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1. INVOCATION AND SWEARING IN CEREMONY – COUNCILLOR DAVID MERRIGAN

At 6:45 p.m., following the Invocation, Councillor Harvey welcomed Deputy Mayor John Cunningham who was in attendance to swear in Councillor David Merrigan as a Member of North West Community Council. Councillor Merrigan was newly elected for District 19 Upper Sackville – Beaver Bank.

The Swearing-In Ceremony took place.

Following the Swearing-In Ceremony, Deputy Mayor Cunningham advised of his delight in being able to attend the North West Community Council meeting being held in the Upper Sackville area. He was pleased to be able to visit this area of the Municipality but, however, indicated that although he would have liked to stay for the whole meeting, it was necessary for him to attend his own Community Council meeting for the Harbour East area.

2. Following a short recess, the remainder of the meeting began at approximately 7:00 p.m. There was agreement, however, to move 8.2 and 8.3 up above the Public Hearing.

3. CONSIDERATION OF DEFERRED BUSINESS

3.1 Re-Appointments to Bedford Waters Advisory Committee

This item was deferred at the meeting held on October 28, 1999.

A report from Bedford Waters Advisory Committee dated October 15, 1999 was before Community Council recommending the re-appointments of three citizens to Bedford Waters Advisory Committee. Bob Kerr, Vice-Chair, Bedford Waters Advisory Committee was in attendance for this item.

MOVED by Councillors Harvey and Merrigan that Brian Hoyle, Elizabeth Tucker and Lawrence White be re-appointed to the Bedford Waters Advisory Committee for a two-year term ending November, 2001.
MOTION PUT AND PASSED.

3.2 Paper Mill Lake – Lot Disturbance and Violations – Paper Mill Lake Development Agreement

This item was deferred at the meeting held on October 28, 1999. At that time, a Staff Report dated October 28, 1999 was received. A report dated November 16, 1999 from Bedford Waters Advisory Committee re Paper Mill Lake Development Agreement Violations was before Community Council.

Bob Kerr, Vice-Chair, Bedford Waters Advisory Committee was in attendance for this item. He provided background information which resulted in the recommendation to Community Council provided in the report regarding violations of the 50' protection zone for the lake. Bedford Waters Advisory Committee was

recommending that Community Council and Legal Services take action in accordance with the Development Agreement.

Councillor Kelly advised he concurred with the approach and asked if Bedford Waters Advisory Committee was looking for a motion of Community Council to enforce the process. In response, Mr. Kerr confirmed this and pointed out that the people of Paper Mill Lake were the only ones who were policing the area as there appeared to be insufficient staff to do so.

MOVED by Councillors Harvey and Merrigan to instruct staff that the violations of the Paper Mill Lake Development Agreement which have taken place be rectified in compliance with Sections 234, 264 and 266 of the Municipal Government Act, in that the Municipality go in with sufficient notice and perform work in compliance with the Development Agreement. MOTION PUT AND PASSED.

3.3 Case 00146/00147 – Development Agreement to Permit a Specialized Commercial Trade and Automotive Repair Business in Sackville

The Public Hearing for this item was deferred from the last meeting held on October 28, 1999.

Andrew Whittemore, Planner provided an overview of the Staff Report dated October 8, 1999 with the aid of overheads and pictures of the area. Staff was recommending approval of the application based on the intent of the Plan Policy.

After the presentation, Councillor Kelly asked Mr. Whittemore to provide clarification on who owns the land at this time and who the applicants are. Subsequently, Mr. Whittemore advised that the landowner is Anahid Investments Limited which actually owns a much larger portion of land. It was proposed that Chris Scott Automotive and Fireside Cabinetry would purchase two lots which would be subdivided from the Anahid property through the subdivision process.

The Chair then called for speakers for or against the application.

Ms. Shannon MacKinnon, Vice-President, Fireside Cabinetry, one of the applicants, provided background information on herself and Michael MacKinnon relative to the number of years they have lived in the area and their small business. Their business employs eight people and it was hoped to employ more in the near future. The aim was to stay in the community, continue to grow, contribute to the tax base and the economy by hiring local people and students in the summer. She described the architectural design of the proposed building and materials. There would be no development for the first 100' of the property except for a shared driveway in an effort to reduce unnecessary development of the land and ensure proper drainage. They would follow a lot grading plan to ensure there would not be flooding. Mr. Earl MacAskill was approached six months ago regarding readying the land for construction, not Armoyan. The height of the building would not exceed the maximum allowed in the area for homes.

