

Chairman, Union of Nova Scotia Municipalities with respect to 1992 Nova Scotia celebrating another Old Home Summer year and requested that the Municipality participate in the Hometown Welcome Program by hosting a weekly tea social.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Warden Lichter stated that on occasion he may need a Councillor to be a representative of the County in his absence and if he could have volunteers to assist by attending on these occasions he would make the commitment. A number of Councillor volunteered and Warden Lichter advised Mr. Kelly to answer the letter stating that Halifax County would participate.

PLANNING ADVISORY COMMITTEE REPORT

1. File No.'s ZA-SA-03-91/ZA-CH/W-04-91/ZA-TLB-05-91/ZA-EP/CB-06-91/ZA-LM-07-91/ZA-1&3-08-91/ZA-PD5-09-91/ZA-F&S-10-91/ZA-8&9-12-91/ZA-LAW-13-91 - Amendments to the Land Use By-Laws re: Parking Requirements for Restaurants.

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

"THAT A PUBLIC HEARING DATE BE SET FOR FEBRUARY 10, 1992 AT 7:00 P.M."

MOTION CARRIED

2. File No. P 303-91-010 - Undersized Lot Legislation - Lands of Robert N. Baker, Lower West Jeddore.

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

"THAT STAFF SET AND ADVERTISE A PUBLIC HEARING DATE TO CONSIDER THE SUBDIVISION OF THE LANDS OF ROBERT N. BAKER TO CREATE LOT 2 THROUGH THE UNDERSIZED LOT LEGISLATION AT SUCH TIME AS A FINAL PLAN OF SUBDIVISION HAS BEEN SUBMITTED FOR APPROVAL"

MOTION CARRIED

3. File No. P 487-91-010 - Undersized Lot Legislation - Lands of Lyvall Weeks, Ship Harbour.

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

"THAT STAFF SET AND ADVERTISE A PUBLIC HEARING DATE TO CONSIDER THE SUBDIVISION OF THE LANDS OF LYALL WEEKS TO CREATE LOT 1-A THROUGH THE UNDERSIZED LOT LEGISLATION AT SUCH TIME AS A FINAL PLAN OF SUBDIVISION HAS BEEN SUBMITTED FOR APPROVAL"

MOTION CARRIED

LESSER SETBACK APPLICATION

Paul Morgan presented the application. He stated that it was an application by Fred Tanner to allow for an adoption in the set back requirements in order to accommodate a garage on his property at 29 Brennans Branch Road in Prospect Bay. He stated that under Zoning By-Law #24 the required front yard set back distance has to be a minimum of 30 ft. He stated that Mr. Tanner has proposed to reduce it to 5 ft. He that the provision to grant a variance comes from Section 30 of the By-Law which states "Council is empowered to grant a variance to the required setback wherein its judgement the public convenience and welfare will be substantially served or the use of neighbouring properties will not be significantly or permanently affected". He stated that it is not possible to put a garage at the rear of the house in this instance due to a steep slope behind the house. He stated that it would be less obtrusive at the front of the property. He stated that the Department of Transportation has reviewed the proposal in relation to its safety standards and has stated that they have no objections.

QUESTIONS FROM COUNCIL

Warden Lichter asked if the neighbours had been notified.

Mr. Morgan stated that they had been notified and there were no objections.

Mr. Crooks stated that under By-Law #24 notification is given to the surrounding owners but there is no hearing process.

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

"THAT THE APPLICATION BY FRED TANNER TO ALLOW FOR A REDUCTION TO THE FRONT YARD SETBACK REQUIREMENT ESTABLISHED UNDER ZONING BY-LAW #24 IN ORDER TO ACCOMMODATE A GARAGE ON HIS PROPERTY AT 29 BRENNAN'S BRANCH ROAD IN PROSPECT BAY BE APPROVED"

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Interest Rates Charged on Outstanding Taxes

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

"THAT THE INTEREST RATES ON OUTSTANDING TAXES BE REDUCED FROM 15% TO 12% EFFECTIVE JANUARY 2, 1992 AND FURTHER THAT INTEREST RATES FOR CAPITAL CHARGES AND STREET PAVING REMAIN AT 11% WHICH IS BASED ON THE AVERAGE DEBT CHARGE RATE OF THE PROJECTS"

MOTION CARRIEDTemporary Borrowing Resolution

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

"THAT THE TEMPORARY BORROWING RESOLUTION 91-13 - MILL COVE TREATMENT PLANT IN THE AMOUNT OF \$200,000. BE APPROVED"

MOTION CARRIEDCapital Grant Requests

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

"THAT DISTRICT CAPITAL GRANT - DISTRICT #3 IN THE AMOUNT OF \$1,000.00 FOR BASKETBALL STANDARD - LAKESIDE SCHOOL BE APPROVED

THAT DISTRICT PARKLAND GRANT - DISTRICT #24 IN THE AMOUNT OF \$1,600.00 FOR LANDSCAPING - MEL BRAINE PLAYFIELD BE APPROVED

THAT DISTRICT PARKLAND GRANT - DISTRICT #25 IN THE AMOUNT OF \$1,000.00 FOR FUNDING TOWARDS PLAYGROUND EQUIPMENT FOR COLONEL JOHN STEWART ELEMENTARY SCHOOL BE APPROVED"

MOTION CARRIEDSUPPLEMENTARY EXECUTIVE COMMITTEE REPORTStructural Relationship - Council and Boards of Management - Rehab Centre - Ocean View Manor

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

"THAT COUNCIL AUTHORIZE THE CHIEF ADMINISTRATIVE

OFFICER TO CONDUCT A REVIEW OF THE ABOVE NOTED SUBJECT AND PROVIDE A REPORT DETAILING CONCLUSIONS AND RECOMMENDATIONS RESULTING FROM THE EXAMINATION"

Councillor Cooper stated that the status of the employees and reporting relationships of these two institutions should be looked at but he has some question as to the direction that is being sought with regards to the Chief Administrative Officer's office. He stated that the Boards of these particular institutions are in place to run the facility, decide policy and recommend budgets as well as work with the administrators of the facilities. He stated that the Chief Administrators Office as an advisory and regulatory function under the direction of Council should be the direction to be studied.

Mr. Meech stated that there is some ambiguity and this review would clarify the situation such as whether or not overall County policies apply to the Rehab Centre and Ocean View Manor.

Warden Lichter stated that once the study is undertaken and a report comes back to council then council will have an opportunity to determine whether or not it wants to create the type of relationship it might recommend.

MOTION CARRIED

TENDER - SET ASIDE PROGRAM - CHERRYBROOK WATER INSTALLATION

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

"THAT A TENDER FOR THE SET ASIDE PROGRAM, CHERRYBROOK WATER INSTALLATION BE AWARDED TO COLONEL CONTRACTING IN THE AMOUNT OF \$318,102.44 BE APPROVED"

MOTION CARRIED

Councillor Meade asked if there was any warranty on this project.

Mr. Meech stated that there is the normal hold back of 10% that would apply to any capital project.

