Mr. Grant noted that in 1988, when County staff was approached, there was no mention about the site being inappropriate for use as a residential site. Indeed, all discussions were focused on its future development for principally residential purposes. In 1989, Sackville Manor, at its own substantial cost, commissioned a study by its Engineers, U M A Engineering, to gauge the main trunk sewer capacity to handle development at the site. Since 1989, U M A, on behalf of Sackville Manor, and the County Engineers have been engaged in discussions regarding what the appropriate capacity of density per residential development could be handled on the site by the existing sewage system. Finally, in the last year, Sackville Manor has succeeded in developing five lots for five apartment buildings, which has been the first window of opportunity that has arisen in the 20 years the site has been owned for residential use.

Mr. Grant stated that during those 20 years, Sackville Manor has carried the acquisition costs of the land, the development costs and paid substantial tax bills. He said that last year they paid $55,000 in taxes on the vacant land. With the prospects of the current economy, if it loses the opportunity to sell for residential purposes, there is no telling when it will be able to sell the land again. He said that one only has to drive down Sackville Drive to see the vacant space for commercial purposes to be concerned about the propects for developing the site for commerical purposes. From checking with the County regarding the Sackville Downs property, there is presently quite a substantial development proposed for commercial purposes and one would have to surmise this is a more appropriate site for commercial development and would likely develop before Sackville Manor's lands.

Mr. Grant said that this proposal to amend the Municipal Planning Strategy and Land Use By-law was prompted by staff and what it effectively does is prohibit multiple unit residential development except pursuant to a Comprehensive Development District Agreement. Staff has relied principally upon two justifications for this amendment. The first justification, set out in the Staff Report of October 7, 1991, was that there was insufficient sewage capacity to handle the level of development proposed. In his submission, Mr. Grant stated that was an entirely false attempt to justify the amendment. There was no justification for the view expressed in the Staff Report that the sewage system could not handle 560 units developed on the site. The second justification put forward by Staff was reference to the intent of the Municipal Planning Strategy. Mr. Grant submitted that if it was the intent of the Municipal Planning Strategy that justified this, then why was it necessary to amend the Municipal Planning Strategy. If the intent of the Municipal Planning Strategy was that there was to be no multiple unit residential development of this type and description, all that should be necessary would be to amend the Land Use By-law and, if someone disagreed with Council's decision, there was a right of appeal to the Municipal Board.

With reference to sewage capacity, Mr. Grant stated, as indicated earlier, his client initiated a study by U M A in 1989 to determine what the sewage capacity was in the area. The C-3 zone permits, as of right, buildings up to 28 units per acre. For this 30 acre site, this would be almost 900 units of multiple unit residential which could be built. The County Engineering Department expressed concern about the ability of the trunk sewer to handle development at that rate. Sackville Manor commissioned a study and, throughout late 1990 and 1991, through its Engineers, negotiated with the County Engineering Department to determine what an appropriate level of residential development would be for that area, having regard to the sewer. In the summer of 1991, an agreement was struck between the two engineering facilities, which was that 560 units were satisfactory and could be handled by the sewer. This was effectively 18 units per acre, a significant compromise from 28. The County Engineering Department suggested, and Sackville Manor agreed, that the development should occur on at least 20 acres, should not be concentrated on a lesser area and that the balance of the 32 acres could be used for commercial purposes. The agreement was concluded in August and acted upon shortly after that. He referred to a copy of the Agreement which had been circulated to Councillors and noted that it had been executed in November, 1991 with some small amendments between August and November. He stressed that the agreement in principle had been reached in August so, therefore, the Staff Report was wrong where it said, on page 2, that "there is insufficient capacity within this downstream system to accommodate the full development of the site for apartment buildings at the density contemplated by Sackville Manor, notwithstanding that it is permitted by the current zoning". He said there was a similar comment picked up at another location in the Staff Report which was false as well. Mr. Grant said that the whole point was that his client invested a good deal of time, money and effort, being a reasonable developer, to reach a compromise with the County Engineering Department as to what could be accommodated on the site and shortly after that was reached, the Staff Report came out recommending an amendment.

Mr. Grant stated that the planning justification for the amendment, as well, was flawed. The commerical core designation permits, in the Planning Strategy, unlimited multiple unit residential development. Those were the rules of the game going in and everyone knew it. He said it was only appropriate that the site be developed for residential purposes. He referred to the u-shaped area on the map, the commercial core zone, and pointed out where his client's land was located. He said there were single family dwellings, urban residential designation, in the area and asked if those single family dwellings were to be sandwiched between commercial use and other commercial use. He submitted it was always thought to be appropriate for residential use in this area and his client was merely attempting to develop the 20 or so acres for residential purposes. He said there were approximately 10 acres closer to the Beaverbank Connector which his client wished to

develop for commercial purposes and, between the principle portion of the residential development and commercial development, was a 1.6 acre lot of parkland which had been accepted by the County, a perfectly appropriate buffer between a commercial and residential use. He pointed out that further down the leg of the u-shaped portion, residential uses were closer and separated by a considerable rise and break in the topography from his client's site.

Mr. Grant submitted that a higher density residential use was most appropriate close to the 100 Series Highway. This was a less desirable spot for single family residential but, for multiple unit, people find it attractive. He also submitted it would be a better placement to have a high density residential use in that area than a commercial use because it will prevent traffic going through lower density residential uses, using either the Walker Connector or the Old Sackville Road.

Mr. Grant referred to the Staff Report, page 3, and to the statement: "It is staff's opinion, however, that a careful reading of the plan indicates an intention to give priority to commercial/office development, with higher density residential being integrated as a secondary type of use. Concentrated high density residential development of the scale being proposed by Sackville Manor is not intended by the current plan, despite the existing zoning". He submitted that the statement was not true; if it were true, the Land Use By-law could be amended and the Municipal Board could decide whether or not the Planning Strategy permits it. He said it did not and that was why a Municipal Planning Strategy Amendment was being sought at the same time as the spot rezoning. What staff has done, in his respectful submission, was a little bit of imaginative reading, some creative writing and came up with this type of proposal. It was nothing more than a discovered intent. He said that in Sackville Manor's submission, the Municipal Planning Strategy contemplated exactly what was occurring at this time - the Land Use By-law mirrors what was in the Municipal Planning Strategy and that was that there were not to be any restrictions on multiple unit residential development and that was exactly what the C-3 zone said.

