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1. **CALL TO ORDER**

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The meeting was called to order at 7:00 p.m. with an Invocation. The meeting was held at Brookside Junior High School, Prospect Road.

2. **APPROVAL OF MINUTES**

2.1 **Special Meeting - March 26, 1997**

Councillor Harvey pointed out an area of the Minutes where speakers were unidentified. He suggested that this material should not be in the official Minutes.

**MOVED by Councillors Mitchell and Barnet to approve the Minutes of Special Meeting held on March 26, 1997 as amended. MOTION PUT AND PASSED.**

2.2 **Regular Meeting - March 27, 1997**

**MOVED by Councillors Barnet and Mitchell to approve the Minutes of Regular Meeting held on March 27, 1997 as circulated. MOTION PUT AND PASSED.**

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

Additions: Landfill Funds - Ratification of Expenditure

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

4. **BUSINESS ARISING OUT OF THE MINUTES** - None

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Appointment of an Area Advisory Committee for the Plan Review Program for Planning Districts 15, 18 and 19 (Beaver Bank, Hammonds Plains and Upper Sackville)**

**MOVED by Councillors Barnet and Mitchell that Paul Theriault and Kathy O'Brien be appointed to the Area Advisory Committee for Planning District 19. MOTION PUT AND PASSED.**

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**MOVED by Councillors Barnet and Mitchell that Peter Wilde and a representative from the Executive of the Beaver Bank Awareness Association to be named be appointed to the Area Advisory Committee for Planning District 15. MOTION PUT AND PASSED.**

**MOVED by Councillors Rankin and Barnet that Joyce Evans and Don Macdonald be appointed to the Area Advisory Committee for Planning District 18. MOTION PUT AND PASSED.**

8. **PUBLIC HEARINGS** - None

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Delegations**

9.1.1 **Moore's Landing, District 23**

Mr. Dave Moore, owner of Moore's Landing on Queensland Beach provided background information on the property and his efforts to restore the property since he purchased it in 1995. He advised there is a proposed Development Agreement under consideration by staff at this time and he was looking for support from Community Council in this regard. He currently had an application before the Liquor Control Commission and the Gaming Commission. For information purposes, he circulated photographs of the property. The two main issues, in his opinion, were parking and noise.

Having asked the status of the Development Agreement application, the Chair was told that the Staff Report has not been prepared as yet. It would be forwarded to Planning Advisory Committee in due course.

Councillor Mitchell asked how far was the building from the main road. In reply, Mr. Moore provided information on the lot layout and advised that the building was never extended beyond its original boundary. He provided further information regarding concerns raised by Department of Transportation.

Councillor Mitchell asked how close the building was to being completed and if there had been a permit to do the work from the beginning. In reply, Mr. Moore provided information on the current status and stated he did not obtain a permit to change the cosmetic interior but once it was necessary to fix leaks in the roof, that was when he obtained a permit.

Councillor Mitchell asked when the liquor licence would be amended. In reply, Mr. Moore advised that there was a holdup with Halifax Regional Municipality. As well, the Liquor Licence Board had received two letters in opposition.

The Chair thanked Mr. Moore for his presentation and advised that this issue would come back in a more formal way once Planning Advisory Committee has had a chance to look at the proposal and provide a recommendation; however, it was useful to see the concept from Mr. Moore's point of view.

## 10. **REPORTS**

### 10.1 **Transit Advisory Committee**

A Report from North West Transit Advisory Committee dated April 1, 1997 was before Community Council with regard to proposed changes to Route 21.

**MOVED by Councillors Rankin and Mitchell to support the recommendation from North West Transit Advisory Committee and forward same to Regional Operations.  
MOTION PUT AND PASSED.**

### 10.2 **Myra's Beach, Shag End Subdivision, Bayside**

A Staff Report dated April 1, 1997 was before Community Council. Councillor Mitchell explained that the beach has been used by the public for many years and there had been an effort to take over the beach for recreation and come up with an agreement with the developer. In this instance, however, you could not take over parkland or any type of recreation land with access via private road. He had met with the developer once to try to persuade him to make some changes. Currently, there was a recommendation from staff contained in the Staff Report indicating that Community Council should encourage those residents interested in using the land abutting Myra's Beach to meet with the developer of the Shag End subdivision to negotiate a License to Use Agreement. He wanted the residents to know that from the outset he supported the beach and still did with public access by water. With regard to land access, he could not make someone give land and neither could the Municipality. The land joining onto the beach was Lot 10 with the private road driving by it. Since last year, Lot 9 has been developed. Lot 10 would be for recreation for the people who live in the subdivision.

#### Public Participation on Myra's Beach

Mr. Frank Clifford, Blind Bay stated that he understood the developer either had to dedicate 5% cash or equivalent recreational property and asked for clarification. In reply, Councillor Mitchell advised that \$30,400 had been paid but was put on hold. Mr. Clifford

asked how the figure of \$30,400 had been arrived at for such a big piece of land. In reply, Ms. Malloy advised that the figure represents only those lots that were given approval in the subdivision plan. It was 5% of the assessed value arrived at by the Assessment Department.

