

**CHEBUCTO COMMUNITY COUNCIL**

**MINUTES**

**JUNE 12, 2000**

THOSE PRESENT: Councillor Stephen D. Adams, Chair  
Councillor Bill Stone  
Councillor Russell Walker  
Councillor Graham Read

ALSO PRESENT: Barry Allen, Municipal Solicitor  
Paul Morgan, Planner  
Blair Blakeney, Regional Coordinator, Recreation Facilities  
Jim Naugler, Regional Coordinator, Recreation Facilities  
Sandra Shute, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 7:00 p.m. with an Invocation at 2750 Dutch Village Road, Halifax.

During the course of the meeting, the Chair recognized Mary Ann McGrath, MLA for Halifax/Bedford Basin.

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - May 1, 2000**

**MOVED by Councillors Stone and Read to approve the Minutes of meeting held on May 1, 2000 as circulated. MOTION PUT AND PASSED.**

2.2 **Special Council Session - May 26, 2000**

**MOVED by Councillors Walker and Read to approve the Minutes of meeting held on May 26, 2000 as circulated. MOTION PUT AND PASSED.**

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Added Items:           Improvements to Intersection 102 and Lacewood - Councillor Stone  
Award to Community of Spryfield - Councillor Adams

**MOVED by Councillors Read and Stone to approve the Order of Business as amended. MOTION PUT AND PASSED.**

4. **BUSINESS ARISING FROM THE MINUTES**

4.1 **Status Sheet Items**

4.1.1 **Improvements to Kearney Lake Road**

Remains on the Status Sheet since this is in the hands of Department of Transportation. Councillor Stone advised he understood that Department of Transportation is in the process of designing some improvements.

4.1.2 Request for Two-Car Garage with Attic - District 17

Councillor Read advised this item can be removed from the Status Sheet as the owner is reconfiguring his proposal.

4.1.3 MPS Dispensation re Provincial and Federal Governments

Can be taken off the Status Sheet. Councillor Adams advised that a clause has been added to all Municipal Planning Strategies to indicate that the provincial and federal governments can supersede zoning aspects of the MPS. Inclusion of this clause allows a better understanding as to why some of the processes that municipal government would normally follow are not followed when federal or provincial governments are involved.

4.1.4 Billboards on CN Lands

Councillor Walker acknowledged receipt of the Staff Report dated June 2, 2000 but said he had the following questions:

- Did CN reply to the letter sent to them on July 19, 1999 as noted on page 1 of the Information Report. If so, what was the reply.
- Clarification that with regard to billboards further out the Bedford Highway, he understood they were under the grandfather clause but still felt there was a stipulation that they had to be 500' apart under the old regulations.

**MOVED by Councillors Walker and Read to recommend to Regional Council that Regional Council request preparation of acquisition cost estimates as to how much it will cost to have the billboards removed and go through the budget allocation to prepare them and that the additional questions raised be answered by staff.**

Councillor Stone expressed concern that Councillors were not given the information that the billboards could be grandfathered, particularly the ones where permits have been issued but not yet placed. People felt there would be no more billboards but that, in fact, was not true because there were outstanding permits.

**MOTION PUT AND PASSED.**

5. **MOTIONS OF RECONSIDERATION** - None
6. **MOTIONS OF RESCISSION** - None
7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **PUBLIC HEARINGS**

8.1 **Case 00210 - Development Agreement Application - 32 and 32A Frederick Avenue, Mainland Halifax**

A Staff Report dated May 18, 2000 was before Community Council. Paul Morgan, Planner provided an overview of the application with the aid of overheads. During the course of his presentation, he advised that the Development Agreement was actually approved by the former City of Halifax in 1995 for a semi-detached dwelling on the rear lot with 10' frontage to provide driveway access. There was a stipulation that all approvals had to be obtained within two years but when the proponents came in for permit approval for the semi-detached housing unit, the time frame had lapsed. Unfortunately, the applicant did not understand that if he had applied for an extension, the agreement would have remained in effect. The proposal tonight was the same as sought in 1995.