Mr. Grant referred to page 45 (a) of the Municipal Planning Strategy which said: "Provisions in the core's commercial zone will help to achieve this by allowing development beyond municipal height restrictions as well as allowing unlimited office space and multiple residential units". He said unlimited multiple residential units was precisely what the Municipal Planning Strategy contemplated. He said that on page 45 (b) of the same document it said: "Although at present these lands contain part of the established commercial area and have potential for some commercial growth, they are equally capable of responding to the desire for centrally located residential development". He said what was contemplated in this Municipal Planning Strategy was that

the marketplace would determine the type of development and location of the development in the commercial core zone, that it may take time but the market would determine it. The Municipal Planning Strategy contemplated a mixture of uses and he did not question for a minute that in the commercial zone there was an emphasis on commercial uses. He pointed to the commercial core zone and noted it was a very large area and said surely it did not mean commercial use throughout the entire portion of the commercial core zone. It allows for the market to determine what uses are within the zone and he submitted that any reasoned planning approach to the commercial core zone suggested that at edges or fringes of the zone, as you start to abut residential use, there should be a breaking down of the intensity of use from commercial to a residential use and that was precisely what has happened here.

Mr. Grant stated that Councillor Ball's point in questioning was quite apt. He said that if it was the intention to develop commercial, was it not the intention that commercial should be close to population to fuel the commercial and he submitted that that was exactly what the Municipal Planning Strategy contemplated - get the population there to fuel the development to fuel more population.

Mr. Grant stated that one of the other planning justifications staff made was that they were concerned about the impact on community services and that this was not promoted by an incremental lot by lot development. He said there may be some justification in that viewpoint but, if that viewpoint was correct, it applied equally to commercial development. There was no reason to permit commercial development on an incremental basis lot by lot if the concern was overall community impact and whether it promoted the environment one wished to live in. It should equally have a Comprehensive Development District Agreement.

Mr. Grant said that his client viewed the proposed amendment with a great deal of cynicism, which might be apparent from his remarks. In September of the last year, his client applied for subdivision approval and included in this was one of the lots which has been accepted for parkland. A response from Engineering Department has still not been received with respect to certain aspects of that application for subdivision. Sackville Manor has posted bonds, given assurances and feels very strongly that it has not been dealt with in the usual proficient manner in which County staff are known for dealing with development. He said it was ironic that the parkland Deed has been accepted by the County but his client just recently received a notice from County staff that the approval of the lot has still not been complete as Engineering has not passed on it as being an appropriate site for parkland.

Mr. Grant stated that if Council was not convinced by his arguments and felt it ought to pass the amendment, he submitted that the proposed language of the amendment was far too vague to provide

either Council or developers with any guidance as to what sort of multiple use residential development would be permitted in future. There was a vague requirement of overall priority being given to commercial and office development and it was not clear what that pertains to - was it the Comprehensive Development District, the commercial core area. He asked what was involved in overall priority - 51% of the land area. He submitted that it was too vague to provide any guidance to any responsible developer.

Mr. Grant submitted that this was no way to treat a developer. Sackville Manor had been a good corporate citizen, paid its taxes, invested money in the community and continued to do so when there was little interest in development on its site. Now it has a window of opportunity which was being thwarted by this application. He said there was a need for stability in the planning process and a need to treat developers as well as individuals fairly and equally and this type of application was, in his opinion, nothing more than spot rezoning of the very worst description and ought to be rejected outright by Council.

Mr. Grant advised that representatives of his client were present, the engineer from U M A and the architect, all who would be delighted to respond to any questions Council might have.

QUESTIONS FROM COUNCIL

Councillor Boutilier stated that U M A had discussions with Engineering Department regarding the sewage capacity. He asked if this was a normal process to go through - to work out some kind of an amount which was acceptable before going through the process of what the development was anticipated to be.

Mr. Grant advised he could only speak from his experience in Municipal Law and that was that usually the zoning reflected what the sewer capacity was and whatever was permitted under the zoning was what could be applied for a development permit. It was an unusual situation in that his client was not in a position where it could obtain, as of right, what it was entitled to under the zoning because the engineer was making reference to a provision in the Land Use By-law that referred to municipal services. It was a sort of back door way of regulating what sort of densities ought to be permitted.

Councillor Boutilier said that before it even came to Planning Advisory Committee and before it was discussed at Plan Review, to his knowledge U M A had already had some discussions on the sewage capacity. He said it almost seemed to him that a deal was worked out acceptable to be able to proceed. He said he was sure that there was a great amount of concern with the development of a number of parcels of land in that particular area with high density concentrated development. When the original Sackville Municipal Planning Strategy was put in, there may not have been but he

pointed out that there subsequently was development in the area of high density apartment units which have caused great concern, not only to the elected people of the community but also to the residents in the community who live in the surrounding area. Currently, in that particular area, is the highest Social Assistance of the 25 Districts of Halifax County. Councillor Boutilier stated that as an elected person, it was necessary to look at providing services, etc.; however, it was his feeling that he was caught in a position where he was looking at land development but also at future development of the community. With the amount and quantity of development, asking to develop by right and having no control or input was a scary thing. He said he did not agree with all Mr. Grant had said but he felt that as an elected person, finding out that this process had already had discussion was shocking and he said he knew the other elected members of the community also found it shocking. It now looks as though the County was trying to backtrack. In Mr. Grant's comments concerning the development of what was expected before, he said he thought what took place before and what was in the Municipal Planning Strategy before, nobody ever anticipated what would go in there. He noted that when Sackville Downs left and some development occurred in that area, it was going to be better class condominiums and so on. He said he was not particularly targeting the people who live in the area but he did not think the project was good for the community.

Mr. Grant responded about the negotiations between the engineers. He said he did not think anything sinister should be implied in those negotiations. The position was that the developer wished to develop the lands, wished to know under what rules it was developing same and, in the course of discussions, it was indicated to the developer that the as-of-right density of 28 units per acre might exceed the actual sewage capacity. As a consequence of that indication, his client, rather than apply for permits to the maximum density, entered discussions, undertook studies to determine what the actual capacity of the sewer system was. Ultimately it was agreed to develop those lands at a reduced capacity. He pointed out that U M A thought the sewers had a much higher capacity than that of County staff and his client elected to compromise its position at the lower level of density that County staff was comfortable with and recommended.

Councillor Boutilier commented that the 563 units to be developed was the problem. He personally felt that 563 units of high density development was still too much in that particular area. It was not what could be done by right - it was just too much, too quick and not enough input. He said that certainly up until half a year ago, he was under the impression that the owner of the land was interested in developing the land commercially and he thought that County staff could very well verify that.