URBAN SERVICES COMMITTEE REPORT

Water Utility Five Year Capital Works Plan

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

"THAT COUNCIL APPROVE THE ADOPTION OF THE FIVE YEAR CAPITAL WORKS PROJECTIONS REQUIRED BY THE WATER UTILITY, AS OUTLINED IN THE WATER SUPPLY STAGING

REPORT, AND THAT THE ASSOCIATED COSTS BE USED TO PROCEED WITH THE RATE REVIEW AND FURTHER THAT THE CONSULTANT COMPONENT BE TENDERED"

Councillor Rankin stated that he had met with Mr. Wdowiak and Mr. Brothers with regards to the consultant component of the project. He stated that he supported the project in principle. He stated that his question was with the contract process. He stated that it was supported at the Urban Services Committee but had very little time to do any analysis of the cost of the consultant component of the contract. He stated that he felt that council should be aware that 6.6% of the contract translates into \$400,000. without tender if the motion was approved as is. He stated that he feels confident that other firms such as Porter Dillon and UMA Group are as competent. He stated that you have to demonstrate to the public that the process is fair.

Warden Lichter stated that Councillor Rankin could add an amendment stating that Council approves the Capital Project with the stipulation that the consultant work be tendered.

Mr. Meech stated that what was being proposed was single sourcing the consultants because of the background expertise and knowledge CBCL had of the County Water Utility system and the Metropolitan Water Utility system. He stated that the fact that this firm did the preliminary study and has the expertise and knowledge in terms of the Water Utility system in the overall Metropolitan area he had asked staff to get a proposal from CBCL and review it and indicate whether or not it was a reasonable proposal on the basis that it had not been tendered on a competitive basis. He stated that staff would take direction from Council.

Mr. Meech stated that it is not unusual in projects of this type where the consultant selected to do the preliminary study is also appointed to do the final design. He stated that both Porter Dillon and UMA have received work on the same basis when they have been successful on the original studies.

Councillor Merrigan asked if the cost of this project was to be borne by the Water Utility.

Warden Lichter replied that it was.

Councillor Holland asked if the preliminary work was tendered.

Mr. Meech stated that it had not been tendered.

Councillor Bates stated that he agreed with the concerns expressed by Councillor Rankin. He stated that whenever possible these large projects should be tendered.

MOTION CARRIED

Water Utility Capital Works Construction

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

"THAT COUNCIL APPROVE THE IMPLEMENTATION OF OPTION 8, PHASE 1 OF THE CAPITAL WORKS PLAN AT AN ESTIMATED COST OF \$6,000,000."

MOTION CARRIEDRESOLUTION - COMMITTEE OF THE WHOLE COUNCIL

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

"THAT COUNCIL MEMBERS TOUR THE ATLANTIC CANADA AVIATION MUSEUM IN THE SUMMER ON AN INVITATION; FURTHER THAT A LETTER BE FORWARDED TO THE PREMIER WITH REGARD TO INDUSTRY, TRADE AND TECHNOLOGY FOR STUDENT FUNDING; THAT A LETTER BE FORWARDED TO THE FEDERAL AVIATION REQUESTING HANGAR SPACE AND; THAT A LETTER BE FORWARDED TO THE DEPARTMENT OF TOURISM TO REQUEST IMPROVED HIGHWAY SIGNAGE RESPECTING THE MUSEUM"

MOTION CARRIEDPOLICE COMMITTEE REPORT

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

"THAT COUNCIL FORWARD A REQUEST TO THE SOLICITOR GENERAL'S DEPARTMENT ASKING FOR AN ADDITIONAL POLICING REQUIREMENT OF 15 PERSON YEARS TO SERVE HALIFAX COUNTY"

Councillor Boutilier asked where these police officers would be located.

Warden Lichter stated that at a future date the Police Committee and Council would determine where these extra police officers would go. He stated that the motion did not specify funding. He stated that the funding would be on the same cost share basis as it is at present - 65% from the general budget and 35% from the area rates.

Councillor Ball asked if the County could look at District 5 being policed by the Halifax City police.

Mr. Meech stated that he would get the information that Councillor Ball was requesting.

Councillor Brill stated that a minimum of 5 is required for Sackville. He stated that the police in Sackville are working four twelve hour watches and 5 additional officers would provide 1 additional person on each shift and 1 officer as a Crime Prevention Officer.

Mr. Meech stated that Chief Superintendent Burchill had indicated that there is an immediate need for 10 just for Sackville and Cole Harbour offices. He stated that based on need the Police Committee and RCMP would determine where the additional officers would be allocated.

Councillor Bayers asked what the cost would be for the additional 15 officers.

Warden Lichter stated that it would be approximately \$1.1 million dollars per year.

Councillor Richards stated that many questions raised by the members of Council were addressed at the Police Committee meeting. He stated that although an additional 15 police officers are being requested, the County is not committed to take on all 15 officers. He stated that the process to get an additional police officer is a stepped process whereby first the County must make the request to the Provincial Government and from there to the Federal Government. He stated that at the RCMP, in order for them to make available any additional officers, there is a planning process as they do not have a reserve of officers available. He stated that in terms of distribution of officers it would appear that the detachments of Sackville and Cole Harbour have the greater due to their population and crime base statistics as compared to the current number of officers in place. He stated that the Police Committee along with RCMP personnel are prepared to make whatever recommendations Council deems necessary in order to decide where these officers be placed. He stated that there has not been a final decision as to where these officers will go at this time.

Councillor Merrigan stated that policing is not Council's jurisdiction and should not be the Council's responsibility and he could not support the motion.

Councillor Holland stated that if the County was looking at having Halifax City policing District 5 then he would also like to have District 4 included in any proposal.

Mr. Meech stated that the province is paying the bulk of the RCMP cost so there wouldn't be a comparison in terms of costs. He stated that the reason the Halifax City police were being looked at with regards to District 5 is due to its geographical location.

Councillor Bayers stated that District 10 is understrength by 1 and they have an additional requirement for district policing not enhanced. He stated that statistics show that crime per capita is the greatest in District 10.

Warden Lichter stated that if the County wants the additional 15 police officers then the County will be paying for them. He stated that Chief Superintendent Burchill had indicated that if at budget time the County cannot afford the 15 they would not have to be accepted.

Mr. Meech stated the reason why Halifax County was being asked to consider this now and make the request is because the Federal Government needs to know in order to do their budgeting. He stated that if Halifax County does not ask now there is the risk that if Halifax County decided in May or June that it needed the additional personnel they may not be available.

Councillor Bayers stated that the cost, for budgeting reasons, should be looked at before Halifax County asks for them. He stated that if the government needs this information before they do their budget then Halifax County should know where these extra police are going to go before it does it's budget. He stated that the councillors from the districts where these extra police are going to go should have a chance to take it to their people to see if they are in favour of paying extra for policing. He stated that they may not be willing to pay for extra policing.

Councillor Boutilier stated he has concerns with regards to the amount of money involved.

Councillor Brill stated that maybe the motion should be reworded to say "In Principle". He stated he felt the Police Committee has acted wisely and there is no commitment until it is fully discussed and the option is Halifax County's to say yes or no if it so wishes.