Ms. MacKinnon went on to advise that, acting in good faith, they invited Mr. and Mrs. Tingley to their home, along with Chris Scott, to answer questions and alleviate any concerns they might have. At that time, neither Mr. or Mrs. Tingley had any specific suggestions or ideas on how to improve the property.

Ms. MacKinnon also advised that they attempted to minimize any impact on the community by agreeing to the provisions of the Development Agreement.

Mr. Chris Scott, President, Chris Scott Automotive stated his business was not a large corporation or automotive franchise moving into the area; he was a third generation businessman in the Sackville area and his business in Middle Sackville was established eight years ago. He employed four people who lived in the area and hoped to employ more. Middle Sackville was not just a bedroom community; there was a large variety of businesses operating on a daily basis and doing business with each other which generates money that stays in the community. Development Agreements give the community a voice on how they would like to see businesses operate in the area versus a commercial or MU zoning which would allow very little say. He worked hard over the last year with HRM to have the agreement address all potential concerns in relation to the automotive business and harmonization with residential. He wanted to be able to continue to employ and service his customers in the Middle Sackville area.

Mr. Mike MacDonald, 68 Connolly Road advised he knew Michael MacKinnon for the last 30 years. Mr. MacKinnon cared for the community, the environment and supports it whenever he can. He supported the application.

Ms. Darlene Crawford, 24 Lively Road stated her concern was with the school and the layout of the property. There appeared to be enough room with the shared driveway to allow for more businesses behind the proposed businesses. Mr. Whittemore clarified that with the Development Agreement, the only uses allowed legally to occur were exactly what were outlined in the agreement. There was no opportunity for a road to be created along the back of the property. The intent of the policy is that any commercial uses be along Highway 1, not a mile up the road, just because there is access onto Highway 1. In the future, if the landowners were to sell the properties, the Development Agreement would stay with the land, not with the owners. In terms of future commercial development, the Policy limits it to along Highway 1. If the agreement was approved, the applicants would have to come back with a drainage plan showing exactly where the wet area is, how the drainage would occur on the property. If it turned out that more natural buffer was required, there was a clause in the agreement that would require a 25' buffer from the area.

Ms. Crawford stated that if this application is passed, then that would allow an open door for the next business that would like to come and buy land on the side of that or on the corner of Hamilton Drive and Highway 1. There could be businesses all around Harry R. Hamilton Elementary School. Courtesy busing might not continue next year and children would have to walk or pay to have their children stay at school. There was no sidewalk and if more businesses located there, it would bring more traffic to the area. It

was already a dangerous stretch of highway now. The school has a very large naturalization project supported monetarily by the government and the project has won awards. If the development of business happens around the school, the naturalization project could go downhill.

Ms. Wanda White, 149 Lucasville Road, Vice-President, Harry R. Hamilton Home and School advised that the position of the Home and School was not against development, whether commercial or residential, but wanted to protect what they have on school property. The naturalization project was #1 nationally and they were working with the government to protect that area. There were concerns with the flow of water going into the pond.

Mr. Whittemore advised that the Development Agreement can only control what happens on the particular property. In terms of storm drainage, the applicant must provide a lot grading plan and sedimentation control plan which will be reviewed by HRM Engineering. The development will not occur unless the plans are approved. He outlined the objectives of a lot grading plan and what they were meant to achieve. It would protect the neighbouring properties from any potential flooding and ensure that the situation will not be worsened but hopefully improved. During construction, with infill and excavation, there is soil erosion and runoff but the agreement requires that soil and erosion control measures be in place during the period of construction to ensure a 25' buffer is in place. He was aware of the pond project and understood why people would be concerned but he believed that the Development Agreement addresses the concerns.

Ms. White referred to septic runoff and asked if it would be controlled. In response, Mr. Whittemore advised that anything that occurs on the site will be well scrutinized and would have to meet requirements.

Mr. David Boyd stated that Upper Sackville needs jobs and development. It was time to work together to ensure the community grows.

Mr. Brian Bailey, 150 Fenerty Road stated he was in favour of the application. He believed that all bases have been covered.

