they wanted to set land aside that could never be changed, he would expect they would have attempted to do that. He believed the people of Sackville wanted some flexibility built in their plan.

Councillor Morgan stated this may have been intended for the commercial zone.

Mr. Miller felt there would be more opposition depending on what type of commercial enterprise was suggested.

Councillor Morgan asked if in reading the development plan, Mr. Miller had found any land unzoned. He stated, therefore, Mr. Miller was led to believe R-1, C-2, etc. could be changed.

Mr. Miller responded this was the way the plan read.

Councillor MacDonald expressed concern with the traffic flow mentioned.

Councillor Cooper asked if Mr. Miller had any idea when the apartment buildings presently located on Riverside Drive were erected.

Mr. Miller stated he did not know specifically when the buildings were erected but he believed most of them had been there in excess of ten years.

Councillor Cooper wished to direct a question to Mr. Butler. He asked if Mr. Butler was aware of any buildings constructed since the present plan was put into place.

Mr. Butler stated he was not aware of any rezoning that may have occurred. He stated that since 1982, if the land was not rezoned R-4, it would have required at least a rezoning.

#### SPEAKERS IN FAVOR

Mr. Bernie Cogswell wished to speak in favor of the application. He stated he lived in the immediate area of the proposed site. He felt the building would be attractive. He stated he was one of those young people that would be looking for a place to live, as he would be moving out of his own home within the year. He stated he was speaking on behalf of other young people he knew as well.

#### QUESTIONS FROM COUNCIL

Councillor Richards requested Mr. Cogswell to state his address.

Mr. Cogswell replied 15 Lumsden Crescent.

#### SPEAKERS IN FAVOR

Mr. Steve Cumminger advised he would like to speak in favor of the application. He advised he lived in the Millwood area of Lower Sackville, 217 Beaver Bank Crossroad. He stated there were multiple trailer units very handy. He advised of the new Millwood elementary school. He advised there were also some co-op low income housing in the area on Millwood Drive. He stated he was speaking on his own behalf as a taxpayer and was familiar with the project. He stated from an economic point of view, the taxes the County of Halifax would collect from the development were probably close to if not exceeding an order of magnitude over and above three typical single unit houses, a rough estimate of \$10,000 - \$20,000 per year. He stated there was a need for apartment buildings in Sackville. He stated he would hope this would lessen the need for more trailers. He felt there were more than enough trailers in Sackville. He felt if apartment buildings and complexes such as this were spread out throughout a community, residents would not have what they feared most - slum areas. He felt the area would not suffer from a social point of view.

#### QUESTIONS FROM COUNCIL

Councillor Morgan stated when he looked at the plan for Millwood, he noticed R-4 zoning there which permitted a multiple family apartment building. He stated he also was aware the residents signed a petition to the Housing Department to eliminate the apartment building in Millwood. He asked what Mr. Cumminger's position was on that particular apartment building in Millwood.

Warden Lichter felt Councillor Morgan's question was out of order.

Councillor Boutilier asked why Mr. Cumminger was so committed to come out and speak. He asked if Mr. Cumminger had a specific connection with the applicant.

Mr. Cumminger advised that the developer was an acquaintance of his. He stated they were both professional engineers. He stated they met each other from time to time as any other individual did. He stated he was speaking on his own behalf and was not sponsored to do this in any way.

Councillor Sutherland agreed with Mr. Cumminger's philosophy with respect to integrated neighborhoods. However, if starting from scratch to design a neighborhood, it could be done with very little difficulty. Zones could be laid out accordingly. He stated there

was a difference because of the established neighborhood.

Mr. Cumminger stated he was trying to draw a parallel to the area he lived in. He felt there would be no negative effects as a result of the development.

#### SPEAKERS IN FAVOR

Mr. Eddie Russell, 119 Hilltop Drive, wished to speak in favor of the application. He stated this appeared to be a good building. He would eventually be looking for an apartment. He stated this would be easy access to his work.

#### QUESTIONS FROM COUNCIL

None.

Warden Lichter welcomed the Sackville MLA, John Holm, to the Council Chambers.

Council agreed to take a ten minute recess.

#### SPEAKERS IN OPPOSITION

Mr. Hal Wile, 42 Riverside Drive, wished to speak against the application. He stated he had lived here for the past six years with his wife and three children. He stated he had one metre, one mailbox and one address. He stated he was strongly opposed to the proposed development put forth by Mr. Maskine. He stated he was not opposed to apartment buildings, there were several in the neighborhood. However, he was opposed to this particular apartment building because he sincerely believed it would have a negative impact on his community.

He made reference to Mr. Keddy's plan shown earlier with respect to the three story building with no mention of a gabion wall. He stated this was the first plan prepared before the site was investigated and realized the site had to be built up in order to drain to the catch basin at the corner of Riverside Drive. He stated the plan shown was misleading. He stated the distance between the gabion wall and the building was not one hundred feet but sixty feet. He then advised of the elevation.

He asked Members to picture this apartment building surrounded on all sides by single family dwellings. He asked them to imagine the parking lot having the capacity for 39 vehicles and being 11 to 12 feet higher than his backyard. The gabion wall would be located only nine feet from his property line. He stated the sheer magnitude of the building towering above most of the surrounding

houses brought to light the first of several concerns applied to him.

He stated there would be a loss of privacy. He advised of the pool in his backyard where barbeques were enjoyed outside with the children. He stated they had always felt safe and secure in their own space. This would be demolished if this development was allowed to proceed. He stated the only way to get privacy would be to go into their homes and draw the curtains.

He stated he was not experiencing problems with drainage at present. He stated the french drain and catch basin system designed would work great in the spring, summer, and fall but in the winter time would probably not work properly. He asked where the water would go. He stated two catch basins were proposed for the parking lot to drain into the catch basin on the street. He asked what would happen when the snow was not plowed back to the curbline; that the catch basin would become useless.