Mr. Grant stated there had been many expressions of interest over the last 20 years; however, how long was the developer supposed to hang onto the land without developing it. His client was still interested in developing approximately 10 acres for commercial purposes and thought there was a reasonable prospect for moving that portion - the balance, it did not, and felt that residential was appropriate.

Councillor Giffin stated that if Mr. Grant himself lived on Old Sackville Road, he would be a little upset too. He referred to page 3 of Mr. Grant's letter where it had been stated that approximately a year ago, Sackville Manor began to receive a great deal of interest in the sale of lots for the purposes of developing apartments. He asked Mr. Grant if he was at liberty to tell him who had expressed interest.

Mr. Grant stated he could not name the actual individuals who purchased lots from Sackville Manor but, if Council considered it to be relevant information, he could acquire it and advise.

Warden Lichter stated he did not feel Council should consider it to be relevant information. Anybody had the right to express an interest as to purchasing a piece of land without having to publicize it.

Councillor Giffin explained he had just been curious. He asked if the units would remain with Sackville Manor Limited or would they be sold. Mr. Grant advised that the practice has been to sell them and to develop them.

Mr. Grant said he wished to respond to Councillor Giffin's statement about living on Old Sackville Road. He said that one thing which had to be borne in mind was that the Municipal Planning Strategy in 1982 came out of a great deal of public participation where people had an opportunity to express their views. The rules were there - they were made then - and they were as clear as could be. He said if he had purchased a piece of property on Old Sackville Road after 1982, he would have checked the zoning as to what was occurring or could occur around him. If apartment buildings were going up on the C-3 zone, it would be nothing more than he could have anticipated, having regard to the zoning.

Councillor Ball said to Mr. Grant that he had gone over the fact that for 20 years Sackville Manor had owned the property and it was pointed out very vividly that the proposed development was within the Municipal Planning Strategy for the last ten years. He asked was Mr. Grant suggesting that this particular amendment was made to cover up a mistake and, therefore, unfair. Mr. Grant stated he was not suggesting it was made to cover up a mistake; he did not think there was a mistake at all.

Councillor Ball said he meant that if Council voted in favour of the amendment, that a mistake was made in terms of what the intent of the Plan was for the last ten years. Mr. Grant said yes, Council was changing the intent of the Plan.

Councillor Ball said it was not unusual for the County to negotiate sewer capacity. He referred to an agreement with Clayton Developments in Cole Harbour which negotiated sewer capacity.

Councillor Boutilier called for a point of order and clarified that the Cole Harbour development was done with the full intention of the Warden and Council members. He said he was clarifying how he heard about the Sackville Manor development - the potential for sewage was not discussed through County Council, Planning Advisory Committee or Plan Review Committee.

Councillor Ball said he was trying to suggest that the developer had the right to develop on the land based upon the last ten years of the Municipal Planning Strategy and he could have pressed the right for 28 units per acre theoretically and compromised down to 560 versus 860 units. He said the fact was that discussions at Planning Advisory Committee and Plan Review Committee may not have been necessary simply because he did have the right to develop the property.

Councillor MacDonald stated that in 1982 the intention was to develop the land commercially and Mr. Grant's clients had the idea and tried to do so for years. In the end it was changed to residential, changing with the times. He said the County had the same right to change. He said he was appalled when he viewed Highfield Square in Dartmouth where the development provided no place to play or walk and the people were packed in so tight. He said a breathing space was required to have a good look at the development and he hoped that Council would support the amendment.

Councillor Harvey asked if Mr. Grant could confirm that his client and the Municipality has reached an agreement on the maximum capacity of the land, at least in terms of the sewer capacity. Mr. Grant stated that the Agreement was the one he had circulated earlier in the meeting. Councillor Harvey asked if that was the figure agreed upon. Mr. Grant replied yes.

Councillor Harvey asked Mr. Grant if he would say that the Comprehensive Development Agreement could possibly accommodate that number of units. Mr. Grant replied he could not say with certainty that it would, based upon the actual language of the proposed amendment. The amendment was too vague to give any direction whatsoever on that point. Councillor Harvey asked if that was the professional opinion he had given to his client. Mr. Grant replied that what his opinion was to his client was no business of Council; it was a matter of solicitor/client opinion. Councillor Harvey

asked if Mr. Grant was telling his client one thing and telling Council another. Mr. Grant did not reply.

Councillor Harvey stated Mr. Grant had referred to the long-standing property rights of the owner who had owned the land for 20 years. He asked how would he square that with the long-term property rights of single family homeowners who lived on Old Sackville Road for up to 40 years. Whose rights were paramount. Mr. Grant replied that the issue before Council was analogous to an individual having owned a piece of property for 20 years, having had it zoned for R-1, single family dwelling, and having gone ahead and spent money to acquire access to the site, to bring sewer and water to the site and then to apply for a building permit to build his dream home and have someone apply to amend the zoning to prohibit him from continuing to use it for his intended purpose for the last 20 years. Mr. Grant submitted that was not fair and nobody deserved to be treated that way - developer, single family homeowner or otherwise. That was how he would square the property rights - everyone was entitled to be dealt with fairly, to have reasonable expectations on the basis of the laws as they exist and not to have changes made arbitrarily without reasonable justification for the changes.

Councillor Harvey asked Mr. Grant if he was aware that plans are amended from time to time and that this particular plan has been undergoing a three-to-four year review process which would lead to amendments, presumably this year. This particular plan, in reference to the by right to develop multiple residential units, was already up for amendment; it would be by Development Agreement in the next Plan. He said he did not think that restricting that right was coming from out of nowhere - it had come out of the Plan Review process which had been on going for some time. He said that Mr. Grant referred to the amendment being considered as spot rezoning, which caught his attention. He said it had not occurred to him at all that such a term would apply to this. He asked if Mr. Grant could tell him what he understood was spot rezoning.

Mr. Grant said, in his opinion, that spot rezoning was a change in a planning regime that was directed at one individual, one owner, alone and that was clearly what the plan amendment was directed towards. Councillor Harvey asked if the size of the land in question was not relevant to the definition. Mr. Grant stated he would say not.

Councillor Harvey asked Mr. Grant how he would define piecemeal development. Mr. Grant said that was Councillor Harvey's term and he could define it. Councillor Harvey then asked if Mr. Grant would say that piecemeal development was something like subdividing a large piece of land and developing it lot by lot by lot as buyers came along with no overall plan for the whole piece of land. Mr. Grant replied that there was a Municipal Planning Strategy which deals with how land was to be developed.