Mr. Mark Tingley, 1768 Highway 1 advised he resided directly across the road from the proposed site. In an R-6 residential zone, enterprises such as a bed and breakfast, hair salon, small craft shop, small home-based industry were allowed. The development agreement was causing the problem. He had nothing against the MacKinnons or the Scotts but he did not think that anybody would like to look out their front door at a 7500 sq. ft. building or a 4500 sq. ft. building which the Planner assures will be buffered by vegetation but the land is bald, there is no vegetation for at least 100' back. There was nothing 150' back to screen a 35' high building. He expressed concern with the whole process from the beginning, with lack of notification and signage. Letters should have been sent to what HRM feels are the residents who would be impacted mostly.

Mr. Tingley submitted a Petition with 80% of the residents deemed to be affected who were not in favour of the development.

Mr. Tingley stated that Planning Department took what was initially supposed to be a home-based opportunity, which did not allow commercial enterprise of 7500 sq. ft. or 4500 sq. ft. and there had to be a residence attached to the property, which did not occur in this instance. This was the first time on Highway 1 for a commercial building without a residence attached to it, which would set precedent. One driveway is being used to accommodate two businesses and he suggested that the reason for that is that Mr. Armoyn owns the land down to Hamilton Drive. If he were to put a separate driveway for every commercial enterprise he intends to put there in the future, there would be too many driveways entering the highway and this was a reason for one driveway in this case. If the proposal is approved, it would set precedent and the next time a commercial business of this size wants to go in along side, the precedent has been set.

Mr. Tingley advised when he purchased his property, he checked with the County to see what the zoning was and what the zoning entitled. He was advised it allowed small home-based enterprises, not a solely commercial enterprise like this. It was a nice way of saying they were rezoning the land and if that was what they wanted to do, they should hold Public Hearings and rezone the whole highway commercial if that was the goal.

Mr. David Bolton, Lakeview Avenue asked if the proper process had been followed. In response, Councillor Kelly advised that due process had been followed. At the last attempt to hold a Public Hearing, the sign was not posted on the property by the landowners. Erring on the side of caution, that is why it was deferred until tonight. All proper process and protocol has been fulfilled.

Mr. Tingley pointed out that at the last meeting, signage was supposed to be posted within 14 days of the application. Councillor Kelly advised that HRM does not post signage; it was the responsibility of the applicant. As long as they followed the rule of the law, 14 days in advance.

Ms. Avis Taylor, 11 MacIntosh Road referred to problems experienced in the Paper Mill Lake area with a Development Agreement as per the earlier recommendation from Bedford Waters Advisory Committee this evening. She said the only thing to protect the environment in the proposed Development Agreement, other than lot grading, was a mere \$2500 surety for each lot to correct any environmental damage done. If R-6 is supposed to have a residence attached to a business, then this was the way it should be. If it is going to be commercial, then it should be zoned commercial.

Mr. John Keizer, Keizer s Autobody, Middle Sackville advised he was Chris Scott s landlord. Mr. Scott ran a clean establishment. His biggest concern was with parked cars, derelict vehicles should not be in the community. In response, Mr. Whittemore advised that the agreement requires that no outdoor storage of cars be permitted, unless they have been fixed and awaiting pickup. Out front, would be parking for

actual patrons of the business and in the back would be temporary storage of cars as well as staff parking.

Mr. Keizer said he was on the corner of Lively Road and Highway 1 and after what was on the other corner, there might be one down the road. If it was anyone else besides Mr. Scott, he might have concerns. He was in favour of the application.

Mr. Allan MacKinnon, 9 Murray Drive, Lower Sackville, the brother of the applicant, stated that Community Council has gone to great lengths to oversee the project and go over it with a fine tooth comb. The rest of the equation is the people involved. The applicants were not new members of the community, have contributed to the community at all levels and were assets to the community. He supported the application.

Ms. Lynn McLeod, President, Harry R. Hamilton Home and School, referring to the pond, asked if there was a chance that oil could go into the pond from oil changes. Councillor Kelly, therefore, asked the applicant to advise how he intends to deal with oil storage.

Mr. Scott advised that any new mechanical shop has to have a permit and have a water/oil separator within the building to assure that nothing will get out. Personally, he has a Recycler for antifreeze right down to oily rags. Eastern Environmental comes in once every three weeks and takes out 45 gallon drums of all hazardous material. He welcomed anyone to come to his shop at any time; his floor was spotless. There was a system of mops for oil spills. The oil separator operated similar to a septic tank. You have to have someone in to remove the sludge. There was nothing going outside whatsoever.