Councillor Bates asked if the County has assumed, without asking the Province or the Federal government, that they will not provide the number of police officers required. He stated that it doesn't appear that the county has put the proposal to either the Provincial or Federal government that we need additional police officers.

Mr. Meech stated that this is totally a Municipal responsibility and the money will end up coming out of the general budget.

MOTION DEFEATED

8 IN FAVOUR
11 AGAINST

Councillor Richards stated that it is unfortunate that the motion was defeated. He stated that he felt it is worth noting that in all the statistics that was available to all council members there is a demand for additional officers. He stated that he has heard from members of council from different areas saying that the County has to do more in terms of providing better service to the public on a policing issue. He stated that from a budget perspective this request did not bind Halifax County but merely started a process.

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

"THAT HALIFAX COUNTY SENT A REQUEST TO THE SOLICITOR GENERAL FOR THE PROVINCE TO REQUEST AN ADDITIONAL 10 PERSON YEARS TO SERVE HALIFAX COUNTY"

Councillor Richards stated that this request does not come with a dollar figure because the County is not bound by the ultimate cost. He stated that this motion is asking the Province of Nova Scotia through the Solicitor General's department to fund us 10 additional officers.

Councillor Merrigan stated that he felt that this issue should be referred to budget time.

Councillor Ball stated that all that is being asked is to approve something in principle to allow the process to go through. He stated that the County has not entered into a contract but are negotiating. He stated that negotiations can break down at price. He stated that if the resolution is not passed there is not even anything on the table to negotiate.

Mr. Meech stated that his understanding is that this request is needed now in order that it can be submitted with the police budget and the County has until April 1, 1992 to say whether or not it will make the financial commitment.

MOTION CARRIED

REQUEST - ROAD NAME CHANGES

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

"THAT A REQUEST BE SENT TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS REQUESTING THAT THE ROAD COMMONLY CALLED "THE OLD GLENMORE ROAD" BE CHANGED TO "MAPLE DRIVE" AND FURTHER THAT THE ROAD COMMONLY CALLED "COOPERS CORNER" BE CHANGED TO "THE SIBLEY ROAD"

Councillor Richards asked if the County is entering into any kind of a commitment for funding and/or paying for the signs.

Councillor Taylor stated that he had been informed by the Minister that the Department of Transportation and Communications would provide the funding.

MOTION CARRIED

TWO VOLUNTEERS - COMMUNICATIONS COMMITTEE

Councillor Ball volunteered to be a member of the Communications Committee.

MUNICIPAL FOCUS

Warden Lichter stated that he had brought this issue to Council's attention to ask whether or not Council would wish to have the Communications Committee and staff begin on an issue of the Municipal Focus to be distributed in May, 1992. He stated that the public has indicated that they want tax dollars to be carefully watched and may consider an issue of the newsletter to be not a prudent action.

Councillor Ball stated that the Municipal Focus gives people of the things that are going on in the Municipality and they look forward to it.

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

"THAT THE NEXT ISSUE OF THE MUNICIPAL FOCUS BE PREPARED"

Councillor Meade asked what cost was involved with publishing an issue of the Municipal Focus.

Warden Lichter stated that the estimated cost is \$6,700.00 for 45,000 copies. He stated that this cost includes printing and mailing.

MOTION DEFEATED

9 IN FAVOUR
10 AGAINST

COUNCILLOR BALL SERVED NOTICE OF MOTION OF RECONSIDERATION TO HAVE THIS ISSUE DISCUSSED AT THE END OF THE COUNCIL SESSION.

APPLICATION FOR LEAVE TO APPEAL - HALIFAX COUNTY VS. MASKINE AND GHOSN

Mr. Crooks stated that pursuant to the instructions of Council an application for leave to appeal was made to the court of appeal in respect of the December 20, 1991 and order of the Municipal Board. He stated that the application was heard by the Court and

an oral decision rendered granting leave to appeal. He stated that the court will hear argument on the merits of the appeal. He stated that the courts stayed the order of the Municipal Board pending disposition of the appeal.

COUNCILLOR MCINROY DECLARED A CONFLICT OF INTEREST.

Deputy Warden Sutherland stated that he would like to thank Council for their support.

RATING - POLICE COMMITTEE, AUDIT COMMITTEE

Warden Lichter stated that he had asked the Solicitor to take a look at the above committees to see if they can be rated. He stated that he was informed that these committees can be rated and as a result Council has to apply to the Wage Restraint Board for permission to do this.

Warden Lichter stated that his recommendation is that the eight councillors that members of the Police Committee be rated "Committee B" and the Audit Committee be rated "Committee C".

It was moved by councillor Deveaux, seconded by Councillor Richards:

"THAT THE POLICE COMMITTEE BE RATED COMMITTEE B"

MOTION CARRIED

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

"THAT THE AUDIT COMMITTEE BE RATED COMMITTEE C"

Councillor Bates asked Mr. Meech if this was a financial planning committee.

Mr. Meech stated that the Audit Committee would be involved with sitting down with the external auditors and reviewing their findings as to where things have not been followed in accordance with policy. He stated that it is not a committee that is going to be given any responsibility to prepare budgets.

Councillor Cooper stated that he felt that the task facing the Audit Committee may be understated at the present time. He stated that he feels that they will have a burden looking at procedures and recommending any changes.

Warden Lichter stated that Council always has the option to re-rate.

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR RANDALL

Councillor Randall stated that a letter and petition was submitted in April of the previous year by the residents of Conrod Beach Road in Lower East Chezzetcook to the Minister of Transportation and Communications asking for upgrading of that road. He stated that they have never received a reply.

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

"THAT THE COPY OF THE LETTER AND PETITION BE FORWARDED TO THE MINISTER OF TRANSPORTATION AND COMMUNICATIONS WITH A COVERING LETTER REQUESTING THAT AT LEAST 1.1 KM. ALONG THE CONROD BEACH ROAD BE UPGRADED THIS YEAR AND THAT FUNDING BE PROVIDED FOR THAT PURPOSE. FURTHER THAT THE LETTER POINT OUT THAT THERE ARE NINE RESIDENCES AND THERE IS A HUGE INCREASE IN TRAFFIC DURING THE SPRING AND SUMMER MONTHS AND FURTHER THAT A COPY BE SENT TO THE MLA"

MOTION CARRIED

Councillor Randall stated that Traffic Division personnel have conducted a survey along the Gaetz Brook Village portion of the No. 7 Highway. He stated that with the recent opening of the new extension of the 107 there has been a decrease in traffic. He stated that the present speed zone through that area is 90 km.