Councillor Harvey said that Mr. Grant had mentioned page 45 (a) of the 1982 Sackville Plan which was currently in effect and his quote from that page. He referred to Policy 53 which stated: "it shall be the intention of Council to encourage the development of the commercial core in Sackville with a mixture of retail and comparison shopping, government, general offices, open space, residential, community facility uses and supportive financial, entertainment and cultural facilities". He asked if "mixture" was an important word in that policy. Mr. Grant replied he did not have any difficulty with that policy and he would have no difficulty arguing before the Municipal Board whether the amendment to the Land Use By-law was consistent with the Municipal Planning Strategy, take away the Planning Strategy amendment.

Mr. Grant asked Councillor Harvey if the proposed amendment was consistent with the Planning Strategy, why was it being amended. Councillor Harvey replied that the Planning Strategy was being amended to guarantee that the word "mixture" was respected. Mr. Grant said then, what was a "mixture" - was there sufficient residential within the commercial core designation to date. Councillor Harvey replied that there were now 131 units and nothing else - no mixture. The only mixture was single family homes.

Warden Lichter said to Mr. Grant that, if he understood his presentation correctly, in 1988 his client approached the Planning Department with the proposal that some duplex development take place on this particular land. Mr. Grant replied that, as he understood it, it was U M A Engineering on behalf of his client who approached Planning staff and suggested whether it would be possible to develop the land for single family, townhouse or duplex residential development. Warden Lichter asked if the reaction was negative. Mr. Grant replied that the reaction, as related to him, was that it would require a Plan Amendment and staff would not support same until the overall Plan review was completed.

Warden Lichter asked Mr. Butler, with Council's permission, if that statement was correct. Mr. Butler replied not totally. Mr. Butler advised that in 1988 Maurice Lloyd, on behalf of U M A, approached the Planning Department about the possibility of low density residential. Planning Department advised that, from a departmental point of view, it was felt that was not the best use of the land, given its location and that, even if he wanted to proceed, the Plan, at that time and still, only permitted apartments. It was suggested, however, that there was probably room to consider a mixture of houses - town houses, row houses, possibly some lower density - there were some initial preliminary plans showing a mixture. Planning Department was talking about a CDD approach involved with some Plan amendments. The proposal got so far down the road and the developer decided not to proceed with the actual CDD for a mixture of housing. Mr. Butler said they had been quite clear up front that one of the things that had to be considered was

the sewage capacity and that was why the sewer study was done in the first place.

Warden Lichter asked Mr. Butler if the developer had gone to him asking if they could develop the land with duplexes, would the answer to that straightforward question have been a straight yes or straight no. Mr. Butler replied that under the zoning, no.

Warden Lichter then asked if it had any connection with the fact that when Deputy Warden had asked a question, Mr. Butler somehow did not understand his question or did not answer his question because he was referring to the dual zoning of that particular brown area on the map. Warden Lichter said that the second zoning of that, if he remembered correctly, was R-2. Mr. Butler replied that Warden Lichter was correct. There was an area adjacent to the Sackville Cross Road that was dual zoned. The Plan had been amended very specifically for that area of land.

Warden Lichter suggested to Mr. Grant that if there was any time he was unfairly dealt with, it was back in 1988 if indeed his client had asked the question specifically, could it be developed as R-2. Others were able to develop some sections within the commercial core for R-2 uses.

Deputy Warden Sutherland asked Mr. Grant if, in his opinion, would development of 20 acres of a total of 32 acres with apartments constitute a benefit to a community, something that would be attractive to a community, without any mixture. Deputy Warden Sutherland said he meant that 20 acres could go to apartments and, if in five years there was no sale of the additional 12 acres, what would keep his client from building the remainder with apartments. Mr. Grant said he would be prevented by the agreement before Council; no more than 560 units can be developed on the entire 32 acre site and those 560 units had to be on more than 20 acres so the balance of the land either would not be developed or developed for commercial purposes. Mr. Grant said he was a lawyer involved in Municipal law, not a land use planner. He said, as an individual, he was not offended by 20 acres of residential development located as it was in the area. Deputy Warden Sutherland stated that, in his opinion, he saw residential development as being a mix of some kind and that construction of apartment after apartment did not constitute a very good plan.

Councillor Holland asked if the developer had given any consideration to the social implications, i.e. schools, medical services, etc. Mr. Grant replied that the only area that had been identified by staff as being a concern, either in its report or discussion with his client, was the sewage and that was addressed. The question was raised before Planning Advisory Committee regarding the impact of the proposed development on schools. He said he was told that a 2-unit apartment generated .3 children and a 3-unit .6 children per unit. If the entire site were developed,

there would obviously be an additional tax on the schools. He submitted that any additional burden on the schools was more than offset by the additional contribution that this development would make in terms of tax revenue. He said their calculations were that the residential component alone, if permitted to proceed, would garner an additional $450,000 approximately per year to the Municipality's coffers.

Councillor Holland said that would be fine as long as a commitment could be received from the province to build another school. At this time, however, there is a moratorium on capital spending. He asked if Council should ignore those problems when making its decision. Mr. Grant submitted it was not relevant to Council's decision; it was not a rezoning by itself, but a Municipal Planning Strategy amendment. Council did not need to have reference to that sort of decision. He said, however, if reference was to be made to that type of decision, Council should have hard numbers before them, numbers which are up for scrutiny. He said Council should not have himself reacting quickly to Councillor Holland's question; there should be a Staff Report that set forth those concerns and an opportunity on the part of the developer to put forward his own views as to whether they are accurate. Mr. Grant stated he had been involved in municipal land use planning law long enough to know that this was always the debate whenever dealing with higher density properties and there was always the debate whether adding additional children to the school system was going to aggravate an existing problem or serve to prompt senior levels of government to recognize the existing problem that was already evident and have a solution designed for it. There were two ways of looking at the concern.

Councillor Boutilier said that approximately 563 units developed would mean approximately 183 students, using the .3 formula. He said it was not just in this particular case putting added pressure on the school situation. What it meant was putting 183 potential students in an area where there was no room for them to go. Councillor Boutilier asked Warden Lichter, in terms of the particular lands of Sackville Manor, was he correct in understanding what the Warden was trying to say, that the lands that apply to them now, that in 1988 they had a dual zoning then. Warden Lichter said he was trying to find out if they did have dual zoning as that was the question that Deputy Warden Sutherland had asked earlier. He said some portions of the core were actually given dual zoning without much difficulty prior to 1988 and if there was another applicant in 1988 and that applicant was told not, then he thought that was an injustice because others were able to do that with great ease.

Councillor Harvey clarified regarding the dual zoning east of Little Sackville River. He advised that Policy 54 (a) indicated that dual zoning commercial and residential was done by a Plan amendment rather than by a zoning By-law change. Warden Lichter

replied he realized that; he had referred to the fact that it had been done "with great ease".