Ms. Darlene Crawford referred to the Development Agreement/Staff Report which indicated everything was proposed. She asked if the application was proposed, would it be in writing that it would have to be that way. She asked if there was an opportunity for the buildings to be expanded later. In response, Mr. Whittemore advised that if the agreement is approved, the Development Agreement will be signed by the parties and it will be binding. It will contain such words as shall. The agreement does allow for consideration for expansion of the buildings and the way it is written into the agreement is that the building and combined parking area cannot cover more than a maximum of 35% of the lot coverage. If there were to be expansion, whatever parking is required under the Land Use By-law would have to correspond. The actual ability to expand would be in the area of 500-1000 sq. ft.

Mr. Mark Tingley referred to Policy UR-20 and asked for confirmation that it states that 7500 sq. ft. is the largest building that can be built. In response, Mr. Whittemore replied no, the policy says that Council must consider the bulk, scale, appearance. It does not represent a certain number of sq. ft. or percentage. He chose 35% because he was trying to treat the business as any normal residence and impose the restrictions of a normal residence onto a commercial business.

Mr. Mark Tingley referred to hours of operation, one being until 9 in the evening. This was full time commercial hours, just like a shopping mall.

Ms. Shannon MacKinnon advised that with regard to hours of operation, nobody will be constructing cabinets after 5 p.m. The evening hours were designed for the showroom so that people working during the day could make an appointment. If Mr. Tingley still had concerns, she offered to put this right in the agreement.

Mr. Scott said in his case, his hours of operation were until 7 p.m. because he could be there after 5 p.m. passing out keys.

Mr. Mark Tingley referred to parking spaces which would be restricted to 25 and 16 spaces, which were minimum. He asked for clarification. In response, Mr. Whittemore advised that the agreement was written that way in case there was expansion. The numbers were put there because the Land Use By-law requires it. HRM required more parking space than what they had initially proposed.

Mr. Cecil George, Lively Road asked what the source of water was. He was told it would be a well.

Mr. David Bolton asked if the Development Agreement was used for any other process in the R-6 zone. In response, Mr. Whittemore explained that there were two layers on every Plan area, with every area different. He explained further.

Mr. Bolton said that he had tried to have property rezoned to commercial in the past but was told he had to put in an application for rezoning. A question and answer period then ensued between Mr. Bolton and Mr. Whittemore regarding the process and Mr. Bolton's fear that in the future the Development Agreement process would become far too common.

Councillor Harvey pointed out that the debate was out of order. The points should relate directly to the application in question. Under Public Hearing rules, speakers should be permitted to speak only once.

Councillor Kelly stated his aim was to clarify points for the community as much as possible so there will not be any misunderstanding.

Ms. Avis Taylor stated that Planning staff indicated there was greater control through a Development Agreement but she could not see where there would be greater control if a commercial zone was not allowed.

Mr. Howard Bradley, Orchard Drive referred to another agreement of this type in the area. He was given a name. Mr. Bradley then asked who you called if there were problems with landscaping or appearance of the building in this case. In response, Mr. Whittemore advised that he did not have any information

on the other agreement but the Development Officer at HRM should be contacted if there are any problems.

Mr. John Switzer, who recently moved to Enfield from the Sackville area, advised that the MacKinnons and Scotts complied with what HRM wanted and followed due process. Anahid Investments was the owner of the property right now and the MacKinnons and Scotts would not purchase it if they cannot do what they want with it. He supported the application.

Mr. Fred Levy, Highway 1 said he lived three lots up from the proposal. He did not have a problem with it as long as they kept to the rules. He wanted to see Sackville grow.

Councillor Kelly called three times for further speakers for or against the application. There were none.

MOVED by Councillors Harvey and Merrigan to close the Public Hearing. MOTION PUT AND PASSED.

Councillor Kelly read into the record the following:

In Favour:

Letter dated November 15, 1999 from Joe Hue in support of Chris Scott Automotive
Letter dated November 15, 1999 from Joe Hue in support of Mr. and Mrs. MacKinnon
Letter dated November 11, 1999 from Charles and Susan Smith
Letter dated November 12, 1999 from Terry Porter
Letter dated November 12, 1999 from Diane Bernard

In Opposition:

Letter dated November 4, 1999 from Brian Sloan
Letter dated November 18, 1999 from Mark Tingley
Letter dated November 17, 1999 from Christine Tingley
Petition containing 72 names

Councillor Merrigan then advised that he had viewed the property with Councillor Harvey, spoke to Mr. Tingley and the school but had not contacted the applicants. He acknowledged there were certain things you could do in an R-6 zone but there was the ability to do other things through a Development Agreement if the conditions of the Development Agreement were met. This was not a rezoning. He referred to the Planning District 15, 18,19 which abutted the property in question where, because it was the MU-2 zone, this could be done by right and did not need a Development Agreement.