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

"THAT A LETTER BE SENT TO THE MINISTER OF TRANSPORTATION AND COMMUNICATIONS ASKING FOR INFORMATION REGARDING THE RESULTS OF THE TRAFFIC SURVEY AND FURTHER THAT THE SPEED LIMIT BE REDUCED TO 70 KM. WITH A COPY OF THE LETTER TO BE SENT TO THE MLA FOR THE AREA"

MOTION CARRIEDDEPARTMENT OF TRANSPORTATION - COUNCILLOR BALL

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

"THAT HALIFAX COUNTY REQUEST THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS INVESTIGATE A SPEED ZONE REDUCTION FROM THE HALIFAX CITY LIMITS TO HEBERDINE DRIVE IN HERRING COVE WITH A COPY OF THE LETTER TO BE SENT TO THE MLA FOR THE AREA"

MOTION CARRIED

WEST SIDE BRIDGE - SHEET HARBOUR

Councillor Smiley stated that several residents of Sheet Harbour expressed concern to her about the safety of the West Side Bridge over Little West River. The approach to this bridge has a steep incline, was a very short bridge with a sharp 90 degree turn immediately after negotiating the bridge. She said the residents have difficulty in negotiating in poor weather conditions. The Department of Highways vehicle, a salt truck or a snowplow and an oil delivery truck as well as several individuals have ended up in the river or over the embankment trying to cross the bridge. She said she had been advised that on occasion the school bus would not even venture on the approach during icy conditions because there was a possibility of veering off on either side into the river or the embankment at the end of the bridge. Children have been asked to leave the bus and walk across the bridge and then get back on the bus again. This concerned Councillor Smiley and the community greatly.

She said she understood that when the road was constructed to the Marine Industrial Park and dock, there was the intent to connect the west side of Sheet Harbour to what is now known as the Marine Parkway. This option would be desirable as it would be less expensive than rebuilding the West Side Road and the bridge to make it safe for the residents and their children. The delay and indecision has gone on long enough.

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

"THAT A LETTER BE SENT TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS, WITH A COPY TO THE DEPUTY PREMIER, HONOURABLE TOM MACINNIS, INQUIRING AS TO THE INTENTION OF THE DEPARTMENT CONCERNING IMPROVEMENTS TO THE BRIDGE APPROACHES OR WHETHER THEY INTEND TO CONSTRUCT AN ACCESS ROAD TO THE WEST SIDE OF SHEET HARBOUR FROM THE MARINE GATEWAY".

MOTION CARRIED.REPORTS - EASTERN SHORE MAINSTREET AND SACKVILLE MAINSTREET

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

"THAT THE REPORTS BE RECEIVED"

MOTION CARRIEDJ.L. ILSLEY HIGH SCHOOL

Councillor Ball stated that it was one year ago when the J.L. Ilsley situation regarding funding and the future of the students

at the school. He stated that at that time there was monies allocated to resolve for one year. He stated that a Committee was to be struck to investigate the future possibility of the three local school boards sharing the facilities.

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

"THAT LETTERS BE FORWARDED TO THE DISTRICT SCHOOL BOARD AND THE MINISTER OF EDUCATION TO REQUEST INFORMATION RESPECTING THE CURRENT STATUS AND FUTURE OF STUDENTS FROM HERRING COVE AND DISTRICT 5 ATTENDING J. L. ILSLEY HIGH SCHOOL AND ADDITIONALLY TO REQUEST THE STATUS OF THE COMMITTEE ESTABLISHED TO INVESTIGATE THE ISSUE OF HALIFAX COUNTY STUDENTS ATTENDING J. L. ILSLEY HIGH SCHOOL WITH COPIES TO BE FORWARDED TO AREA MLA"

MOTION CARRIED

PRIVATE LANES - EASTERN PASSAGE

Councillor Deveaux stated that private lanes have been a sore spot in his area for a number of years. On a number of occasions he had tried to do something with them. In years gone by, some of them were taken over and the some of the costs of upgrading to highway specifications were covered by the Department of Highways; however, he understood that this policy has now been abolished.

Mr. Meech stated there had been a practice in the past to cost share but they were no longer doing it.

Councillor Deveaux said that not only his area but Timberlea as well, had more private lanes than any other district in Halifax County and they were both in the urban area. He said that a number of years ago he had used some area rate dollars from another source to try to help the people on some of these private lanes but when it came to the attention of some of the other residents, he had to call a halt to the operation. He said he had always maintained that people living on private lanes paid taxes - income tax, provincial income tax, and were paying to upgrade and pave and do whatever else to normal highway streets but never receive the service themselves. He said that one problem today was that new residents move in, duplexes built, and, of course, they become aware of the fact that these services are not provided. He said that along those lines one gentleman in his area had approached the Warden during the last snowstorm and was quite irate. As well, a letter had been received by Mr. Wdowiak from a Mrs. Smith from his area. As a result of that, he said he would like to put forward a motion that was part of the letter which was written to Mr. Wdowiak regarding the situation.

He said that over the past couple years, it has been the practice of the Highway Department to start tendering out some areas to be

plowed rather than use their own system. Along those lines, he said he wanted to put forward a motion.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION AND COMMUNICATIONS, WITH COPY TO THE MLA FOR COLE HARBOUR AND THE MLA FOR TIMBERLEA, SEEKING THE POSSIBILITY OF THE DEPARTMENT PROVIDING, AS A MINIMUM, SNOWPLOWING AND/OR OTHER MAINTENANCE SERVICES TO THE PRIVATE LANES IN EASTERN PASSAGE AND BEECHVILLE/LAKESIDE/TIMBERLEA AREAS BASED ON THE FACT THAT THE DEPARTMENT MAY BE CONSIDERING CONTRACTING SERVICES SUCH AS SNOWPLOWING, THEREBY IT MAY BE POSSIBLE THAT THE EQUIPMENT USED WOULD BE ABLE TO MANOEUVRE ON PRIVATE LANES".

Councillor Rankin stated he had experienced the frustration from the affected property owners on at least some six or seven streets in a short distance of several hundred yards. This has evolved over generations through no fault of their own. He said if they do not get response from the provincial government - they have not to date had response - then the County would need to take the lead to try to urge some kind of rational plan, at least for snow removal. He said that while it may not reach the present standards of the Department of Transportation, for many of these roads it does not prevent the Department to at least go in and plow them, not on a courtesy basis - which is the system now - but on a rational service basis.

Councillor Merrigan stated there were two or three private roads in Beaver Bank now which the Department of Transportation was plowing on a courtesy basis and he did not want his area to be stopped all of a sudden; therefore, he suggested that the motion include private roads and private lanes in Halifax County.

Councillor Deveaux stated that, as he indicated earlier, if some are being done somewhere, then good luck to them - he would not want to rock the boat - he just wanted to get them done. The fact that his area and Timberlea have been problem areas for a number of years, he stated he would appreciate Council supporting the motion as is. If the Department of Transportation does agree with this, he could not see any problem with going after them for other areas of the County.

Councillor Merrigan felt there should be an amendment to the motion because he felt it was very inconsiderate as the motion stated a request for help in the two areas and there was no concern for the other areas. By not including in Halifax County, there were a lot of private lanes and roads throughout Halifax County and if the motion were approved to do the two areas, then Council would be inferring it was not requested in the other areas. He said he

could not afford that motion.

Mr. Meech asked, for clarification, if Councillor Merrigan had indicated that the private lanes in his area were getting it as a courtesy service. Councillor Merrigan stated yes. Mr. Meech stated that the problem was that there was no service in Eastern Passage, even on a courtesy basis, and that was the problem.