Mr. Butler stated that he would have to take exception to the fact that there was the suggestion that there was integrity or mis-integrity involved. He said the developer was asking for staff support when he first came in 1988 and it was indicated that for R-1 or R-2 it would not be supported. He said, however, that staff always points out to any applicant that there is the right to apply for a Plan amendment. He said he knew this was done in this case because he was personally involved. He also stated that the amendments referred to by the Warden were, in fact, not supported by staff.

DECISION OF COUNCIL

Councillor Boutilier asked for clarification that based on an Appeal previously, was there anything in the Public Hearing process, in terms of a motion presented in Council, included the recommendations that perhaps should be changed. He said that with regard to a particular Appeal that took place not long ago, there was some discussion on the recommendation of Council and the supporting information. He asked if there was something in the Public Hearing process that Council should do differently to ensure that this will not occur again.

Warden Lichter stated he could not think of anything in this particular Public Hearing process that needed to be done differently. In some Land Use By-law amendment Public Hearings, a great deal more attention ought to be focused on what the intent of the Plan was; however, an amendment to the Plan was proposed for this Public Hearing.

Mr. Crooks stated he was not sure if Councillor Boutilier was addressing procedural requirement. Councillor Boutilier replied yes and more specifically, with the recommendation made in the Public Hearing process, should the decision and accompanying information that followed that be supportive of the motion.

Mr. Crooks felt that what Councillor Boutilier was referring to was a recent comment in the course of a Municipal Board decision relating to a specific statutory requirement with respect to the giving of reasons in connection with the refusal of Development Agreements. That same statutory requirement did not obtain in respect of the process Council was dealing with at this Public Hearing.

Councillor Harvey said Council was here tonight in the interests of good planning and to make a fair decision and also in the interests of compatibility of an R-1 long-established neighbourhood and its C-3 neighbour which has started to develop in a certain way. He said he had heard reference made to the phrase, window of

opportunity, and he said he thought the CDD was the window of opportunity for the community of Sackville to have its legitimate concerns addressed. It was also the window of opportunity for legitimate developers to develop their lands in such a way that it can be a good development and a credit to both the neighbourhood and the people who will live in it in the years ahead.

It was moved by Councillor Harvey, seconded by Councillor Taylor:

> "THAT THE SACKVILLE MUNICIPAL PLANNING STRATEGY BE AMENDED SO AS TO REQUIRE THAT MULTIPLE UNIT RESIDENTIAL DEVELOPMENT ON THE LANDS OF SACKVILLE MANOR LIMITED, LRIS NO. 40196867, LRIS NO. 40560906, LRIS NO. 40560914 AND LRIS NO. 40586059, AND ATLANTIC SHOPPING CENTRES LIMITED, LRIS NO. 40L02402, ONLY BE CONSIDERED WITHIN A CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) AND THAT MULTIPLE UNIT RESIDENTIAL DEVELOPMENT ON OTHER PROPERTIES WITHIN THE COMMERCIAL CORE DESIGNATION BE CONSIDERED BY DEVELOPMENT AGREEMENT AS OUTLINED IN APPENDIX 'A'" OF THE OCTOBER 7, 1991 STAFF REPORT AND AMENDED IN THE DECEMBER 2, 1991 ADDENDUM".
>
> **MOTION CARRIED.**

Councillor Cooper stated that the prime item to be considered was what the intent of the Plan was. He said the Plan continually talked about a mixture in the core area and also about comprehensive planning and those were met by the proposed amendments. Nowhere in the Plan did it say that a developer would have exclusive right to go strictly multiple residential development nor does it allow a developer to cross the bounds of what was asked for in the Plan of a mixture. There was nothing also in the Plan that said it was unchangeable, which was what Council was being asked to support by the proponent of this multiple residential development. The continual comprehensive planning and secondary planning strategies as mentioned in the Staff Report were intertwined with each other. In reading the Plan, it indicated that there should be continual upgrading and direction by the Municipality to the developers. The County has every right, on behalf of the residents, to request amendments that they see would carry out the intent of the Plan as it was originally developed and as it progresses through the years. Councillor Cooper stated he felt they were being fair both to the developer and the community by seeking the amendments. The intent of the Plan, as he understood it, was to have a continual intent of mixture within the commercial core area, to have a comprehensive development within the commercial core area and to permit the commercial and residential to exist together. As the community develops, he said he thought the Comprehensive Development District was applicable to these particular sites and it was not appropriate that the developer call on these particular lands to be excluded only from commercial and apply only to multiple residential units.

The amendments by the Municipality, on behalf of the community, fit entirely within the intent of the Plan as it was written. It will ensure continued residential and commercial mix which was intended for the core area. He stated he felt that Council was only right to endorse those amendments.

Councillor McInroy asked Mr. Crooks with respect to the development of these lands, about the Agreement that was entered into on November 21, 1991. Warden Lichter suggested to Councillor McInroy that in view of the fact there is an appeal before the Municipal Board at present on the lack of approval on certain lots, and those lots were mentioned earlier, our solicitor may later on be involved in Municipal Board Hearing and he did not think it was fair for him to pass an opinion now on the question and in any way possibly jeopardize the position of the Municipality by doing so.

Mr. Meech responded to Councillor McInroy's question. He said there is a clause in the Agreement that made it clear that if, in fact, there were certain changes that took place, then the Muncipality was not bound. It was subject to any amendments which might take place in the future.

MOTION CARRIED UNANIMOUSLY

It was moved by Councillor Harvey, seconded by Deputy Warden Sutherland:

> "THAT THE SACKVILLE LAND USE BY-LAW BE AMENDED AS OUTLINED IN THE OCTOBER 7, 1991 AND DECEMBER 2, 1991 STAFF REPORTS".

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

Meeting adjourned at 8:55 p.m.