He stated the small strip of land between the building and the north embankment where the french drain was proposed would form the play area for the possible 52 children that may live there. He stated this issue had not been properly addressed. The children will seek out their play spaces in other backyards. He stated the parcel of land was not of sufficient size to allow for a decent safe play area for the children.

He then referred to the buffer areas. He stated he was concerned that all existing trees around the perimeter of the property would either be removed directly or die eventually due to root damage through the construction process. He stated the new trees and shrubs that would form the buffer zone would take five to ten years to mature. He stated a nine foot strip was the proposed buffer zone between his property and the proposed gabion wall. He stated this was not adequate. He stated he has concern that this may be reduced if the Development Officer so decided after construction had begun.

He expressed concern with respect to the gabion wall. He stated within twenty-eight feet from his house, a rock filled wire basket ranging in height upwards to ten feet if the small embankment was included (3 feet), would be built with creasoted posts and a steel galvanized guardrail to stop the traffic from ending up in his backyard.

He expressed concern with respect to the staff report. He stated the site was too small to accommodate the 26 unit building. It did not allow for large enough buffer zones, no play space for children, and a single family dwelling demolished. He stated the report stated the apartment building was a low profile two storey

structure that provided a visually compatible appearance which minimized its impact on passing traffic and properties on the opposite side of Riverside Drive. He stated the building was definitely not low profile. He said as earlier stated, the parking lot was 11 to 12 feet higher than his backyard. He stated if you add a two storey building to that plus the roof, you end up with a structure that would stick out like a "sore thumb".

He stated four out of five Councillors who attended the public meeting voted in favor of a motion to recommend to Council that the application not be approved. He advised this vote took place in March at a public information meeting where there was standing room only and only two or three people voted against the motion.

He stated the past year had been very stressful on his family. He stated he decided after much deliberation to put his property up for sale. He stated this was not a bail out attempt just a desperation move to rid themselves of the worrying heartache. He stated his family would like to spend another six years in his house and continue to remain in the neighborhood they loved. He asked Council to reject the application made by Mr. Maskine.

#### QUESTIONS FROM COUNCIL

Councillor Morgan asked if Mr. Wile felt the type of people occupying an apartment building would invade their privacy more than somebody who would live in a single family dwelling, duplex, or whatever the case may be.

Mr. Wile responded the type of people would not invade their privacy just the location of the building as individuals could look down on their yards.

#### SPEAKERS IN OPPOSITION

Mr. Lorne Piercey, 46 Riverside Drive, wished to speak in opposition of the application. He stated although his two metres were not the issue, Mr. Maskine's 26 metres were. He expressed concern with respect to traffic. He stated Riverside Drive served as a connector road between Glendale and Sackville Drive. He advised of the roads this served. He stated he had been living in Sackville for two years. He was aware Glendale and Sackville Drive were developed over the years to accommodate the increased traffic flow. However, Riverside Drive was not. He stated the congestion of the traffic was quite high. He stated there were a lot of problems with respect to traffic along Riverside Drive in relation to speeding, passing of vehicles, and tailgating. He stated he could speculate on the possible problems incurred in relation to this 39 car parking lot turning on and off of Riverside Drive. He stated the Department of Transportation had given its approval for

this development on the grounds of site and distance requirements for the on and off access from the parking lot (1 ramp). He stated they had not taken into consideration the possible effects on the increasing turning traffic in conjunction with the traffic proceeding up and down Riverside Drive. He stated the winter weather effects should have also been considered with respect to traffic slowdown and the complications that would arise due to increased trafficking turning. He stated any roadside worker could relate to problems with respect to snow removal on this drive. He expressed concern with respect to an asphalt parking lot in the middle of an R-1 single dwelling area.

He read a letter to Council from residents of 23 Alderney Crescent wishing to go on record as opposed to the proposed apartment complex. Concern was expressed as residents indicated this was a green area. This letter made reference to the trees Mr. Maskine indicated he would plant. The letter indicated it was felt single family homes could be built at this location which would be compatible to the area.

Mr. Piercey stated when he purchased his home two years ago, he was as well told his area was a green area, which he has come to realize was not true.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKERS IN OPPOSITION

Ms. Cheryl Corkum introduced her husband Carl Corkum. She stated they were the lucky individuals who resided at Civic #7, Balsam Circle. She stated they were the individuals who would have their property enhanced with the ten foot wall. She stated they had lived on Balsam Circle for the past 15 years. Like their neighbors, when they purchased their property, they believed those two vacant areas were green belts. She stated they were told this by many people. She stated the oxford dictionary defined a gabion wall as a cylinder of wicker or woven metal bands to be filled with earth or stone for use in engineering or fortification. She stated that she and her husband assumed that theirs would be filled with stone and covered with chicken wire. She stated she did not feel after fifteen years in an R-1 zone looking out at trees and birds, that they deserved this treatment. According to the Engineers' plans, their wall would start in Riverside Drive, run along Balsam ending up on Alder. She stated this wall would border the properties of at least eight residents. She stated the plan showed the wall to be approximately ten feet high with a three foot guardrail at the top.



Using a pole, she and her husband showed Members of Council the height of the wall in relation to where the parking lot would start.