Councillor Meade said there were approximately a dozen private lanes and roads in St. Margarets Bay and four years ago they stopped plowing them. He said there was a Conservative MLA down his way and he did not know if Councillor Merrigan's MLA was Conservative or not. He said he would like to have Halifax County included in the motion because he has received numerous calls. He said he would be voting against the motion because it did not include all of Halifax County.

Deputy Warden Sutherland called for the question on the motion.

MOTION CARRIED.

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

"THAT A LETTER BE SENT TO THE MINISTER, DEPARTMENT OF TRANSPORTATION AND COMMUNICATION, AND THE MLA FOR THE AREA REQUESTING PAVING OF THE FOLLOWING STREETS IN DISTRICT 10: LITTLE RIVER DRIVE, SLADE CRESCENT AND MYERS DRIVE, MUSQUODOBOIT HARBOUR; FAULKNER DRIVE, WEST JEDDORE; ALVIVA DRIVE, MYERS POINT; AND SOUTH WEST COVE ROAD, DEBAYS COVE"

MOTION CARRIED

It was moved by councillor Fralick, seconded by Councillor Holland:

"THAT A LETTER BE SENT TO THE DEPARTMENT OF TRANSPORTATION ASKING IF THERE IS ADEQUATE EQUIPMENT TO COVER THE SANDING AND SALTING OF HIGHWAY NO. 333 HIGHWAY 3 AND 103"

MOTION CARRIED

ADDITION OF ITEMS TO THE FEBRUARY 4, 1992 COUNCIL SESSION

Department of Transportation - Councillor Cooper

Report for February 18, 1992 Council Session - Status of Set Aside Program - Councillor Cooper

Canadian Constitution - Councillor Richards

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MT&T Service to Mushaboom - Councillor Smiley

Paving - District 5 - Councillor Ball

MOTION OF RECONSIDERATION RE: MUNICIPAL FOCUS - COUNCILLOR BALL

The motion of reconsideration was defeated by a vote of 9 in favour and 10 against.

Councillor Ball stated that a large part of the role of the Communications Committee was putting the Municipal Focus together on a semi annual basis. As a result of the Municipal Focus not being published he did not see the need for the Communications Committee.

EMO

Warden Lichter stated that Mr. Turpin, Fire Services Officer, had informed him that Councillor Peters would not be attending the EMO course and asked if there anybody who wished to go in her place.

No Council member wished to take the course at this time.

IN-CAMERA ITEM

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

"THAT COUNCIL MOVE IN-CAMERA"

MOTION CARRIED

IT WAS AGREED TO MOVE OUT OF CAMERA

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

"THAT ITEM NUMBER 1 TO 7 BE WRITTEN INTO CONTRACT FORM"

MOTION CARRIED

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

"THAT COUNCIL APPROVE OPTION 2: 7-8 WEEKENDS AND 2 WEEKS LEAVE PER ANNUM AND ANY ADDITION SHOULD COME OUT OF MR. MEECHS VACATION LEAVE. THE COST TO THE MUNICIPALITY BEING A MAXIMUM OF \$8,000.00 PER ANNUM AND MR. MEECH AGREEING TO REMAIN AS AN EMPLOYEE OF HALIFAX COUNTY FOR 3 ADDITIONAL YEARS AFTER SUCCESSFUL COMPLETION OF THE COURSE. FURTHER, IF HE DOES NOT COMPLETE THE COURSE OR LEAVES HALIFAX COUNTY EMPLOY PRIOR TO THE 3 YEARS AFTER COMPLETION OF THE COURSE HE WILL BE REQUIRED TO REPAY HALIFAX COUNTY ON A PRO RATED BASIS THE PORTION OF THESE

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FUNDS AND FURTHER BEING SUBJECT TO MR. CROOKS VERIFYING THAT THE AGREEMENT DOES NOT HAVE TO BE SUBMITTED TO THE WAGE RESTRAINT BOARD"

MOTION CARRIED

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

"THAT THE WARDEN BE AUTHORIZED TO HAVE THE CONTRACT DRAWN UP AND SIGNED"

MOTION CARRIED

ADJOURNMENT

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

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

January 13, 1992

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

ALSO PRESENT: G. J. Kelly, Municipal Clerk
F. Crooks, Municipal Solicitor

REGRETS: Councillor Rankin
Councillor Ball
Councillor Randall
Councillor Peters
Councillor Boutilier

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The meeting was called to order at 7:00 p.m.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY".

MOTION CARRIED

1. ZA-LM-51-91 - Application by the Municipality to amend the
Land Use By-Law for North Preston, Lake Major, Lake Loon/Cherry
Brook and East Preston in order to establish serviced lot
standards for community facility and commercial uses within the

rural settlement (RS1) zone.

Jim Donovan presented the report. He stated that the application is an application by the Municipality to amend the Land Use By-Law for the communities of North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston in order to establish serviced lot size requirements within the communities for community facility and commercial uses within the RS1 - rural settlement zone.

He stated that in 1989 central water and sewer services were installed in the community of North Preston and installation of these services permit development to proceed on the basis of lot sizes which are smaller than the lot sizes required for on site septic systems. He stated that the present requirements of the rural settlement zone which applies to the communities of North Preston contain both serviced and unserviced lot size requirements however these service requirements only apply to residential use at the present time although the zone itself permits commercial and institutional uses as well.

He stated that applicants who come in with a commercial development proposal must satisfy the larger and more restricted lot size requirements that existed prior to the time services were installed. He stated that the amendments outlined in the appendix are intended to establish development standards for commercial and community facility uses. He stated they are to establish a 6,000 sq. ft. lot size requirement for commercial uses and 10,000 sq. ft. lot for community facilities which are permitted in the zone. He stated that these amendments have been considered and recommended through the Planning Review Committee process and are being brought forward at this time in order to get these standards in place as soon as possible.

He stated that these standards are consistent with the planning strategy policies with respect to services in North Preston as well as the promotion of commercial development within the community.

SPEAKERS IN FAVOUR

None

SPEAKERS AGAINST

None

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

"THAT THE AMENDMENTS IN APPENDIX "A" OF THE LAND USE BY-LAW FOR NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON, TO PERMIT COMMUNITY USES AND

COMMERCIAL DEVELOPMENT ON THE BASIS OF SERVICED LOT SIZES IN NORTH PRESTON BE APPROVED".

MOTION CARRIED

2. RA-SA-08-91-22 - Application By Joanne Hamm to rezone 30 Riverside Drive from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone and to permit a house addition within 100 feet of the Little Sackville River by Development Agreement.

A staff report was presented by Kurt Pyle. He stated that an application has been made by Joanne Hamm of 30 Riverside Drive in Sackville to rezone her property from R-1 to R-2 in order to permit an existing basement apartment.

He stated that the property is situated partly within the urban residential designation and partly within the community facilities designation however the property is zoned entirely R-1.

He stated that the intent of the urban residential designation is to support the existing single unit dwelling environment with its associated community uses and to provide for a housing mix. He stated that Policy P31 recognizes that opportunities exist for a housing mix in the R-1 zone. He stated that in order to facilitate the intent of the planning strategy, with regard to providing a housing mix, two unit residential dwellings may be considered by rezoning if they are in a location and scale not inconsistent with existing neighbourhoods.