MINUTES & REPORTS

OF THE

FIRST YEAR MEETINGS

OF THE

FORTY-FOURTH COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

FEBRUARY COUNCIL SESSION

TUESDAY, FEBRUARY 4 & 18, 1992

&

PUBLIC HEARING

FEBRUARY 10, 1992 + Feb. 24/92

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COUNCIL SESSION

February 4, 1992

PRESENT WERE: Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Holland
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Taylor
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor Giffin
Councillor MacDonald
Councillor Boutilier
Councillor Harvey
Deputy Warden Sutherland
Councillor Richards
Councillor McInroy
Councillor Cooper
Warden Lichter

ALSO PRESENT: G. J. Kelly, Municipal Clerk
K. R. Meech, Chief Administrative Officer
Fred Crooks, Municipal Solicitor

REGRETS: Councillor Adams

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The meeting was called to order with the Lords Prayer.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Deputy Warden Sutherland, seconded by Councillor Deveaux:

"THAT JULIA HORNCASTLE BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

APPROVAL OF MINUTES

It was moved by Councillor Randall, seconded by Councillor Giffin:

"THAT THE MINUTES OF THE JANUARY 13, 1992 PUBLIC HEARING BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE JANUARY 7, 1992 COUNCIL SESSION BE APPROVED"

MOTION CARRIED

It was moved by Councillor Ball, seconded by Councillor Bates:

"THAT THE MINUTES OF THE JANUARY 6, 1992 COMMITTEE OF THE WHOLE BE APPROVED"

MOTION CARRIED

Warden Lichter stated that he had received a letter from Councillor Meade requesting that Dr. Bernard Perry address Council.

Dr. Perry stated that he wished to thank Council for giving him the opportunity to speak and express some of the concerns regarding Site L. He stated that the people of St. Margaret's Bay want to inform Council that they are opposed to all three sites. He stated that problem, as the people see it, is the guidelines used by the Metropolitan Authority are flawed in that they allow the landfill site to be close to populated areas, schools, recreational areas and close to expensive property. He stated that the guidelines stated that the site can be as close as 3 km. to permanent homes and less than 10 km. from a major highway. He stated that 3 or 4 km. is not much when you live downstream or downwind of a landfill site. He stated that the people of St. Margaret's Bay fell that the Metropolitan Authority has taken a short sited approach to the selection of the sites. He stated that the Metropolitan Authority is ignoring the costs to the environment and surrounding properties. He stated that Site L would cost considerable loss in property value in the area of St. Margaret's Bay. He stated that the professional people in St. Margaret's Bay will use the knowledge they have to see redress and compensation for the damage to their environment and to their property values. He stated that there are several aspects related to water. He stated that many people depend on wells and these wells tap water table that is related to water seeping down from the lakes such as Sandy Lake. He stated that the residents have been told by consultants that this landfill site will be perfect; that it will not leak, not have any organic mater, not have any pollution nor will it attract birds such as gulls. He stated that, according to Porter Dillon, if the landfill is perfectly built and well managed there will be no

leaks for 30 years. He questioned if the leakage started earlier and found its way into the water table. He stated that the water table is drying up and wells are going dry in both summer and winter. He stated that the water situation will only get worse and a natural water supply will have to be looked at and the natural water shed is in the Sandy Lake system where Site L is to be located if chosen. He stated that on behalf of the residents of St. Margaret's Bay he was saying "No Way In The Bay".

Councillor Meade stated that he had letters and petitions to be passed on to Metropolitan Authority. Mr. Kelly received the correspondence.

LOCKVIEW/MACPHERSON ROAD SERVICING

Second Scenario

A further request of Committee was to prepare cost estimates for proposed sewer collection and treatment, with Kinclaven Drive, High Road and Ballathie Crescent within St. Andrews Village excluded from the proposed sanitary collection system.

This information is based on the following assumptions:

1. That the 13 malfunctioning on-site systems in St. Andrews Village area be remedied under the direction of the Department of Health and at the owners' expense.

2. That the Board of Health undertake an annual inspection of these systems to ensure that they are being adequately maintained.

3. The size of the proposed treatment facility would remain the same.

The original costs have been reduced by the cost of the collection system in St. Andrews Village as well as a reduction in engineering and contingency costs to a 3.34 million dollars. Land acquisition, interim financing and previous studies are included and remain the same.

The resulting betterment charges to the remaining lots would be approximately $27.50 per foot for piping costs, and $2,400.00 per unit for treatment costs.

Mr. Meech stated that the Second Scenario refers back to a motion made at Council on October 1, 1991 which stated:

> **"THAT THE REPORT BE RECEIVED AND THAT COUNCIL SUPPORT THE SECOND SCENARIO"**

He stated that at that time Council agreed to put in a sanitary

sewer system with enhanced secondary treatment in the Lockview/MacPherson Road area excluding St. Andrews Village. He stated that at the November 5, 1991 Council Session a motion was made by Councillor Peters requesting a 90 day hold be put on the project until there was an opportunity to have some discussions with the public in District 14. He stated that the 90 days had expired and staff is looking for direction from Council as to whether or not to proceed with the original decision made in October, 1991 with the addition that tertiary treatment be a part of the program. He stated that Halifax County has been advised by the Department of the Environment that their present guidelines would require Halifax County to put in tertiary level treatment if this project is to proceed. He stated that as this would involve some increase in cost the issue would have to go back and be reviewed.

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

> "THAT COUNCIL SUPPORT THE SECOND SCENARIO WITH THE FULL UNDERSTANDING THAT THE TREATMENT COMPONENT PROVIDED SHALL PRODUCE A TERTIARY EFFLUENT"

Councillor Bates stated that he was not sure what he was supporting. He asked what the additional costs for tertiary treatment would be.

Warden Lichter stated that the amount would be approximately $200,000. He stated that there is assurance from the Province that approximately a half of that two hundred thousand dollars would be helped by the Province. He stated that he had sent a letter to all the residents indicating that Halifax County would enter into negotiations with the Provincial Government concerning the two schools that have sewage treatment plants hooking onto the system. He stated that the negotiations would begin with the Sobey's group in order to have them consider the development they have been contemplating but could not do without having the sewage treatment. He stated that if the negotiations were successful, the shortfall could be below $100,000.

Mr. Meech stated that when the proposal was approved back in October, 1991 there was also approval for allocations of funding. He stated that these funding allocations would remain in place. He stated that if there has to be a change in contribution from the Municipality or property owners, then it would have to come back to Council for reconsideration of the cost factors.

Councillor Boutilier asked why the Municipality was accepting tertiary treatment now and not recommended back in October.

Warden Lichter stated that as a result of communication from the Province informing that they have upgraded the Environmental

standards and require tertiary treatment going into fresh water bodies. He stated also the people have indicated that this is what they would expect.

Councillor Deveaux asked if tertiary treatment would increase the operating costs and would the people involved be on the Environmental Rate.

Mr. Meech replied that it will increase the operating costs and the residents will be charged the Environmental Rate.

MOTION CARRIED

CORRESPONDENCE

Mrs. Hattie, Secretary, Lockview Area Residents Association, addressed Council on the treatment plant.