She advised of the noise the apartment building would create. The children would as well swing on the guardrail of the wall as there would be no place for them to play. She stated they were used to a quiet community. She asked if they were supposed to place their house on the market for \$35,000 and pray somebody would take it. She asked what bank would give her a mortgage at her age to start all over again. She stated once the building was completed, it probably would be another 38 feet up into the air. She expressed concern with respect to cigarette butts, garbage, etc. which would be thrown over the guardrail of the wall onto their properties. She stated the Planner indicated this piece of property was not suitable for three single family dwelling homes. She asked how it was suitable for 26 families. She stated car lights from the parking lot would shine into her bedroom windows at night. She also questioned where vehicles would be moved during snow removal. She stated they did not buy an R-4 zone and they did not want one. She stated if an R-1 could be treated as an R-4, what protection was there for residents. She stated 101% of the property would be asphalted over according to the plan for drainage purposes. She asked Council to enlighten her as to how trees would be grown in the asphalt. She stated there was only nine feet left in the buffer zone and she did not feel that accounted for much. She stated they liked their property as it was.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKERS IN OPPOSITION

Ms. Debbie Wyle, 42 Riverside Drive, wished to speak in opposition of the building development. She stated in the staff report, this designation dealt primarily to the existing single unit dwelling environment while allowing for the integration of alternative housing. She stated they already had four existing apartment buildings on the lower end of Riverside Drive. She believed the area had done ample integration of alternative housing. She felt it was now time for priority to be made to the existing single unit dwellings. She stated the development was quoted as being low profile and provided a visually compatible appearance. She stated there were provisions being made but not for the surrounding residents. She stated there was more concern made for passers by than for the individuals living in proximity to the actual site. She stated the development was not low profile. She stated the land itself must be built up for drainage and, therefore, makes the apartment building tower over existing properties eliminating any

privacy.

She referred to the public information meeting held in March. She stated Mr. Maskine had stated he was not aware of the house located on the site presently being run down or that it needed work. He said if he was aware of any such things, he would have taken care of it. She stated on April 24, 1991, his tenants renting there moved out of the house. She stated when they moved out, they proceeded to leave all of their garbage outside of the house in garbage bags. She stated that garbage remained there for two weeks before anybody came to pick it up.

Ms. Wyle submitted pictures of the garbage as well as garbage located on a bank near her property where nobody had come to clean it up in six months.

She stated Mr. Maskine could not take care of one house, so how could he care for a 26 unit apartment building.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKERS IN OPPOSITION

Mr. Stephen Feist, 108 Alder Crescent, wished to speak in opposition of the application. He distributed maps to Council Members.

Mr. Feist expressed concern with respect to property values. He stated Mr. Kempton, land appraiser, representing the developer suggested that the proposed apartment building would not have any negative impact upon the property values. He believed this statement needed closer examination. He gave a definition of market value as the price which a willing seller and a willing buyer agree to within a reasonable period of time. He stated this was based on what was believed the property was worth. He asked Council as a willing buyer, would they be prepared to pay as much for a single family dwelling next to a 26 unit apartment dwelling as compared to an identical single family dwelling which only had single family dwellings surrounding it. He believed they would not pay as much for the property. He stated the single family dwelling with single family dwellings surrounding it would sell first. He felt properties' assessment value would be affected by this building, and no individual could convince him otherwise.

He advised of the global impact on the area.

He stated that a number of the longstanding residents had mentioned that in the original concept of the neighborhood, the subject

property was part of a park system. He stated when he was reviewing the Municipal Development Plan for Sackville (maps provided), according to Map 4, the subject property was listed as playing field, park open space. He then referred to Map 5, Community Features. He stated the same property was also listed as playing field - park open space. He stated he realized Map 1 of the plan did not include this linear park. He stated none of the parks were included in Map 1. He stated that in the staff report, there was no rational explanation as to why these lands which were designated as playing fields, park or open space could be given any consideration as an apartment. He requested this be resolved at some point.

He referred to the policies of the Municipal Development Plan. He stated the report by the Planning & Development Department was based on Policies P-29, P-30, P-31B and P-104 of the Municipal Development Plan for Sackville. He stated none of these policies really offered anyone with an existing R-1 single family dwelling any protection. He referred to P-31B. He stated this basically not withstood any of the policies which talked about how wonderful single family dwellings were and the R-1 zone. He stated P-31B said a multiple unit dwelling, based on design criteria of that policy and P-104 was acceptable. He believed the design criteria was supposed to minimize the impact of an apartment building on a single family area. He stated that the policy set in this plan did not even address the basic question of compatibility of land uses. He stated when you saw a 26 unit apartment building adjacent to single family dwellings, he believed this went against the principles with good urban growth. He stated the R-1 zone was a low intensity residential land use. He stated R-4 was a very high intensity residential land use. He stated there had to be a transition of intensity of land uses from low to medium to high density if such things were to be considered. He stated he did believe a small buffer zone provided enough transition between low and high density. He stated the support of this 26 unit apartment building showed that those residents located in the R-1 zone did not have any protection from incompatible land uses under this plan. He stated it also illustrated that the design provisions of Policy P-31B and P-104 did not offer residents in the R-1 zone any protection from the design of an apartment structure which overshadowed single family dwellings. He stated it clearly illustrated this plan had failed them. He stated they chose the neighborhood to live because it was mainly single family dwellings. He stated this proposal was a shock to the system and to their beliefs of protection under R-1. He suggested that Council defeat the proposal, pass the motion to immediately repeal Policy P-31B, and include a policy in the plan which would offer single family dwelling owners some form of protection to ensure there was a transition between low and high density land uses. He stated without these plan amendments, Lower Sackville would always be

under attack due to incompatible land uses to the R-1 zone.

Warden Lichter stated with respect to the 2nd and third requests, Council could not deal with these issues without public participation, plan amendment, public hearing and such.

Warden Lichter asked if it was correct that the land use designation was playing field, park, open space on that property.

Mr. Butler responded that Map 4, showing generalized existing land use, did in fact, include the site within this category.

Warden Lichter stated he could not see any reference to this in the staff report. He asked if that reference was made to the Planning Advisory Committee.