Councillor Read asked what was the zoning in this case. In response, Mr. Morgan advised it was R-2 which would allow for single and semi-detached dwellings. The reason for the Development Agreement application is that semi-detached housing would not have the required frontage. The R-2 zone requires 50' of frontage but the lot in question has 10' frontage. The rear lot has an area in excess of the minimum 5,000 sq. ft. required. The lot on which the single unit dwelling would remain would have 40' of frontage and 3,800 sq. ft.

Councillor Read asked if the front lot was, therefore, substandard. In response, Mr. Morgan advised that both lots would not meet the minimum frontage area requirements of the By-law. As well, there was less than 10,000 sq.ft. between the two lots.

Councillor Read then asked how and when the two apartment buildings were constructed in the R-2 zone. In reply, Mr. Morgan advised they were long before the Secondary Plan came into effect. The R-2 zoning would have been applied and the apartments made non-conforming uses.

Noting there were other situations where there appeared to be landlocked lots, Councillor Read asked what would happen with those. In reply, Mr. Morgan advised that the landlocked lots were approved in the 1930's and 40's when there were very little regulations. Some were consolidated with the front lot and some flag lots were approved by the former City of Halifax.

Mr. Morgan advised that at the Public Information Meeting, the question arose as to whether or not Community Council was bound by a decision made by the former City of Halifax. Community Council might come to a different conclusion; however, staff came to the same conclusion that this was a unique circumstance. There was an apartment

building on either side and it was difficult to believe that the character of the area would be adversely affected.

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

Mr. Cesar Salah, W. M. Fares and Associates, on behalf of the applicant advised that approvals have been obtained from Building Inspection, Development, Water Commission and Engineering and will not be a burden on the services provided by HRM. The only thing that came up at the Public Information Meeting from Councillor Walker was that the house at the front was not in good shape. He advised that they visited the lot a couple days ago. The house was in fairly good condition and blends well with what is in the area but the fence around the house is tilted down. The proponent was open to any suggestions with regard to repairs on the outside of the house which could become part of the Development Agreement and they would fix the fence as well.

Mr. John Etter, 16 Frederick Avenue expressed concern with further overcrowding on Frederick Avenue. Between Dutch Village Road and Hillcrest Street on Frederick Avenue, there are presently four apartment buildings, two single family dwellings on back lots, two back lots containing an autobody shop and two duplexes on back lots. Aside from the application before Community Council, there is the possibility of 12 or more applications for duplexes on back lots. Just because there was overcrowding of back lots, did not make it appropriate for more. He asked for consideration of the effect on housing values on Frederick Avenue as well as Rosedale Avenue. He referred to page 3 of the Public Information Minutes where he asked four questions and indicated that he could not find the answers in the Staff Report.

The Chair called three times for further speakers for or against the application. There were none.

**MOVED by Councillors Stone and Walker to close the Public Hearing. MOTION PUT AND PASSED.**

Councillor Walker referred to the fact that the two properties were created in 1995; therefore, how could it be said that the owner did not create the problem of not meeting the frontage. In response, Mr. Morgan advised that in 1995 there were two properties but the second was landlocked. At the time, the Planner thought there was a uniqueness to the situation to allow for 10' of frontage to be taken from the front lot.

Councillor Walker asked why, if there were two properties before 1995, did it have to be subdivided. The Staff Report indicated that on page 2 of the current report. In response, Mr. Morgan advised that statement was in error. There were two lots there and it would have been a resubdivision of two existing lots. The original Development Agreement

allowed for resubdivision of the existing two lots to give 10' frontage to the rear lot and allow for semi-detached housing to be built on the rear lot which would not have been otherwise permitted because of the frontage provisions of the R-2 zone.

Councillor Walker asked if the existing house would remain a single family home, how could that be guaranteed when it was on an R-2 lot. In response, Mr. Morgan advised that Attachment III to the Development Agreement, Part 2, 2.2 restricts it to a single unit dwelling. The Development Agreement applies to both properties.