Councillor Merrigan said he had a problem with the wet area in front of the property. Lot grading was not what he was looking for. He wanted some understanding of the setbacks as it was wet further back

than 100'. He was prepared to support the Development Agreement provided there could be a proper drainage plan as there were water problems in the culvert and he wanted the pond project addressed as well. If these things could be clarified and addressed in the Development Agreement, he was prepared to go forward.

Councillor Kelly advised that the Development Agreement could not be approved subject to anything. If there were concerns, then the matter could be deferred for a report on the concerns.

Mr. Whittemore advised that Department of Environment has been to the site and they actually suggested the 25' buffer. The reason there was nothing concrete with regard to the actual wet area was because the lot grading plan in the agreement states it was necessary to identify the boundary of the wet area. That is covered in the agreement. From that boundary is the 25' buffer on top of that. There appeared to be a malfunctioning ditch/drainage system and he forwarded e-mail to Regional Operations to investigate to see what can be done.

Councillor Kelly clarified that the points raised by Councillor Merrigan were already in the Development Agreement. In response, Mr. Whittemore agreed and added that nothing could happen on the site until the lot grading and sedimentation control plan were approved.

MOVED by Councillors Merrigan and Harvey to approve the Development Agreement by Anahid Investments Limited (Attachment 2 of the Staff Report dated September 24, 1999) to permit the development of a specialized trade/retail use and the development of an automotive repair use on Highway #1. Further, the Development Agreement be signed within 120 days, or any extension thereof granted by North West Community Council on request of the applicant, from the date of final approval of said agreement by North West Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods. Otherwise, this approval shall be void and obligations arising hereunder shall be at an end.

Councillor Harvey, having seconded the motion, stated that the only way this application can be judged is to judge it by the planning policies in the Plan now. These policies have been there since 1982 to allow for this type of application. He understood this was only the second time it was used in 17 years. The Plan is constructed over a long period of time with a lot of public input; it was the people's Plan, not the Plan written by the Councillors of the day or by the Planners. It was a long process. The second Plan took seven years to revise until it was completed in 1984. Through that revision process, this policy which allows for limited contract commercial development in R-6 remained in there because the people wanted it. The Plan is a living document – not written in stone – it can be amended and there is a process to amend the Plan. The people wanted the opportunity for limited commercial development in R-6. Prior to 1982, there were no zones – there was By-law 25 – and you could do anything anywhere. That was why when the people wrote the Plan in 1982, they put in zones and requirements. If this were to be rezoned commercial – even if it were allowed – it would allow by right a whole list of commercial activities that could take place by right without any public input at all. The people decided

they wanted the ability to have some limited contract commercial but done through a public process which would involve a Public Hearing. The application was appropriate under R-6 policies, it meets the requirements of the Plan and, therefore, having heard everybody and listened to concerns, many of which are on the fringe of what if this happens by some other agency, those really cannot be taken into account in dealing with this application. Each application that comes along will be dealt with on its own merits with the policies that exist at the time. Any decision made by Community Council can be appealed if people honestly feel the policies have not been followed or the process is contaminated in some way.

MOTION PUT AND PASSED 3-0.

The Chair then called for a recess at 9:10 p.m. The meeting reconvened at 9:25 p.m.

4. APPROVAL OF MINUTES – OCTOBER 28, 1999

MOVED by Councillors Harvey and Kelly that the Minutes of meeting held on October 28, 1999 be approved as circulated. MOTION PUT AND PASSED.

5. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

It was agreed to deal with the remainder of the Agenda that had not been dealt with to this point along with the following Added Items:

1. First Reading to consider the rezoning application – Case 00139 – Application to rezone the property of Ronna and Avery Wilson at 25 First Avenue, Springfield Lake.
2. Notice of Motion to consider the Development Agreement – Case 00148 – Development Agreement to allow a 9000 sq. ft. Commercial Building at 477 Cobequid Road, Sackville.
3. Notice of Motion to consider the Development Agreement – Case 00070 – Application by Clearwater Fine Foods Inc., Bedford Highway, Bedford.
4. Second Lake Regional Park Association re consideration of rezoning of Second Lake lands.
5. Chip Sealing of John Gorham Lane.
6. Noise Concerns caused by repairs to Hammonds Plains Road.
7. Lifting of Summer Parking Ban on Forest Lane.