Mr. Butler advised this information was not in the staff report. He advised that Map 4 was a background map and not a legal one in terms of regulating land use. He pointed out that there were other areas shown as playing field-park-open space on Map 4, which also were not reflected in the generalized future land use map of the zoning maps.

Mr. Stephen Feist stated there was obviously a basis in the plan for the park and open space designation shown on Map 4. He stated in looking at the maps closely, the designation followed the property lines fairly closely. He stated it was an important feature in the community of Lower Sackville. He felt this issue had to be addressed. He stated he would like an explanation as to why it was not considered for this site.

Councillor Eisenhauer stated some speakers brought up the issue of parkland. He stated there were a lot of developers including the Housing Commission, quite a long time ago, who said this was a green area. However, at the time, Halifax County did not accept this as green area. In March of 1977, Council adopted a policy that once a developer designated a green area, Halifax County would accept it.

Councillor Morgan asked how accurate it was felt the map presented was if it was used as background information to the Municipal Development Plan and what year it was compiled.

Mr. Butler responded the map was based on May 11, 1979 information. He stated that he did not know the specific details. However, the information could be based on the Department of Housing concept plan.

#### SPEAKERS IN OPPOSITION

Ms. Linda Brakespeare, 19 Alder Crecent, wished to speak in opposition of the application. She stated with reference to the map, they proceeded twenty years ago to go to the Nova Scotia Housing Commission in which maps were reviewed there that had these areas. She stated they did not know anything about zoning. They picked the lot they liked because of the green area behind. She stated she did not know where that map would be at present, that was in 1970. She stated they were led to believe they were located on a green area. She stated she appreciated the tangible contribution of parks associated with residential areas. Serenity, security, and privacy encompassed a qualitative description of residential life, in her opinion, which would be jeopardized should the present rezoning proposal be seriously considered. She also stated the property value would be diminished. She stated apartment complexes were very unique from single dwelling homes and should be separated. She stated this building proposed a threat to privacy and solitude. She stated increased traffic, noise and confusion complete with decreased physical space rendered the integration of apartments and private homes unacceptable. She stated they chose quite some time ago to build their homes in this specific location for a number of reasons. She stated they did so with the understanding that this would be a residential neighborhood comprised of homeowners with similar desires and intentions. She stated the foundation of this premise was being challenged and residents stood together, at present, to oppose any such action.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKERS IN OPPOSITION

Mr. Shane O'Neil, 52 Candlewood Lane, wished to speak in opposition of the development. He stated he had specific concerns with respect to the development within the neighborhood. He stated one of those concerns was the location on Riverside Drive. He stated he travelled this drive several times every day and the proposed development site would have its access drive on the steepest part of the grade. He stated the grade would be a rough equivalent to Sackville Drive, it was very steep. He stated snow removal and salting had been a problem in this area. He stated numerous catch basins were located on this street which were meant to collect winter run-off. He stated these were very seldom cleaned out. He stated there were two catch basins apparently being installed on the property. He stated he could only assume these would be cleaned diligently. However, if they were not and the french drain did not work properly, the site was graded to shut all runoff on to Riverside Drive at the steepest part of its grade. He stated increased run-off from a proposed one acre covered area would add

to the problems.

Mr. O'Neil expressed concern with respect to the development agreement in general. He stated he did not live next to this proposed development site but if he did, his major concern would be that the Planning Department could stipulate that a nine foot buffer zone would be acceptable. He stated he had planted quite a few trees in the Boy Scouts. Lands & Forests had given strong recommendations that trees should be planted eight feet apart. He stated this would allow two trees within this buffer zone, providing the trees grew up in compliance with the gabion wall and the adjacent property line. Therefore, he speculated one tree would be sufficient. He asked what sort of buffer zone could be grown with a single tree looking at roughly a thirty-foot plus structure.

Mr. Neil expressed concern with respect to the children in the area. He made reference to the crosswalk at the top of Riverside Drive. He stated this was an extremely steep hill. He stated this was a very dangerous site for children. He stated as this building would increase the density of the children in the area, the children of the building would have to somehow exit off the back of the property to access the lot to get to the crosswalk.

He stated he was not familiar with the legalities involved with the process. If Council voted to reject the proposal, he asked if the developer still could proceed with the development. He asked if there were other steps he could then take aside from coming back through this whole process again.

Warden Lichter responded that the matter could be forwarded to the Municipal Board as an appeal. He stated what the Municipal Board may or may not do was anybody's guess. He stated it would not come back to Council. Council would be informed that the Municipal Board upheld Council's decision or it would be informed that Council was ordered to enter into an agreement with the proponent. He stated the Municipal Board was a totally independent Board set up by the Province and its ruling was absolute.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKERS IN OPPOSITION

Mr. Walter Regan, 43 Candlewood Lane, wished to speak in opposition of the application. He expressed concern with respect to catch basin backup as mentioned previously. He stated if this particular catch basin backed up, the water from the development would go onto Riverside. He stated he had seen Riverside freeze very often. He

expressed concern with the additional cars entering and leaving the main road. He stated there was no place for children to play. He stated there was no crosswalk for children at this location and no sidewalk on that side of the street. He stated the gabion wall should not be allowed in this instance. He stated this would be a potential hazard as children would play on it. He stated litter would be added to the area. He advised of the danger of moving trucks and garbage trucks turning and exiting on the site of this busy hill. He stated the transit population would be increased coming and going to the established neighborhood. He stated an additional one acre of water would be added to the Sackville River which may add to flooding problems downstream. He stated this development would make it difficult for emergency vehicles to respond as they have to turn off on the busy side of the hill. He stated the area was R-1 and should remain as R-1.

#### QUESTIONS FROM COUNCIL

None.

Given the lateness of the hour, Warden Lichter asked if the hearing should proceed.

Councillor Sutherland moved that Council proceed with the hearing. Agreed.