Councillor Stone referred to the four questions raised by Mr. Etter and asked if Mr. Morgan had answers. Mr. Morgan, in response, advised that the subdivision application has been approved and, before approval, Engineering and Water Commission would have reviewed servicing. They would also have looked at access for firefighting. There were no problems indicated in the subdivision file and, therefore, approval was granted. Two additional housing units on Frederick Avenue would not warrant a traffic impact study. While there might be additional situations such as this in the area, each one would have to be judged on their own merit. Approval of this application would not necessarily mean approval of the next as circumstances might be different.

Councillor Stone asked if the house on Rosedale Avenue had any separation from the proposed duplex. In response, Mr. Morgan advised there was a bluff right at the rear property line with a considerable difference in elevation.

Councillor Stone asked if the people at 21 Rosedale Avenue had any problem. In response, Mr. Morgan advised they would have been notified but he had not heard anything from them.

Referring to the four questions asked at the Public Information Meeting, Councillor Walker asked if Mr. Morgan was relying on the information gathered in 1997 in the file. Since Mr. Morgan confirmed this, Councillor Walker indicated he wanted to defer the application back to staff for a month to have the four questions answered with up-to-date information.

**MOVED by Councillors Walker and Stone to defer to staff to have the four questions answered on page 3 of the Public Information Meeting Minutes dated February 23, 2000 with up-to-date information and, as well, advise what modifications can be included in the Development Agreement for the house at the front to bring it up to standard on the outside, such as painting of the house and upgrading of the fence. MOTION PUT AND PASSED.**

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

## 9.1 Presentations

### 9.1.1 Recreation Playground - Cambria Park

Mr. Larry Pope, 93 Kearney Lake Road, reading from prepared text, made the following points:

- Since he bought his condo in Cambria Park in October, 1999, he became aware of problems being experienced by residents in the complex, as a result of the location of two tennis courts, a playground, a small soccer field and a basketball net, at the back. The basketball net is about 30' away from the balcony of one of the units.
- Having contacted Recreation Department about taking down the basketball net, he was told that it would be taken down.
- When the condo complex was built, there was only one tennis court and everything else was added after.
- The playground facility is into the bedrooms and balconies of the people living in the condominium.
- Cars come at night, leave on their headlights and people play basketball.
- He was told there is no other location for the basketball net.
- If this is a neighbourhood playground, why were people coming from all over.
- When three or four basketballs are pounding, you cannot open your window from 7 a.m. to 9 p.m. with people still using the court after the 9 p.m. limit.
- Not only do the people play basketball, they curse, drink, act like hooligans with Police chasing them into the woods.
- There are five Coordinators in Recreation and they cannot make a decision on a basketball net.
- The basketball net was replaced, apparently on the receipt of a Petition.
- He intended to persevere until something is done.

Councillor Adams thanked Mr. Pope for his presentation.

### 9.1.2 Presentation re Indoor Golf Driving Dome

Mr. Blair Blakeney, Parks and Recreation advised that the original intention was to have the proponent, East Coast Golf Dome, speak to their proposal for an indoor golf driving dome for the Mainland Commons; however, the proponent advised at the last moment that they ran into difficulties with their Business Plan and wanted to investigate further before presenting to the public.

Mr. Blakeney advised further that staff and the District Councillor felt it would still be in order to inform the community about the proposal. On January 18, 2000 Regional Council gave staff directive to negotiate with this unsolicited proposal and come back at a future

date with a recommendation. Part of the recommendation was on Council's concerns regarding any impact the proposal would have on the community and on similar type businesses in the area. Staff has tentatively negotiated the general terms of an acceptable lease but since Regional Council's directive, there is another interested party who was missed and Council should be made well aware of this before proceeding any further. Council may decide to go forward with a broader call for proposals.

Councillor Stone stated that even though he understood there were some complications, he felt it was important to allow the public to come forward. It was an opportunity for other interested parties to come forward as well with a similar proposal.