Mrs. Hattie stated that the association has many different views and the letter represents most of the residents. She stated that they have a severe health problem. She stated that many people have no septic problems and are concerned that they have to pay for it. She stated that some of the residents do not want any discharge going into the lake and others would like to have tertiary defined in such a way as to say it will remove phosphates and arsenic. She asked if the association could be informed, in writing, on a regular basis in order that the people can have a better understanding of the process.

Warden Lichter stated that at a meeting held, today's date, it was understood that the project would have full tertiary treatment.

1. Mr. Kelly outlined a letter from the Honourable Ken Streatch, Minister, Department of Transportation and Communications regarding the condition of the Goff's Road with regards to paving and upgrading.

It was moved by Councillor Deveaux, seconded by Deputy Warden Sutherland:

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

2. Mr. Kelly outlined a letter from Libby Douglas, Special Assistant to the Honourable Elmer MacKay, Minister of Public Works regarding a letter from Halifax County regarding the Canada Post Corporation and informing Council that the letter has been forwarded to the Honourable Harvie Andre.

It was moved by Councillor Giffin, seconded by Councillor Taylor:

...5

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Mr. Kelly outlined a letter from Mr. C.W. MacNeil, M.D. Department of Natural Resources regarding dredging out of an area of St. Margaret's Bay.

It was moved by Councillor Meade, seconded by Deputy Warden Sutherland:

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

It was moved by Councillor Meade, seconded by Councillor Rankin:

"THAT THE COUNTY OF HALIFAX REQUESTS THAT THE DEPARTMENT OF NATURAL RESOURCES CLEAN UP THE SAWDUST PILE IN THE COVE AT TODDS ISLAND"

MOTION CARRIED

4. Mr. Kelly outlined a letter from R. Mort Jackson, Executive Director, Metropolitan Authority, in response to County correspondence requesting further information on correspondence received from Metropolitan Authority with respect to report on reduction of waste in 1991 and comments on allowing half ton trucks to dump without charge.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT STAFF APPEAR BEFORE COUNCIL TO DISCUSS THIS MATTER FURTHER AND IN PARTICULAR THE TIPPING FEES FOR HALF TON TRUCKS"

MOTION CARRIED

5. Mr. Kelly outlined five letters from developers expressing concern regarding property tax on undeveloped, approved lots and requesting legislation be put in place to change the regulations.

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

"THAT THESE LETTERS BE APPROVED"

MOTION CARRIED

Warden Lichter asked Mr. Kelly to reply stating that a staff study is being done. He stated that at a recent meeting with the Deputy Minister of Municipal Affairs this point was addressed and it will have to go back to Municipal Affairs once a staff recommendation is received and once Council makes a decision with regards to the staff recommendation.

6. Mr. Kelly outlined a letter from Ocean View Manor to Mr. Meech requesting that the provision of an auditing service for Ocean View Manor be provided for in the budget for the 1992/93 fiscal year.

It was moved by Councillor Randall, seconded by Councillor Cooper:

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Councillor Randall stated that the Board of Management of Ocean View Manor would like to see council give some serious consideration to establishing and budgeting for this position which the Board believes would be very cost effective. He stated that this has also been a recommendation of the external auditors of the Manor. He stated that it would provide management with information as to the degree of efficiency which the Manor is operating and also provide ways and means of safeguarding the assets of the Manor.

7. Mr. Kelly outlined a letter from Mrs. Hattie, resident, Lockview Road regarding submission of petitions to Council on February 4, 1992.

It was moved by Deputy Warden Sutherland, seconded by Councillor Taylor:

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

1. File No. RA-FEN-22-90-18 - Application by Armoyan Group Limited to rezone property on Hammonds Plains Road

It was moved by Councillor Cooper, seconded by Councillor Giffin:

"THAT A PUBLIC HEARING BE HELD ON FEBRUARY 24, 1992, AT 7:00 P.M."

MOTION CARRIED

2. File No. DA-8&9-07-91-08 - Development Agreement between the Municipality and Mountainview Mobile Home Park Limited to permit the expansion of the existing Mountainview Mobile Home Park situated at Lake Echo

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

"THAT A PUBLIC HEARING BE HELD ON FEBRUARY 24, 1992, AT 7:00 P.M."

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Career Fire Fighters - Village of Waverley

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

"THAT THE AGREEMENT BETWEEN WAVERLEY VILLAGE COMMISSION AND THE MUNICIPALITY RESPECTING CAREER FIRE FIGHTERS, VILLAGE OF WAVERELY, WHICH HAS BEEN ENDORSED BY THE WAVERLEY VILLAGE COMMISSION BE APPROVED BY COUNCIL"

Councillor Ball stated that he has been involved in the fire service for approximately four years on the Fire Advisory Board. He stated that he has difficulty with this policy. He stated that Executive Committee set up a Fire Advisory Board whose purpose was to advise the Executive on all fire related matters. He stated that this particular item was never brought formally, for discussion, to the Fire Advisory Board. He stated that the Fire Advisory Board had a meeting after this item had been approved by the Executive Committee. He referred to a motion adopted in 1990 which stated that the Fire Advisory draw up policies with regards to fire services in Halifax County in conjunction with the fire chiefs. He stated that the Fire Advisory Board drew up the career fire fighters policy which was ratified by Council. He stated that the Village of Waverley felt that they should have control over their own service. He stated that they are only going to take the good but opt out of the bad. He stated that if the Village of Waverley chooses, under its Village Commission, to take command of the career firefighters; (a) they take command of all firefighters in the Village of Waverley and (b) they are not part of the County employee benefit package but set up their own package to be administered by them.

He stated that if they choose to opt out of the policy then they choose to opt out totally from the fire service in Halifax County. He stated that over the years that money has been given to the Waverley fire service. He stated that they have availed themselves of all the benefits of Halifax County but when it comes to something they don't like they are going to use the Village Commission. He stated that vehicles be turned over to the Village of Waverley along with their employees benefit package and pension to be administered by them. He stated that he objects to the fact that this was not brought before Fire Advisory Board. He stated that he wanted to go on record as opposing the agreement as it is.

Councillor Snow stated the Village of Waverley fought for years to come under the Village Commission. He stated that he understood that the benefits to both sides had been met. He stated that he did not believe that the Fire Advisory Board was ever put there to Waverley what it is to do with its money. He stated that the Waverley firefighters were hired by the residents of the Village of Waverley. He stated that he was of the understanding that the Fire Advisory Board, Mr. Fawson, Mr. Day and Mr. Lockhart had met and he was surprised that the Fire Advisory Board was not aware of this issue.