#### SPEAKERS IN OPPOSITION

Mr. Roger Gaudet, 48 Alder Crescent, wished to speak in opposition of the development. He stated he lived in an R-1 zone that contained duplexes and apartment buildings and other types of development. He requested that he be able to read a letter to Council.

Warden Lichter advised his letter had been circulated to Council Members.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKERS IN OPPOSITION

Mr. Rod Gillis, 4 Alder Crescent, wished to speak in opposition to the development. He stated he had two metres, four telephones, 3 cars and three VCR's for one family. He stated the reason for the two metres was because when they built their house twenty years ago, two metres were required because you could only receive 100 amp service. He stated today you receive 200. He stated some time ago, he pursued a permit to add an addition to his house. He

stated he had a tremendously difficult time trying to expand his house from a single family dwelling to a little larger to accommodate his family. He stated Halifax County was very strict with respect to the height, width, garage size, etc. Therefore, he did not agree with a large apartment building in an R-1 zone. He stated he was given a map by the Housing Commission some time ago showing green areas. He stated his deed showed there was green areas located there.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN OPPOSITION

Mr. Jack Brill, 92 Belmont Drive, wished to speak in opposition to the application. Mr. Brill wished to make two points of clarification. He stated the existing apartments located on Riverside Drive existed prior to 1973 because he was the letter carrier at that time. He stated two mailboxes at one house was due to a number of single parents who still lived with their families. He stated he could assure the same thing at \$500,000 homes. However, they did not divulge that information as it was confidential. He stated he believed the residents should remain in an R-1 zone. He reiterated he opposed of this development.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN OPPOSITION

Mr. John Holm, MLA, stated he wished to speak in opposition to the development. He stated he had written a letter to Council with respect to this application. He believed the size and the density of the proposal was unsuited for the area. He stated the plans may look appealing and compatible, but he felt they were very intrusive upon those property owners who lived on Balsam Circle and Alder Crescent. He stated this building would have more than a significant negative impact upon the quality of life they were presently enjoying. He stated there were a number of questions raised with respect to the particular entrance on Riverside Drive. He stated every unit generated up to ten trips per day. Therefore, 260 trips daily was the actual figure on and off of Riverside Drive. He stated the grade at this particular site was extremely steep. Therefore, during the summer time, individuals would be racing to try and get up the road. During the winter time, where it was so steep, ice created and caused difficulty for cars going down as they could not get stopped. He did not agree with the entrance. He expressed concern with respect to the gabion wall,



the buffer zone, catchbasins, and noise. He felt this area already had more than its fair share of mixed development.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN OPPOSITION

Ms. Shirley Gillis, 4 Alder Crescent, wished to speak in opposition. She stated she did not agree with looking across at Alder and viewing a cement wall with rock. She stated Mr. Maskine might have the intention to plant trees but residents were planting trees for twenty years in order to have a nice subdivision. She stated Mr. Maskine may look at this as a modest subdivision but the residents were proud of it.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN OPPOSITION

Mr. Paul Hyland advised he and Mr. Giffin were present to make a presentation in response to the application. He asked the Warden to ask any Council Members if they had any difficulty with their making a presentation at this time.

Warden Lichter asked if the presentation would be made as members of the Planning Advisory Committee or as citizens.

Mr. Hyland responded he was making the presentation as a citizen.

Warden Lichter stated he would have some difficulty with a member making a presentation as a Member of the Planning Advisory Committee.

Councillor Sutherland asked for a legal point of view as to whether or not Mr. Hyland could present himself as whatever.

Mr. Crooks responded he was not aware of any legal objections.

Councillor Eisenhauer stated the Planning Advisory Committee did not make the gentlemen come and make a presentation. He stated he was glad they were present. He stated he had no difficulty with this.

Councillor Poirier asked if there might be a legal aspect they may jeopardize after the decision had been made.

Councillor Richards stated these gentlemen were involved with the process in which the application came before Council. He stated they participated in the discussion, the debate and the vote at PAC. He stated he was not in favor of the individuals speaking.

Warden Lichter asked if Councillor Richards had any difficulty if they spoke only as citizens.

Councillor Richards did not know whether they could separate themselves as they were directly involved with the process.

Councillor Cooper stated when the Planning Advisory Committee proposed that this come before Council for a hearing, there was no recommendation from PAC in favor or against. Therefore, the individuals should be allowed to continue.

Mr. Paul Hyland stated as a citizen of Sackville, he wished to make the following presentation. He stated the proposed development agreement for this site did not comply with the Sackville Development Plan and its policies. Further, the process to date may not meet the requirements of the Planning Act of Nova Scotia Chapter 346 of the Revised Statutes 1989. The development agreement and the proposed 26 unit apartment building was contrary to the zoning by-law for Sackville. Therefore, he stated at the end of the presentation, members of Council would be encouraged to vote rejection of the development agreement presently before them.

Mr. Hyland stated the Sackville Development Plan was adopted by Council of the Municipality of the County of Halifax and received approval of the Minister of Municipal Affairs on May 14, 1992.

He presented a slide of the opening, first page of the development plan to confirm this statement.