Mr. Blakeney provided a map of the Mainland Commons and located the proposed site. He indicated the current facilities. He explained that the proposal was to construct an indoor golf driving range, comprised of an inflatable bubble structure measuring 200' x 300' with an attached service building and restaurant. Because the Mainland Commons is public property, HRM could not be perceived giving the current proponent an advance on the marketplace; therefore, negotiations are for fair market value for the rent.

Councillor Stone pointed out that it was proposed that when the golf driving range is not being used, there would be recreation hours available for the Recreation Department.

#### Public Participation on Indoor Golf Driving Dome

Mr. Stephen Lockyer, 8 Litchfield Crescent circulated copies of the Kornova Golf Dome Project and advised that he and his partners were contacted by HRM staff and encouraged to put in a proposal for an indoor golf driving range and went to considerable expense. Upon submission, they were told it was too late and that HRM was negotiating with a second party. His architect was in attendance to put on a presentation. He stated that they were a competing bid and had been shut out from the negotiating process.

Councillor Stone noted at this point that because HRM was talking to someone regarding their proposal, staff was not able to talk to anyone else. Now that it appears the original proposal is not going forward, this public session was the opportunity to present other proposals.

Mr. John Dobbs, Architect advised his company has been working with the Koronva company for three years, originally working on a golf dome project to be put into Bayers Lake but the project ultimately fell through. This spring, he was contacted again to provide a design for a golf dome on the Mainland Commons. He indicated the scope of the project which included a drawing as follows:

- The land size is different from the Bayers Lake project; therefore, the project is slightly different.
- It will be an inflatable structure with T-boxes at one end for indoor driving to the end of the dome and pro shop, equipment shop, cafeteria and indoor putting range.
- There might be a better site on the Mainland Commons than the one proposed as the one proposed is closer to residential areas. An area towards the middle of the Mainland Commons would mean less intrusion upon the neighbouring properties.
- Fire issues were researched three years ago with numerous meetings with the Fire Marshall.
- It would be a year-round operation and if recreation time is an issue, it could be negotiated. His client had a lot of flexibility on the use of the facility.
- Paving of an access road would be negotiated but the proposal includes paved parking lots.
- His client was interested in approximately three acres, which would include the dome, parking and buffer zones.
- There would be provision for stormwater runoff due to paved surfaces.
- The project is ready to go and a Business Plan is available. If the opportunity were given to them, his clients would proceed immediately.

Mr. George Defazio raised the following points:

- He had in his possession a 1991 letter from former Alderman Moira Ducharme which provided a copy of the Perkins Associates report.
- Soccer Nova Scotia was not permitted to construct a bubble on Mainland North; it had to be aesthetically correct. Soccer Nova Scotia ultimately put in a permanent structure.
- When the area was excavated, a bog had to be covered with \$230,000 of rock. There was no allowance to move the stadium to the right or left to alleviate the problem with the bog.
- What has changed from three years ago that bubbles are now permitted.
- Soccer Nova Scotia is not opposed but wants to ensure that there is brick and mortar involved.
- The public should be involved in the planning process for the proposed golf dome.

Ms. Debbie Hum, 169 Cresthaven Drive raised the following points:

- She was concerned about the duplication of services and the impact on existing businesses, i.e. Fairview Golf Centre and the indoor soccer facility.
- There has been no study by Recreation Department and was there a demonstrated need for this type of facility in the Mainland North area.

Ms. Norma Horne, League Administrator for the Nova Scotia Soccer League raised the following points:

- The League was the major tenant in the Soccer Nova Scotia facility.
- The League has no opinion on the golf development whatsoever.
- Clients grumble about the hourly rate they pay at the indoor facility. The rate is not excessive but is reflective of the cost of the building. Costs were higher than if it had been a bubble structure.
- The support infrastructure in the area needs to be addressed for the current level of traffic, the current use in the facility, the extension of 110 Westridge Drive, its condition, its narrowness, inadequate baseball parking area, inadequate signage of the road, increased traffic should the golf facility go ahead.