He stated that the second unit was in the basement of the dwelling and will not require any exterior changes to the building. He stated that with regards to Municipal services, land use controls and site suitability the presence of a second unit does not pose any significant concerns. He stated that in the opinion of staff the proposed rezoning is consistent with the intent of the planning strategy and will not have a negative effect on the surrounding properties due to the existence of a number of R-2 and R-4 zoned uses within the immediate area.

SPEAKERS IN FAVOUR

None

SPEAKERS AGAINST

None

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

"THAT THE APPLICATION BY JOANNE HAMM TO REZONE 30 BE

RIVERSIDE DRIVE FROM R-1 TO R-2 TO PERMIT A BASEMENT
APARTMENT BE APPROVED BY COUNCIL".

Councillor Bayers asked if this had been recommended from the
Community Committee.

Deputy Warden Sutherland stated that there was no objection to
the recommendation.

MOTION CARRIED

ADJOURNMENT

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

"THAT THE PUBLIC HEARING BE ADJOURNED".

MOTION CARRIED

PUBLIC HEARING

JANUARY 20, 1992

PRESENT: Warden Lichter
 Councillor Meade
 Councillor Rankin
 Councillor Holland
 Councillor Ball
 Councillor Randall
 Councillor Bayers
 Councillor Smiley
 Councillor Taylor
 Councillor Brill
 Councillor Giffin
 Councillor MacDonald
 Councillor Boutilier
 Councillor Harvey
 Deputy Warden Sutherland
 Councillor Richards
 Councillor McInroy
 Councillor Cooper

ALSO PRESENT: K. Meech, Chief Administrative Officer
 F. Crooks, Municipal Solicitor
 B. Butler, Acting Director, Planning &
 Development

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CALL TO ORDER

The meeting was opened at 7:00 p.m. with the Lord's Prayer at the Halifax County/Bedford District School Board Meeting Room, 267 Cobequid Road, Sackville. The Recording Secretary called the roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT SANDRA SHUTE BE APPOINTED RECORDING SECRETARY".

MOTION CARRIED.

PA-SA-25-91 & ZAP-SA-35-91 - Application by the Municipality of the County of Halifax to amend the Sackville Municipal Planning Strategy and Land Use By-law so as to require multiple unit residential development within the Commercial Core Designation to be considered by Development Agreement.

The Staff Report was presented by Bill Butler, Acting Director, Planning & Development who advised that the amendments to be considered were basically intended to provide a greater degree of planning control over the development of apartment buildings within the Commercial Core Designation of the Sackville plan area. He

indicated the commercial core designation as the brown area on the map which he had provided. He said that the amendments themselves were prompted in large measure by the development which was occurring, as well as being planned, on the lands owned by Sackville Manor which were situated within this designation at the approximate location of the 101 Highway and Beaverbank connection. He advised that the site was 32 acres and referred to Map 3, page 7 of the October 7, 1991 Staff Report and explained what was being developed or planned.

Mr. Butler said that there were four lots either built on or under construction at the present time, totaling 131 dwelling units, at lots 3, 4, 5 and 6 on Map 3. Lot 7 was an approved lot for which there is a development permit for 62 units. Lots 8, 9, 10, 11 and 12 on Map 3, and three additional lots on the other side of Lot 13 not shown on the map have been submitted for subdivision approval. Lot 13 is parkland property which the Municipality now owns. In total the eight lots, for which subdivision approval and development permits were being sought, would add another 370 dwelling units.

Mr. Butler said that the C-3 zone itself applied to the property would, at maximum density, permit approximately 900 units. 28 units per acre was what the C-3 zone would permit. That, however, cannot be sustained by the sewage system in the area and there have been on-going negotiations for some time between the Engineering Department and the applicants and, at the present time, the Engineering Department was satisfied that there is capacity within the sewer system for approximately 560 units. The Planning Department, however, has concerns that the scale and density of the development being proposed would exceed the capability of other services within the community and that the final result of that number of units on that size property would not be of benefit to either the larger community or the residents who would actually live in that environment itself.

Mr. Butler stated that a review of the Sackville Plan indicates that the commercial core designation was intended to be the central focal area of the Sackville community and, as such, the C-3 zoning would apply to a fairly wide range of uses, by right, ranging from office uses, retail uses, high density residential uses and institutional uses. The intent was to permit the wide range of activities that hopefully would make this "Sackville Downtown". The Plan adopted in 1982 called for the preparation of a secondary plan for this portion of Sackville, recognizing its importance to the community; however, resources have not been available subsequent to the adoption of the Plan to carry on that secondary plan. In 1988, amendments to the Plan were approved, largely initiated by the imminent development of the former Sackville Downs property by the Sobeys group. The amendments basically established the provision for Council to establish a Comprehensive Development District within this designation which would provide the mechanism

for the Municipality and private landowners to achieve an innovative and coordinated type of development in the area. A review of the Plan, in the opinion of Staff, indicates that the emphasis within the commercial core designation was, in fact, on commercial office development, with high density residential development basically being intended to play a more secondary role than was currently being proposed on the Sackville Manor property; that scale and density of development was not within the intent of the Sackville Plan.

With reference to the Sackville Plan Review process which has been underway for approximately four years, Mr. Butler stated there were two initiatives which have been forthcoming from that process to date which have some bearing on this application. The first would be to expand the commercial core designation to include all of Sackville Drive. At the present time, there is a commercial core designation and a general commercial designation. It is the intent to expand this to include the whole of Sackville Drive. Many of the same policies and regulations would apply within the expanded area. The second was to change the manner by which apartments would be considered within the enlarged commercial area. Rather than permit them by right, it was the intention, at this point of the Plan review process, to change the policy such that they would only be considered by Development Agreement. The basic intent was to be able to establish more control over the location of apartment buildings within this portion of the Municipality.

He said that this Development Agreement process, being considered through the Plan Review process, was an appropriate one for most of the larger properties within the existing core designation as well as within what was anticipated to be the larger commercial area; however, for larger properties such as that owned by Sackville Manor, as well as by Atlantic Shopping Centres, which have considerably larger acreage than is the norm, there is a significantly greater potential for apartment buildings to the point that individual Development Agreements for lots that may be subdivided will not provide a workable mechanism to consider the cumulative effects of a number of apartment buildings. For that reason, it was suggested that a more comprehensive approach, such as provided by the Comprehensive Development District mechanism, was the more appropriate one to follow. This would enable staff to address planning concerns such as open space and recreation areas, the adequacy of schools and other community services, traffic (the adequacy of the road network within and around the development of the site, storm drains), the design and scale of buildings, the mixture of uses and effective buffering between uses, landscaping provisions, pedestrian movement and safety.