Mr. Hyland stated the process leading up to approval consisted of a PPC Committee. He stated this Committee worked with Staff in the preparation of the policies found within the Sackville Plan. He stated this Public Participation Committee enjoyed representation from all interested groups and community members. He stated the Committee grew from 14 Members to over 40 during the years of 1979 to 1981. Further, at some public meetings, over 200 people attended from the general public. He stated the PPC had no direct input into the completion of the text of the Sackville By-law. Staff of the County of Halifax completed this prior to the hearing. He stated the Policies of the Sackville Development Plan were supported in the Planning Act by Section 38 (2) of that Statute. He stated Policies of the Sackville Development Plan referenced in the application for the development agreement presented to Council were Urban Residential Designation P-29, Pg. 30. P-30 - pg.31, p-31B - pg.32. Mr. Hyland advised that Mr. Miller incorrectly

referenced P-31A which did not apply. He stated the implementation section P-104 - pg. 74, Mr. Miller referenced P-103. He stated that to his understanding was not applicable. He stated the zone requirements under Zoning By-law for Sackville that would be applicable was Part 6, R-1 Single Unit Dwelling and for those with a real imagination, Part 9, R-4 multiple unit dwellings. He stated parts of the Planning Act from Nova Scotia would in whole effect this development agreement. He referred to Part 38 (2) - pages 22 to 24, Part 52 - page 53, Parts 53 (1 to 3) - pages 33 to 34, Part 55 (1) - pg. 36. Part 60 - pg. 38, Part 61 (2) - page 39, Parts 73 (1-12) - pages 46 to 48, Part 74 (1-5) - pages 48 to 49, Part 75 - pg. 49, Part 76 (1-4) - pages 49, Part 77 (1-2) - pages 49 to 50, Part 78 (1-7) - pages 50, 51, Part 79 (1-8) - pages 52-53.

Mr. Hyland presented slides.

He stated in the research he had completed, Policy 31B of the plan was not part of the original development plan. He stated the plan was adopted in May of 1982 and this Policy 31-B came into effect in 1985. He stated this resulted from a staff report.

The staff report relates to this application dated January 21, 1991. He stated that the purpose of the amendments was to provide both staff and Council with an effective vehicle for evaluating proposals for multiple unit dwellings while at the same time ensuring that community concerns and the overall intentions of the plan for compatible development were adequately addressed. He stated this was in the staff report when the proposal was brought to Council. In that same report, under Restricted Uses of Agreement, it says in Appendix A that the use of the development agreement would be restricted to any proposal of multiple unit dwellings on land having frontage or requiring access to a local street.

He stated the transportation map in the development plan clearly identified Riverside Drive, Balsam Circle, Alder Crescent as local streets. He stated they were not anything but local streets according to the plan. He stated the report went on to state a contractual relationship between the Municipality and individual developers was recommended in order to properly safeguard the visual, architectural and environmental qualities of low density neighborhoods. He stated the report went on to further state that particular concerns or contractual limits to be placed on the number of units which would be constructed in any particular building since this determined the scale of development, the number of parking spaces, the traffic generated and the amount of amenity and buffer area required. He felt this report was very self explanatory.

He stated to further staff's position and support Policy 31B, he

made reference to another report dated July 11, 1985 where staff asked PAC to defer a rezoning application until a development agreement option was incorporated to the Sackville Municipal Plan.

He illustrated the report.

He stated the report further stated that since the adoption of the plan in 1982, apartment development proposals had generated significant public concern primarily because of the perceived incompatibility with lower density neighborhoods. He stated the development agreement process enabled more site specific control than the rezoning procedure and, therefore, improved the ability to tailor each proposal through a particular lot and neighborhood.

He stated further to the point of compatibility, the report of Staff approached the Municipal Board with relation to infilling, that development agreements could address concerns of area residents. He stated in the Staff report of September 23, 1985, (third report) in support of a development agreement for a twelve unit townhouse, staff's report stated the attached development agreement complied with the plan's intention regarding compatibility for the following reasons:

(1) The property itself did not directly abut any residential dwellings.

(2) The number of dwelling units permitted (staff report).

Twelve was felt to be reasonable in terms of the site itself as well as the neighborhood within they would be located.

He stated development should have a lot of concern for its abutting present residential dwellings and the neighborhood as a whole.

He stated Council should look at the overall intention of the urban residential designation, (referred to Page 27) of the Sackville Development Plan. He indicated this stated that the urban residential designation was to protect the residential environment of the community while allowing for a variety of housing types and uses, which were compatible with continuing residential development. He stated under the heading of urban residential designation, the urban residential designation was designed to recognize the importance of the single unit environment.

He stated these were words of the plan itself.

He stated under the same heading, it went on to state where multiple unit dwellings were to be considered on lands that required access from a local street, the use of site specific development agreements would ensure that community concerns for

appropriate density and scale of development, landscaping and storm water management were adequately addressed. He stated this would minimize all impacts on adjacent developments.

He stated Policy P-29 stated within the urban residential designation as shown on the generalized future land use map, it shall be the intention of Council to support the existing single unit residential environment with its associated community facility uses and to provide for a variety of housing in future development.

He stated Policy P-30 stated within the urban residential designation, it shall be the intention of Council to establish a residential zone, (zoning by-law) which gave priority to single unit dwellings and to most community facility uses. In addition, the zoning by-law shall provide for limited business use of a dwelling provided the use is compatible with the existing residential environment. He, therefore, felt the plan was clear in its intention. He stated this was an issue that had to be considered.

He then referred to Policy 31B. This stated in considering any such proposal, Council should have regards to the provisions of Policy P-104 that the height, bulk, lot coverage, and architectural design of any building be compatible with adjacent land uses. It also stated that municipal central services, the capability of other services to support the development, that stormwater runoff is properly managed, that open space, driveways, and parking areas be adequate size and design, and that the property be properly landscaped must also be considered.

He then referred to Policy P-104. He stated this policy stated that Council should have appropriate regard to the following matters among others. They are that the proposal is in conformity with the intent of the plan and with the requirements of all other municipal by-laws and regulations. Also, that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land use by type of use, height, bulk or lot coverage of any proposed building, traffic generation, access to an existing site, open storage, signs, and any other relevant matter of planning concern. Also, that the proposed site was suitable in terms of steepness of grade, soil, geological conditions, location of watercourse, potable water supply, marshes, bogs and susceptibility to flooding.