Ms. Suzie Lewis Giddy advised that she and her husband owned Northcliffe Tennis Club, 111 Clayton Park Drive. She raised the following points:

- They have had a long term relationship with HRM and have a commitment from HRM over the next 10 years.
- Their facility was the big bubble over the four tennis courts near Northcliffe Recreation Department.
- She understood there was a possibility that their facility would be moved over to the Mainland Commons area which would have a big impact on their facility.
- She asked what impact a golf bubble would have on their facility as there was only so much time and money to go around for people to spend on leisure activities.

Councillor Walker encouraged Ms. Giddy to discuss relocation with HRM staff as soon as possible.

Mr. George Russell, 2 Kilbirnie Lane, Halifax raised the following points:

- He had an interest in an apartment project at the top of Chadwick which has a duck pond fed by water which comes off the area in question. They went to great lengths to ensure that the water supply was not interfered with and he did not want to see the water flow changed as a result of activities on the Mainland Commons.
- There appears to be a movement away from what he perceived as the original intent of the Mainland Commons. He did not think the Master Plan reflected what is being considered or the construction of the indoor soccer facility. He felt the Master Plan should be revisited.
- If the soccer facility had to be located on the Mainland Commons, it should be located on the perimeter of the site so that the centre of the site could have been left for green space and active recreation. The facility proposed should also be located on the perimeter or in Bayers Lake Park as originally suggested.

- There is a conflict between Park and Institutional Land Uses and Commercial Uses.
- Options should be kept open in terms of soft open space and care should be taken as to the location of structures.

Mr. Robert Vaughan, Fairview Hills Golf Club raised the following points:

- In 1989, the former City of Halifax expropriated 40 of 60 acres owned by the Vaughan family for the consolidation of lands for the purpose of the Mainland Commons to be used for the common good of the community. It appeared now that the expropriated lands could contribute to the demise of the existing golf facility.
- He could not support the proposal because it was not on an equal playing field because it would mean competing with the taxpayers of HRM. It is a sort of subsidiary in land use in lieu of private venture which contravenes the original purpose of the Mainland Commons for the community as a whole.
- He opened his golf facility on March 1, 2000 and he expected to be open year round. The proposed facility also expects to be open year round, in total competition.
- The market is saturated and can golfers support an additional driving range in the neighbourhood.
- If concessions are being made to the proponents in lieu of use of some indoor facilities, he has a 3' watermain in front of his facility which he cannot even tap into.

On behalf of Barry MacDonald, the owner of the driving range in Goodwood, Mr. Vaughan advised that Mr. MacDonald felt the facility should not be open at the same time as existing golf ranges during the golf season.

There being no further speakers, the Chair outlined the key points heard:

1. Since 1991, what has changed with regard to the proposals.
2. Study to be done by Recreation Department regarding competition.
3. Hourly rate for soccer facility is higher because it cost more to build.
4. Traffic infrastructure concerns - width and condition of the road, signage and parking in the existing facility.
5. Protection for the tennis club that now exists.
6. Master Plan should be revisited.
7. Some semblance of competition with HRM and HRM taxpayers.

Councillor Adams requested that the comments obtained tonight be taken under consideration by staff and that staff should prepare answers in writing, these answers to be made available to those who expressed concerns. He requested that the speakers leave their name and address after the meeting.

10. **REPORTS** - None

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Improvements to Intersection 102 and Lacewood**

Councillor Stone expressed grave concern that Department of Transportation is not responding in a quick and expedient manner with the above intersection, which is a priority as well as Kearney Lake Road improvements. A cost sharing study was carried out by Department of Transportation and HRM which he understood was to move forward. Part of HRM's budget is the sidewalk to extend Lacewood Drive underneath the 102 to connect to the Chain Lake Drive entrance of Costco; however, staff advises the sidewalk is on hold because if it was constructed, it would have to be torn up to carry out the improvements to the intersection. He understood Department of Transportation may not have funds to do the necessary improvements this year. Although it might be possible to put in a set of lights, in his opinion, that was not good enough, as there was another set of lights needed plus two other lanes as well as improvements to the intersection.