Councillor Boutilier stated that he has concerns whether or not it is appropriate to use the Committee structure at one time and maybe not the next time. He stated that Councillor Peters asked him to relay the fact that she is not happy with the process and she feels that it should be sent back to the Fire Advisory Board for further discussion and deliberations. He stated that, when it came to Executive, he was informed that it was basically a housekeeping matter and Councillor Snow would be happy with it.

Warden Lichter stated that he has been involved with this issue from the beginning. He stated that he had discussed with Mr. Meech what might be the best way to resolve the issue. He stated that when the legal opinion came back, he concluded that the best way was to let Waverley take care of the firemen under this particular agreement. He stated that it never occurred to him that this should be sent to the Fire Advisory Board. He stated that he has some hesitation with regards to sending it back to Fire Advisory Board.

Deputy Warden Sutherland stated that when it came before the Executive Committee his impression was that this was a housekeeping matter. He stated that the County should maybe look at the benefits of having Waverley in or out.

Mr. Meech stated that it maybe should be clarified whether or not fire protection rests totally on the Village Commission. He stated that from his background information on this, he assumed that this is the stance the County was taking. He stated that it

is a unique situation in that they are incorporated under the Village Services Act and in fact the budget and actual tax rate that is levied is a rate that is levied by the Village Commission. He stated that Halifax County collects the taxes on behalf of the Village. He stated that the Village has the legal authority to tax which puts them in a different situation. He stated it should be made clear that if the County enters into this agreement then it does not have any responsibility for fire protection in the Village of Waverley but is clearly the responsibility and jurisdiction of the Village of Waverley.

Councillor Ball stated this agreement is written concerning just two career firefighters. He stated that if they wish to have control of the fire service then they take complete total control in the name of the Village of Waverley and that would include the fact that the vehicles being insured by Halifax County be put in the name of Waverley. He stated that the Village of Waverley should be encouraged to seek their own employee benefit package.

It was moved by Councillor Rankin, seconded by Councillor Ball:

> "THAT THIS ISSUE BE REFERRED BACK TO THE FIRE ADVISORY BOARD WITH THE INTENTION OF COMING TO AN AGREEMENT THAT IS MUTUALLY SATISFACTORY WAVERLEY AND THE COUNTY"

Councillor Boutilier stated that he agrees with the referral but also that the Fire Advisory Board should get input from Mr. Meech and from Mr. Fawson.

Councillor Cooper asked if the Village of Waverley was set up under Provincial legislation with the authority to look after fire protection.

Mr. Meech stated that under the Village Services Act County has the legal authority to provide fire protection and levy taxes.

Councillor Cooper stated that if they are empowered to handle fire protection and if they want to control their personnel then they should be controlling all of it. He stated that he felt that this should not be sent back to the Fire Advisory Board until it has been established clearly whether or the County is going to have any input or not into the fire operation in Waverley.

MOTION CARRIED ORIGINAL MOTION DEFEATED

Department of Housing - Proposed 20 Unit Senior Citizens Project - Forest Hills

It was moved by Councillor Richards, seconded by Councillor Bates:

"THAT THE LETTER AND RESOLUTION BE SIGNED AND RETURNED TO THE DEPARTMENT OF HOUSING"

MOTION CARRIED

Vehicle Acquisitions - 1992/93

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

"THAT COUNCIL APPROVE THE TRANSFER OF $43,500. FROM THE VEHICLE RESERVE FUND FOR PURCHASE OF VEHICLES"

MOTION CARRIED

Lease of Land - Beaver Bank Transit Limited - District 15

It was moved by Councillor Bates, seconded by Councillor Taylor:

"THAT COUNCIL APPROVE A LEASE AGREEMENT BETWEEN THE MUNICIPALITY AND DAVID MERRIGAN WITH A SUBLEASE TO THE BEAVER BANK TRANSIT LTD., FOR PARCEL M3-A-A, SANDY LAKE ROAD, BEAVER BANK; WITH THE CONDITION THAT BEAVER BANK TRANSIT LTD. BE RESPONSIBLE FOR ALL UPKEEP AND MAINTENANCE COSTS PERTAINING TO THE PROPERTY"

MOTION CARRIED

COUNCILLOR MERRIGAN WAS NOT PRESENT IN COUNCIL CHAMBERS

AMENDMENT - HALIFAX COUNTY INDUSTRIAL COMMISSION BY-LAWS - SECTION 2 (1)

Mr. Kelly stated that the amendment was in respect to the section of the By-Law dealing with membership on the Commission. He stated that the amendment has been adopted by the Industrial Commission at their meeting on January 16, 1992 and is now presented to Council for approval.

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

"THAT THE AMENDMENT BE APPROVED"

MOTION CARRIED

Councillor Richards stated that he did not understand why the item was before Council asking for change in the membership.

Warden Lichter explained that it was because there is no longer a Sackville Advisory Board and the By-Law was not amended at that time.

Mr. Meech stated that it is just to replace Sackville Advisory Board with Sackville Community Committee.

Councillor Richards asked how the membership could be accommodated if other sections of the Municipality wished to increase their industrial activity since the Commission is geared mainly towards Sackville.

Warden Lichter stated that it would require an amendment to the Industrial Commission By-Law to increase the membership.

Mr. Meech stated that would be an option. He stated that composition is actually sufficiently large as it is.

Councillor Richards stated that the current composition does not allow for any other area of the Municipality to be equitably represented because of the present structure.

Mr. Meech stated that at the time the Industrial Commission was established there was an agreement between the Minister of that time and the Municipality that the Municipality would agree to change the County By-Laws to incorporate provision for three representatives from the community of Sackville; one from the Chamber of Commerce, one from the Sackville Advisory Board, and one of the elected officials.

Councillor Rankin stated that he would like to have council consider postponement of this and put it in the context of budget discussions. He stated that he opposed the amendment.

Councillor Harvey stated that the composition of the Industrial Commission is more than a housekeeping matter in Sackville. He stated that this amendment is put forward to correct an error when the committees were reformed following recent elections which eliminated one of the members. He stated that the substitution of the Sackville Community Committee for the old Advisory Board is with the intention that the nominee of the Sackville Community Committee would be a non council representative from Sackville. He stated that this amendment simply continues the two non council member representation that they have had for some time. He stated that for some time there has been a custom of four representatives from Sackville; two council and two non council and he stated that he believes that this amendment continues and protects the two non council members on the Commission. He stated that he intended to support the amendment.

Councillor Boutilier stated that he agreed with Councillor Harvey. He stated that when the Sackville Advisory Board was disbanded he did not realize that they would lose a community representative. He stated that there have been two council members and two public representatives of the community; one from