He stated the proposed development of the 26 unit apartment building did not comply with the Sackville Development Plan. He stated when determined if the agreement agreed with the intent of the Sackville Development Plan, the staff report of January 21, 1991 should be examined in detail which presented the amendments to the Sackville Development Plan for Policy 31A, 31B and additions to

the text prior to the policy.

He stated the report clearly stated a need for development agreement option as opposed to a rezoning option because staff presented that to the people of Sackville, PAC, and Council. He stated that the lot might have been able to be rezoned to R-4 under the old policies without the new ones. He stated this particular policy was adopted upon the recommendation of staff.

He stated the report talked about safe guard of the visual, protectional and environmental qualities of low density neighborhoods. He stated this talked about a limit on the number of units and the necessity of buffer areas.

He stated in the January 21, 1991 report (illustrated), staff talked about site specific controls through a development agreement and having an agreement tailored to a lot and neighborhood. He stated this talked about compatibility to neighborhoods and addressing concerns of area residents. He stated they agreed with staff's position of July of 1985 in creating the need for such a policy (shown).

He stated on Riverside Drive, there were two abutting single families, on Balsam Circle, there were two abutting and one adjacent single family. On Alder Crescent, there were four single family homes abutting and one adjacent.

He stated the development agreement did not comply with Policy P-104 and that the proposal was not in conformity with the intent of the Sackville Development Plan. He stated this was because the plan did not permit such high density uses in a low density neighborhood with single family homes. He stated the development agreement did not comply with P-104 (3) and that it contained no controls to reduce conflict with any adjacent or neighborhood land uses by reason of type of use, height, bulk and lot coverage of the building.

He stated the use of a multiple unit abutting existing single family homes, the height of the building was higher than the existing family houses on Alder Crescent and Balsam Circle and one on Riverside Drive. He stated the bulk was in conflict with adjacent single family houses and that all existing single family homes were detached while this development had 26 units not detached. He stated the lot coverage proposed was greater than the 35 percent permitted under the R-1 zone. He stated the lots in question had an R-1 zone, and this would not change with the agreement. He stated the building must have the required parking space.

He stated the proposed development of a 26 unit apartment building

did not comply with the Sackville Development Plan. He stated the development agreement did not comply with P-104 (f). Any other relative matter of the planning concern. The agreement had no provision for the construction period and relative to the protection of the abutting residents. He stated to these residents, this would not be another construction site and that this would be a great inconvenience to them. He advised of the noise, garbage, traffic concerns, fill being trucked in, which would be a result of this development. He stated the development agreement did not address this issue. He stated the agreement did not have any controls for time of construction or machinery use. Further the development agreement did not ensure that the present applicant would, in fact, build this building. He could sell the property and another developer continue with it. He stated it was felt Council should reject this application and not enter into a development agreement, whereby, the agreement did not comply with Policies 31B (1,2,), Policies P-104 (1,3,4) as explained above. Further, the plans intention was clear it allowed by right such multiple unit developments in the Sackville core area. He stated the plan, at present, had options for multiple unit developments by right located in the Sackville core area and other lots presently zoned R-4.

He stated there was much vacant land available in the core area and large tracks of land zoned R-4 presently not developed. Council rejection of the application agreement would be in concert in his view with the intentions of the Sackville Development Plan.

He stated the procedure to date may not meet the requirements of the Planning Act. He referred to Section 61 (2), pg. 39. This stated a land use by-law might require that affected property owners be notified of one or more of the following - a proposed development agreement. For this purpose, shall provide that an effected property owner is the assessed owner unless the by-law otherwise defined an effected property owner for this purpose and provide that the notice required was to be served personally or by registered mail. He stated it was his understanding that adjacent landowners were not served or notified by staff or anyone else of this hearing in this manner.

He stated the proposed development agreement and the proposed 26 unit apartment building was contrary to the zoning by-law for Sackville. He stated the lots in question were zoned R-1, single unit dwelling. Under the zoning by-law, a multiple unit dwelling was not a permitted use in an R-1 zone.

He showed slides varifying this statement.

He stated uses permitted within any zone should be determined. If a use was not listed as a use permitted within any zone, it shall

be deemed to be prohibited in that zone. Multiple units were not a permitted use under this zone. He stated residential and community uses were permitted but not a multiple unit dwelling. He stated under the Zoning By-law, Multiple unit dwellings were permitted in an R-4 multiple unit zone, C-3 commercial and under a rezoning option on collector roads in the urban residential designation. Further, Plan Review would allow multiple unit dwellings with a commercial component in the expanded C-3 area of Sackville Drive. He stated once the plan was adjusted, there would be further options for multiple units in the C-2 area of Sackville.

Mr. Hyland stated dwelling meant the building or part of a building occupied or capable of being occupied as a home or residence by one or more persons in containing one or more dwelling units but shall not include a hotel, motel, apartment, hotel or hostel. He stated this was a definition from the Sackville Development Plan. He advised of the definition of a dwelling unit under the Sackville Development Plan. He stated a single unit dwelling meant a completely detached dwelling unit and had a minimum width of a main wall not less than twenty feet. Dwelling multiple unit meant a building containing three or more dwelling units. He stated the purpose of this information was to assist Council with the actual capabilities of the definitions of a multiple unit. He stated a multiple unit was not detached but a single unit was.

He stated Council should not enter into this development agreement as he felt it did not comply with the Sackville Development Plan's intentions or its by-laws. He stated Homeowners would have every right to appeal an approval of Council's decision. He encouraged Council to vote against the agreement.

Councillor Morgan wished to commend Mr. Hyland with respect to his presentation. Councillor Morgan referred to Mr. Hyland's information that Policy P-31A had no bearing on this particular situation. Councillor Morgan asked Mr. Hyland to read and say why this particular section had no bearing on the application.