Councillor Stone said he was putting this forward at this time in order to have it added to the Status Sheet in order to get on-going reports as to what is happening with negotiations between Department of Transportation and HRM.

12.2 **Award to Community of Spryfield**

Councillor Adams advised that the community of Spryfield recently received an environmental award. There is a lot of work going on with regard to McIntosh Run and the community has been recognized by the Ecology Action Centre. He was proud of the community for receiving such an Award.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Hiram Tiller, 4 Thackeray Close raised the following points:

- He expressed appreciation that Councillor Stone put the intersection of 102 and Lacewood on the Status Sheet. He submitted, however, that a temporary set of lights was better than none at all and there has been a set of temporary lights in that area for the last three years. He expressed concern that the temporary set of lights might come crashing down on cars. He felt that another set of temporary

lights should be on the other exit which would allow safety for drivers turning left onto Lacewood from the 102. He expressed concern that Department of Transportation did not think the Lacewood intersection was a high priority.

- He questioned signage on poles, traffic lights such as “Junk Removal”, “Moving?”, “Lose 30 lbs in 30 Days”. He asked why these types of signs were not taken down.

Mr. George Defazio raised the following points:

- He asked for a status report on installation of traffic lights - Parkland and Lacewood, Fairfax, Lacewood and Radcliffe.

In response, Councillor Stone advised that lights at Fairfax will be put in when Home Depot opens as Home Depot is paying for them. Lights at Parkland will only be put in when the Traffic Authority regulations are met. Lights at Lacewood and Radcliffe might not be until 2001 or 2002. He suggested that Mr. Defazio contact Dave McCusker, Traffic Authority for further information.

- Regarding the condominiums on Parkland, he asked if the level of water in the lake in conjunction with the condominium could be raised. In response, Councillor Stone advised that it had been raised but could not be raised any more because of the lay of the land. There was supposed to be a passive park around the lake.

Ms. Mary Ann McGrath, MLA raised the following points:

- There was currently paving being carried out at Kearney Lake Road and Hamshaw Drive. There was a flagman above and below Hamshaw Drive but no one at the end of her street, which was out of the line of sight for the two flagmen. She requested that if jobs are contracted out by HRM, then the safety of the public should be considered.
- She was endeavouring to bring about a satisfactory solution to the situation at the intersection of 102 and Lacewood.

Councillor Adams agreed to make contact with staff regarding the flagman issue at Kearney Lake Road and Hamshaw Drive.

Ms. Debbie Hum, 169 Cresthaven Drive raised the following points:

- She previously raised the concern re the crosswalk on Kearney Lake Road in the area of Dunbrack/Grosvenor at the meeting of Chebucto Community Council in October, 1999 when Mr. McCusker was in attendance and spoke of possible improvements for safety reasons. One of Mr. McCusker’s suggestions was to have concrete barriers at the merge lane from Kearney Lake Road to change the merging

lane angle. The concrete barriers have still not been put in place nor have other issues been addressed in this area. Mr. McCusker indicated recently that this area was not part of a pilot project because there are other crosswalks in HRM that are more dangerous. She requested that this item be also put on the Status Sheet re traffic and safety along Kearney Lake Road and have something done about the safety of pedestrians crossing a four-lane highway. Consideration was being given to starting a Petition.

- With regard to the recreation playground at Cambria Park, she sympathized with the resident who made the presentation but the children in the area use the playground. The ones that he would have problems with would be older and playing after 9 p.m. She suggested there was room for improvement by putting in a larger buffer zone to absorb the noise from basketballs. As well, it was important that there be enforcement. She suggested holding a community meeting.

15. **NEXT MEETING DATE** - Monday, July 10, 2000.

16. **ADJOURNMENT**

On a motion from Councillor Walker, the meeting adjourned at 9:10 p.m.

Sandra M. Shute  
Assistant Municipal Clerk