6. BUSINESS ARISING OUT OF THE MINUTES – None

7. MOTIONS OF RECONSIDERATION – None

8. MOTIONS OF RESCISSION – None

9. CONSIDERATION OF DEFERRED BUSINESS (Continued)

9.1 Shopping Carts Off Store Property

This matter had been deferred from the meeting held on October 28, 1999.

A Staff Report dated September 16, 1999 was before Community Council.

Councillor Harvey stated this was a perennial problem and staff has made recommendations as outlined in the report.

MOVED by Councillors Harvey and Merrigan to request that staff meet with representatives of the industry to discuss solutions to reduce the number of carts leaving store property and that the Municipality request that the Nova Scotia Department of Environment be asked to investigate any environmental impacts to the Little Sackville River and to take any steps within their power to address this situation. MOTION PUT AND PASSED.

Councillor Harvey requested that a copy of the report be forwarded to Sackville Rivers Association.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS – None

11. REPORTS

11.1 Liaison Councillor – North West Transit Advisory Committee

Councillor Harvey submitted his resignation as Liaison Councillor for North West Transit Advisory Committee.

MOVED by Councillors Harvey and Kelly that Councillor Merrigan replace Councillor Harvey on the North West Transit Advisory Committee. MOTION PUT AND PASSED.

11.2 Councillor Appointment to Membership Selection Committee

MOVED by Councillors Harvey and Merrigan that Councillor Kelly continue to represent North West Community Council on the Membership Selection Committee. MOTION PUT AND PASSED.

12. MOTIONS – None

13. ADDED ITEMS

13.1 First Reading to Consider the Rezoning Application – Case 00139 – Application to Rezone the Property of Ronna and Avery Wilson at 25 First Avenue, Springfield Lake

A Staff Report dated October 5, 1999 together with a report from North West Planning Advisory Committee dated November 12, 1999 was before Community Council.

MOVED by Councillors Harvey and Merrigan to move First Reading to consider the rezoning application and schedule the Public Hearing for December 9, 1999. MOTION PUT AND PASSED.

13.2 Notice of Motion to Consider the Development Agreement – Case 00148 – Development Agreement to Allow a 9000 sq. ft. Commercial Building at 477 Cobequid Road, Sackville

A Staff Report dated November 12, 1999 together with a report from North West Planning Advisory Committee dated November 12, 1999 was before Community Council.

MOVED by Councillors Harvey and Merrigan to give Notice of Motion to consider the Development Agreement at a Public Hearing on December 9, 1999. MOTION PUT AND PASSED.

13.3 Notice of Motion to Consider the Development Agreement – Case 00070 – Application by Clearwater Fine Foods Inc., Bedford Highway, Bedford

A Staff Report dated November 12, 1999 together with a report from North West Planning Advisory Committee dated November 12, 1999 was before Community Council.

MOVED by Councillors Harvey and Merrigan to give Notice of Motion to consider the Development Agreement at a Public Hearing on December 9, 1999. MOTION PUT AND PASSED.

13.4 Second Lake Regional Park Association – Consideration of Rezoning of Second Lake Lands

A letter dated June 22, 1999 from Shane O Neil, Chairman, Second Lake Regional Park Association was before the Committee.

Councillor Harvey explained that this letter had not been forwarded for the Agenda until now and since there was some activity with the land, he asked that Community Council receive the letter and forward it on to appropriate staff – in this case, Angus Schaffenburg, Planner, with the idea that if there is movement on the land, that all the land that has been designated to Natural Resources be considered for appropriate zoning at one time.

MOVED by Councillors Harvey and Merrigan that the letter be received and forwarded as per Councillor Harvey's direction. MOTION PUT AND PASSED.

13.5 Chip Sealing of John Gorham Lane

A letter dated November 12, 1999 from the Halifax County Condo Corporation #204 re chip sealing of John Gorham Lane was before Community Council.

Councillor Kelly explained that under a Contract Development Agreement entered into by John Tolson and the former Town of Bedford, Mr. Tolson has not lived up to his agreement to chip seal John Gorham Lane. This has been brought to the attention of staff on several occasions but has not been enforced. He acknowledged this was the wrong time of year to chip seal but asked for support from Community Council to direct staff to give directive to Mr. Tolson that it must be done the first opportunity in the spring. If his contract obligations are not lived up to, then his Contract Development Agreement should be canceled as the agreement allows.