He said the CDD approach that was being recommended would require the developer to provide the Municipality with an overall site plan which would be considered relative to the plan concerns just outlined; however, it was worth noting that if a Comprehensive

Development District was established on any property, it would replace the zoning and the only way to proceed would be through a Development Agreement - there was no "by right" development with a CDD. Because commercial development was permitted by the existing zoning at present and is in the primary intent of the Plan, the recommendation of staff was that the existing commercial development provisions continue to apply on the property and the requirement to apply for a Comprehensive Development District would only come into play for future apartment-related development. On all other properties within the commercial core designation, the smaller ones, there would be a requirement for individual Development Agreements.

Mr. Butler stated, in conclusion, that apartment development within the commercial core designation should continue to be supported but needs to be better regulated and controlled than at present. He said that staff believes the Comprehensive Development District approach for the two larger sites within the designation, as well as individual Development Agreements for smaller properties, is the appropriate means to achieve this objective. The specific amendments were outlined in Appendix "A" of the October 7, 1991 Staff Report and, subsequent to that, an Addendum Report dated December 2, 1991 recommended that two small changes be made to those amendments - to add a couple of properties owned by Sackville Manor to the list of properties identified and to make a change to the Zoning By-law such that any existing apartment buildings within the area would not become non-conforming uses.

QUESTIONS FROM COUNCIL

Councillor Boutilier said he wished to clarify the number of units. Mr. Butler advised that the total count would be 563 under construction, built or planned for Sackville Manor. As well, there was a lot next to the RCMP Station, owned by Atlantic Shopping Centres, which has been subdivided and has a development permit issued for 48 units. The total, therefore, would be 611 dwelling units.

Deputy Warden Sutherland stated that a misconception in the community and the media should be discussed, which was that it was being perceived that Council as a whole was not aware of the implications of the dual zoning on C-3 land and Council was not aware of the possibility or extent that R-2 development could continue on C-3 land.

Mr. Butler said that the C-3 zone was the broadest zone within Sackville in terms of the range of uses that it permits and, within the intent of the Plan, it was designed to accommodate the wide range of uses which were anticipated and hoped for as that area developed. In reading the Plan, however, he said he did not believe it suggested that the scale of high density residential development currently being planned on this one site was within

what was intended or anticipated when that particular zone was applied. There was no question that the uses are permitted but what has happened in recent months was not what was anticipated and that is why the amendments before Council were an issue.

Councillor Harvey referred to the lots for which permits have been applied for - Lots 7 to 12 and the three on the other side of Lot 13. He asked if those were beyond the scope of this amendment and if the amendment would impact on them in any way, as the permits have been applied for.

Mr. Butler responded that the permits for Lots 8, 9, 10, 11 and 12 plus the other three are subject to an appeal. The applicant has appealed the Municipality's failure to approve those lots as well as issue the development permits to the Nova Scotia Municipal Board; therefore, it is possible that if the amendments are approved and the applicant is successful before the Board, there is a possibility those units may be built.

Councillor Harvey said he wanted to confirm that permits have not been granted for those lots - it would depend on the appeal as to whether or not the amendments would apply. Mr. Butler said the amendments would apply whether or not the permits were issued as the amendments were intended to apply within the entire commercial core designation. If the applicant was successful in his appeal to the Board, for lack of a better term, it may be grandfathered to proceed with his intentions and it may not have the effect of requiring to get into the CDD that was being recommended.

Councillor MacDonald asked when the permit for Lot 7 had been issued. Mr. Butler replied it had been issued on December 4, 1991. Councillor MacDonald asked when the Public Hearing had been advertised and Mr. Butler replied December 5, 1991.

SPEAKERS IN FAVOUR

Mr. Paul Hyland advised he was speaking in favour of the Staff Report and the proposed amendments. He said he believed the Staff Report was complete and that it correctly identified the intent of the Plan. He said regretfully this was not in place at an earlier date but it was better than not having it at all. He thanked Council for coming to Sackville.

QUESTIONS FROM COUNCIL

None

SPEAKERS IN FAVOUR

Mr. John Holm, M.L.A. Sackville/Beaver Bank, echoed Mr. Hyland's comments regarding Council's welcome to Sackville. He said that he would like to add his support for the recommendation that was

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January 20, 1992

before Council. He said he had the privilege of working on the committee that Mr. Hyland chaired back in the mid 1980's and, since that period of time, in his opinion, the intent of the Plan to develop a core has been seen to be rapidly eroding away and, certainly, with the unrestricted development as was being proposed here, and as of now was by right with the development of the apartments, he believed a good portion of the Plan's viability would be in jeopardy. He urged Council to support the recommendation.

QUESTIONS FROM COUNCIL

None

SPEAKERS IN FAVOUR

Mr. Dave Francis, Meadowlands Subdivision, stated he lived right up around the corner from the proposed development. He said he spoke in favour of the proposal by Planning Department because the School District that the development was in happened to fall in with his School District which was already totally expanded beyond its capacity right now. If the apartments go ahead and families move in with children, there will not be any place to put the children except in overcrowded schools that already exist. Because of that primarily, he said he spoke in favour of the proposed changes so that a moratorium might be imposed so that all of the concerns plus the school problem, which he was worried about, could be considered seriously.

QUESTIONS FROM COUNCIL

None

SPEAKERS IN FAVOUR

Mr. Donald Rankin stated what he was concerned about was that which could be described as the fabric of a community and what specifically defined same. He said he was not quite sure that development such as was proposed fit in with what was wanted as the fabric of a community. Based on his experience in other cities in which he has lived, when development such as this was allowed, and certainly in the form that it is, social systems and support systems tend to deteriorate and, as a result, property values, quality of life and the type of things that people look for, tend to disappear. He said he thought this was part of the problem here - no matter what the best intentions of the developers were, in the long run what they perceive was not going to happen with that much apartment development concentrated in such a small area.

He said that, unfortunately, what it becomes was something that would not be desirable for those who live there and, although that type of housing was certainly needed in the community, not in that

concentrated form. The difficult thing was that if you speak to people in the community, this was not wanted and, unfortunately, to some degree, what it represented was carpetbagging in its sleaziest form and that was the bad part. He said he realized what was going to go on was legal and certainly people had a legal right to do things but he said that he thought this was the essence of what democracy was all about - the will of the people - and pretty clearly what was here was something that was not desired by the community as was voiced at the last public meeting that was held. He appreciated it was a tough decision for Council because he was supportive when somebody buys land and intends to profit from it, that was right they should; however, there was a much broader question - the question of value to the community.

QUESTIONS FROM COUNCIL

None

SPEAKERS IN FAVOUR

Mr. Ron Smallwood stated he had lived on the Old Sackville Road for approximately 20 years. He said his main concern was what would happen when so many people moved into such a small concentrated area with regard to traffic on the roads, who would bear the burden of the taxes if it was ascertained after the people are living there that the sewer system cannot take the strain. He acknowledged that surveys had been carried out which found that two or three people in a family would be all right; however, it never turned out that way - there was always somebody coming to visit or move in - it never seemed to work out. Instead of 500 people, there always seemed to be twice that amount. The school system, as far as he was concerned, was overburdened now. He referred to the traffic system and said there was only one access road to get in and out of the development. He said coming off the 101 was not allowed. As it was now, it was necessary to take one's life in one's hands to take a walk on the road even with the sidewalks. He remarked that a postal employee had put it to him one day that he referred to the area as the Gaza Strip. This was not nice when it was his own neighbourhood.