Mr. Hyland stated this had no bearing on the application because P-31A mentioned did not talk about a proposal on a local street. He stated Policy 31-A talked about a proposal on a recognized collector road.

Councillor Morgan asked P-31A to be read. He stated he interpreted this policy somewhat different. He referred to access.

Councillor Morgan asked for the Solicitor's opinion.

Mr. Crooks stated the word access meant the provision in question seemed to relate to amendments to the zoning by-law rather than development agreements. He stated it would appear that those



provisions were not intended to deal with the adoption of the development agreement. With respect to access to collector roads, that one could read "access to" as meaning something other than immediately abutting a road given the use of both the word frontage on or access to.

Councillor Morgan asked the Solicitor's opinion as they did not notify the abutting landowners, and the time and expense associated with getting to the stage they now had arrived at. He asked whether or not the developer may be seeking recourse for his damages and the County end up paying for it.

Mr. Crooks wished to speak with Staff with respect to whether or not the particular Land Use By-law in question required that this notice be given.

Councillor Morgan asked if Mr. Hyland was suggesting by the presentation that before entering into any development agreement, that Council must first zone the particular land in question in such a manner or amend the plan so that the stipulated use be in that zone before entering into a development agreement. He asked if that was the intent of the presentation.

Mr. Hyland stated the plan was very clear.

Councillor Morgan stated this was open to interpretation. He asked if it was Mr. Hyland's opinion in order for Council to enter into a development agreement on this particular property that the designated uses in the R-1 should say we can only enter into a development agreement on multiple unit dwellings. He stated it would have to say this in order for Council to enter into a development agreement. He asked if that was the intention.

Mr. Hyland stated the plan was very clear with respect to its intention in relation to allowing this type of proposal in the urban residential designation. He stated this very clearly stated there should be compatibility with adjacent neighborhoods. He stated this development agreement did not address that issue.

Warden Lichter stated in the presentation, Mr. Hyland made a clear point that was somewhat misleading. He stated a great deal of emphasis was placed on that fact if something was not permitted in a zone, than you could not put that in that zone even with a development agreement.

#### DECISION OF COUNCIL

Councillor Sutherland stated the presentations made Council's decision quite easy with respect to this matter.

It was moved by Councillor Sutherland, seconded by Councillor MacDonald

"THAT the development agreement, as presented in Appendix "A". between the Municipality of the County of Halifax and Tony Maskine and Jean H. Goshn, to permit a 26 unit apartment building on Riverside Drive in Lower Sackville be rejected by Municipal Council."

A Recorded Vote was requested.

<u>Councillors</u>	<u>FAVOR</u>	<u>AGAINST</u>
Councillor Meade	X	
Councillor Poirier	X	
Councillor Fralick	X	
Councillor Deveaux	X	
Councillor Randall	X	
Councillor Bayers	X	
Councillor Smiley	X	
Councillor Reid	X	
Councillor Horne	X	
Councillor Merrigan	X	
Councillor Morgan		X
Councillor Snow		X
Councillor Eisenhauer	X	
Councillor MacDonald	X	
Councillor Boutilier	X	
Councillor Harvey	X	
Councillor Sutherland	X	
Councillor Richards	X	
Councillor Cooper	X	
Warden Lichter	X	

MOTION CARRIED.

18 IN FAVOR.  
2 AGAINST.

#### ADJOURNMENT

It was moved by Councillor Reid, that the meeting adjourn.

Time of Adjournment: 12:15 a.m.

MINUTES & REPORTS  
OF THE  
THIRD YEAR MEETINGS  
OF THE  
FORTY-THIRD COUNCIL  
OF THE  
MUNICIPALITY OF THE COUNTY OF HALIFAX  
JUNE COUNCIL SESSION  
TUESDAY, JUNE 4 & 18, 1991

&

PUBLIC HEARING

JUNE 24, 1991

&

COMMITTEE OF THE WHOLE

JUNE 3 & 17, 1991

JUNE COUNCIL SESSION - 1991

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COMMITTEE OF THE WHOLE

MONDAY, JUNE 3, 1991

PRESENTATION RE E-911 NUMBERING PROJECT

PRESENT WERE:           Warden Lichter  
                          Councillor Meade  
                          Councillor Poirier  
                          Councillor Fralick  
                          Councillor Deveaux  
                          Councillor Bates  
                          Councillor Adams  
                          Councillor Randall  
                          Councillor Bayers  
                          Councillor Smiley  
                          Councillor Horne  
                          Councillor Morgan  
                          Councillor Eisenhauer  
                          Councillor MacDonald  
                          Councillor Harvey  
                          Councillor Sutherland  
                          Councillor Richards  
                          Councillor Cooper

ALSO PRESENT:           Mr. Ken Meech, Chief Administrative Officer  
                          Mr. Bernard Turpin, Emergency Measures  
  Coordinator  
                          Mr. Eamon Oldham, President, Oldham Engineers  
  Inc.

SECRETARY:             Mrs. Sandra Shute

=====  
Warden Lichter called the meeting to order at 6:00 p.m.

E-9-1-1 Presentation

Mr. Bernard Turpin explained to Council that Oldham Engineers Inc. has been contracted by the Province of Nova Scotia to get E-9-1-1 set up and running and will be moving into Halifax County in one to two months to ensure that adequate civic addresses are available for delivery of emergency response.

Mr. Turpin introduced Mr. Eamon Oldham who proceeded to show slides for information of the Councillors and explained these slides in detail.

Mr. Oldham explained that Nova Scotia is the first province to embark on E-9-1-1 on a province-wide basis but that Manitoba, Alberta and Quebec will soon be starting this project. He said that the Town of Bedford is the only area where 9-1-1 is already set up in Nova Scotia.