MOVED by Councillors Harvey and Kelly to proceed as requested by Councillor Kelly. MOTION PUT AND PASSED.

13.6 Noise Concerns Caused by Repairs to Hammonds Plains Road

A letter dated November 12, 1999 from Norric Property Management Limited was before Community Council with regard to noise concerns addressed by the Condo Corporation for Casa Bona Vista and Brookshire Mews.

MOVED by Councillors Harvey and Merrigan that staff be requested to address concerns of the residents and respond to the concerns raised. MOTION PUT AND PASSED.

13.7 Lifting of Summer Parking Ban on Forest Lane, Bedford

A letter dated November 18, 1999 was before Community Council requesting the lifting of the summer parking ban on Forest Lane, Bedford.

MOVED by Councillors Harvey and Merrigan to request that staff respond to the request as soon as possible, by evaluating as to whether or not they concur with the removal. MOTION PUT AND PASSED.

14. NOTICES OF MOTION – None

15. PUBLIC PARTICIPATION

Mr. Walter Regan, Sackville Rivers Association raised the following points:

He asked for information regarding the condition of the dams at Paper Mill Lake and Kearney Lake. In response, Councillor Kelly advised they were owned by Annapolis Basin Pulp and Power and were in need of repairs. For HRM to assume that liability at this time, was questionable.

He believed it was important to update and fix them but he understood they were secure and safe.

He asked if it was possible to get some signs on the Little Sackville River in three locations. In response, Councillor Merrigan advised he was not up to date on this request. He requested that Mr. Regan provide him with more information.

He invited those present to attend the Sackville Rivers Association Christmas Party on December 4, 1999 at 7:00 p.m. at the Bedford Lawn Bowling location.

He asked for an update on Second Lake. In response, Councillor Harvey advised the Committee was very active. The primary objective was to have Natural Resources declare it a Park Reserve which would give more status.

He referred to funding requests for the Trail group of Sackville Rivers Association and asked for support at budget time.

He referred to the P-3 School being built at Lucasville Road and Highway 1. Silt was going into the Little Sackville River and had been reported to Environment. He asked for confirmation that P-3 Schools did not have to follow HRM regulations regarding silt enforcement. In response, Councillor Harvey advised there were regulations that seem to be overridden by these projects. Councillor Kelly explained further that the government kept the properties in their name thereby the province does not have to adhere to HRM's by-laws.

He asked the status of the Tree Cutting By-law. In response, Councillor Merrigan advised he would have to check on the status of this and obtain further information.

He advised that he understood that during rain events, the sewage pumping station at Fish Hatchery Park was overflowing. He asked for clarification as to what steps were being taken to control it. In response, Councillor Kelly advised this was the first he had heard of this and that he would check.

He referred to Minutes of North West Community Council dated August 26, 1999 re the purchase of 50 acres next to Second Lake and asked for a status report. In response, Councillor Harvey advised there has been no response.

He referred to problems with shopping carts and asked if it was possible to have them treated as litter and, therefore, the shopping cart owners would be held responsible. In response, Councillor Harvey advised that the report received earlier in the meeting was being forwarded on to staff and he was hoping that Sackville Rivers Association would try to work with Department of Environment to see if those kinds of provisions could apply to shopping carts.

Ms. Avis Taylor, 11 MacIntosh Road, Middle Sackville expressed concern that the written submissions received during the Public Hearing process earlier in the meeting had not been taken into account especially since those people had taken the trouble to voice their concerns in writing. She also expressed concern re problems being experienced with Development Agreements already in effect and what steps are being taken to alleviate those problems.

16. ELECTION OF CHAIRMAN

At this point, Councillor Kelly relinquished the Chair to the Clerk.

The Clerk called for nominations for Chairman of North West Community Council for the ensuing year.

Councillor Kelly nominated Councillor Harvey. Seconded by Councillor Merrigan.

There were no further nominations. Councillor Harvey, having accepted the nomination, was declared Chairman and took over the Chair.

17. NEXT MEETING DATE – Thursday, December 9, 1999 – LeBrun Centre, Bedford.

18. ADJOURNMENT

On a motion from Councillor Kelly, the meeting adjourned at 10:00 p.m.

Sandra M. Shute
Assistant Municipal Clerk