He agreed that, with the CDD, it was great that the community was to have input on what was going on in their own backyard. This was something that has not been done around here. He stated that nine out of ten people would say no to having an apartment building built in their back yard. He pointed out, however, that this was not just one apartment but many. He said he was thankful to be able to come and voice his opinion and hoped that things went in the right direction.

QUESTIONS FROM COUNCIL

None

SPEAKERS IN FAVOUR

Mr. Walter Regan, Sackville Rivers Association, stated that the Sackville Rivers Association was in favour of the amendment and very concerned that the construction was allowed to go ahead without a Topsoil Removal By-law. Also, concern was expressed that construction could go ahead with most of the Councillors in the area not knowing about it. He asked if it would be possible to have included in this amendment that, before a construction permit was permitted, the local Community Committee be involved. He asked if it was possible that anyone who builds an apartment complex of this size be made to maintain it for ten years instead of building and selling it for quick turnover. In that way, there would be a commitment to the community.

Warden Lichter stated that Mr. Regan had asked two questions and anticipated he expected answers. He said that the Councillors are involved and will be involved. He said, as he understood the amendments, a CDD Agreement will be required and that cannot be approved without involvement of the entire Council at a Public Hearing. With regard to selling the property quickly, Warden Lichter stated the answer was absolutely no - this was a free country and anybody can sell something they own.

QUESTIONS FROM COUNCIL

None

SPEAKERS IN FAVOUR

Mr. Jim Murphy, Old Sackville Road, spoke in favour of the amendment. He said there were not too many people in Sackville who would be speaking against the amendment because the project, if allowed to proceed, would have a very negative effect on Sackville with regard to the quality of life that Sackville residents have come to know. He said the school system has been taxed to the hilt for years and the project would have a negative impact on the sewer system, which is already taxed to the hilt. He said that with regard to recreation facilities, which Sackville has had very little of and has just recently come into its own, they would be taxed again with the influx of people who would be coming into the community. If Sackville continues down this road, it will be perceived as an undesirable community in which to live. He asked how business would be attracted as businesses would not want to come to a community which has a reputation for high density living, poor roads, inadequate schools and all the negative things that go with high density living. He said he could not see any good but he could appreciate where the developer was coming from. As someone else pointed out earlier, when a person buys land he has the right to make a profit but there was a broader perspective that needed to be looked at - the community as a whole.

He said he spoke in favour of the amendment and would like to see, at the very minimum, it go through. It was not enough but, at this particular point in time, was the best that could be hoped for.

QUESTIONS FROM COUNCIL

Councillor Harvey asked if Mr. Murphy would identify where he lived on page 7 of Staff Report. Mr. Murphy advised he lived approximately across from Lot 13.

Councillor Harvey asked if Mr. Murphy was aware that the lands behind him were zoned commercial in the 1982 Plan. Mr. Murphy responded that back in 1982, as a young naive resident, he was not too concerned with C-3 and it all did not mean much to him so he could not really say that he was at that particular time. He said he was led to believe when he purchased the house that this was all land that would eventually have single family homes on it.

Councillor Harvey asked how long Mr. Murphy had lived at that address. Mr. Murphy responded approximately 15 years.

Councillor Ball asked Mr. Murphy if he thought that high density development would not be conducive to commercial development. Mr. Murphy responded yes. Councillor Ball stated that his idea of going into business, if he was so inclined, would be the numbers game - the more people there are, the more marketability of the product. Mr. Murphy said that could be true in one sense but, in the broader term, any businessman would like to go into a community that was desirable to live in. If a businessman is going to get good people to work in his business, and the community cannot provide them because, first of all, good people do not want to settle in a community that has poor services, poor schools, poor sewer system, poor roads. Mr. Murphy asked what kind of people that would attract. Councillor Ball noted this makes Sackville sound very desolate. Mr. Murphy said that Sackville was heading down a road that did not look very pleasant at the moment.

SPEAKERS IN OPPOSITION

Mr. Robert Grant of the law firm, Stewart McKelvey Stirling Scales, stated he was appearing on behalf of Sackville Manor Limited. The written submission he had brought were distributed to Councillors as he requested.

Mr. Grant indicated that at the outset Sackville Manor Limited wished to object in the strongest possible manner to this proposal and the impact it has on its land. He said that their submission indicated it was entirely inappropriate for Council to consider this type of spot rezoning, a spot rezoning of the most despicable type. Sackville Manor Limited was formed in 1971 and has owned the 32 acres of land affected by this proposal since that time. Its Directors are all well-known businessmen in the metropolitan area -

John Fiske, Sam Walker, Eric McNerney and Charles MacIntosh. Mr. Fiske was probably the best known of the Directors for his development involvement as he has been involved in developing Cresthaven Subdivision, Rockingham Ridge, Quingate, Historic Properties, etc. He said Sackville Manor was backed by reputable businessmen and the remarks made this evening by several speakers who spoke in favour of the proposed amendment regarding carpetbagging in its sleaziest form are entirely inappropriate with respect to either his clients or the individuals who are developing the sites on their behalf. He said there was also a reference made to Gaza Strip and he stated that type of suggestion smacked of prejudice and strongly urged Council to disregard any sort of reference to that notion. He said that a number of speakers in favour of the proposal indicated that democracy was the will of the majority. That was true but not to be distorted; the fact remained that we are a society which recognizes, values and protects property rights and what Council was dealing with has a very severe impact on some vested property rights of his client. He suggested that the most important factor to consider was fairness to the developer.

Mr. Grant stated, as indicated before, that his client acquired the land in 1971 and has worked continuously since that time to develop, market and sell the land. Sackville Manor has had a number of potential sales for the property for commercial or other purposes fall through, most notably in 1981. Some may recall it was under Agreement of Purchase and Sale with Burnac Shopping Centres, which was going to develop a shopping centre on 30 acres. The purchaser obtained approval for the development but appeals to the Planning Appeals Board, as it then was, delayed the project sufficiently, the country headed into a recession and Burnac lost interest and did not pursue the deal. As far as Sackville Manor was concerned, the last ten years have been fraught with difficulties in developing and selling the site. In 1982, the Municipal Planning Strategy and Land Use By-law came into effect. It was clear that this site was to be zoned C-3 and that C-3 would permit certain types of commercial development as of right and also multiple unit residential development. In 1987, in reliance upon this provision in the By-law, his client invested approximately 1.5 million dollars in developing the infrastructure so that this site could be developed. They put in roads, sewer and water systems in reliance of the existing zoning. Despite that, it did not prompt further sales of the lots immediately and, in 1988, Sackville Manor approached County staff and inquired if it would be possible to develop the site for some other sort of residential purpose - not as apartment buildings or multiple unit residential dwellings but as single family dwellings, duplexes and town houses. At that time, Staff rebuffed Sackville Manor and indicated that in order to permit, it would be necessary for a Municipal Planning Strategy Amendment and no applications for such would be entertained prior to completion of the five-year Plan review.