Mr. Clifford asked, for each further phase of the development, would there be a further 5% and would it be land. In reply, Ms. Malloy advised that the Municipality makes a recommendation to the developer and, in this case, there was not a recommendation for land because it is only accessible by private road. The Municipality could not force the developer to allow the public to cross a private road. She expected the other phases would involve cash unless the developer can provide parkland with public road access. There was one area she had proposed but the Recreation Department did not think the land was suitable.

Mr. Clifford also asked if the road would ever be a public road, once the development was completed. In reply, Ms. Malloy advised it was not likely.

The Chair referred to page 2 of the Staff Report which indicated that the Municipality can request the developer to donate a specific piece of land but it cannot force this to occur as a condition of approving the subdivision. Councillor Mitchell added that with the private road, if they brought it up to standard, it would cost about \$1.5 million. The Municipality would not take it over until it was brought up to standard.

Mr. Ed Hommel, Blind Bay provided background information regarding meetings held in this regard and referred specifically to a meeting where Councillor Mitchell had assured the residents that Lot 10 would be requested from the developer; however, it appears there was no request made for the land. He asked why. He understood that there were 32 lots at \$66,000; however, \$30,400 was the amount received. During the entire subdivision process the developer was told he would be required to pay 5% rather than 5% of property for parkland. He took exception to the fact that the Staff Report indicated he asked personally to consider taking Lot 10 when it was at the advice of Planning Department after there had been discussion regarding the practice - not the policy - of the former Halifax County. Recognizing that the practice did cause difficulty with access, Planning Department was asked if there was a way around it because 90% of private developments become public but, once that happens, there is no recreational land because there has been a cash donation. It was felt that there needed to be recognition that access to beaches in Nova Scotia is being bought up and, in the future, children will have beach access restricted. Planning Department indicated they would be negotiating with the developer to get around the practice by having Lot 10 as a water access park so that in ten years when the subdivision road becomes a public road, everybody would be able to use Lot 10. Planning and Recreation Departments both understood what the residents wanted and made representations on their behalf. The residents requested the

Recreation Association, whose job it was to advise the Councillor, that they recommend there should be a beach park; however, the request was ignored. Even though Ms. Malloy recommended to the Recreation Association that there be a park, she signed the subdivision plan. He pointed out that this particular developer has now made 120 acres of Crown land private land and Halifax Regional Municipality has posted all the land as no trespassing. Not only is the beach gone but there is 120 acres of Crown land within the development gone as well. He asked if it was the practice of the Councillor and Planning Department to ignore the request of the residents and ignore the spirit of the By-law and the recommendations of the Recreation Association which was set up as the voice of the people who live in the area. He said he did not understand why the residents were not told that the shareholders in Germany met and disagreed with giving over land. He referred to the fact that Ms. Malloy indicated there had not been, at any point, a recommendation for receipt of parkland; however, that was not his recollection. The problem seems to be with the practice - versus the policy - that goes against the request of the residents, against the spirit of the By-law. This was a natural piece of recreation land that does not require a budget or upkeep at all.

Councillor Mitchell referred to a map and explained that the land could still be accessed by water which meant no change.

Mr. Jerry Billard, Blind Bay stated you could not restrict access to Crown land. Anybody could go down the road. In reply, Councillor Mitchell stated it was a private road and you could be stopped.

Additionally, Councillor Mitchell said he has never stopped working for the beach but the reason things were taking so long was because you were working with people who travel to Germany. Staff was entrusted to do what was right. It seemed at one point that the land was going to be obtained, but it did not happen. After he read the Staff Report, he made a copy available to the developer who indicated that the beach would be accessible but not the land because it would be taken for recreation. This meant that the land was going to be used for recreation in the subdivision and the residents were getting the beach. The developer did not agree with any kind of contract for use of the beach; if people wanted to use the beach, they could but Lot 10 would be for parkland or recreation for the people who move into the subdivision. He did not have anything to do with the \$30,400 as it happened just as he was coming in as Councillor. The assessment was done in 1993/94. He agreed that when he attended a meeting in a resident's home, he always supported the beach and recreation but he had no say in what the developer wanted to do. A number of years ago the developer indicated he wanted to do something for the community and would buy a piece of property - such as Welsh's Lake on the road - but it was not acceptable. The developer indicated yesterday that he did not think he owed anybody in Blind Bay anything but was letting them use the beach to the high tide mark. There was, however, a portion of land - which Councillor Mitchell indicated on the map - that the

developer was willing to make into a park area for the people of Blind Bay - by cleaning it out, trimming it, putting in a boat dock and float, fireplace. He pointed out that the developer was afraid of fires and cited incidents which had occurred previously in this regard.

Councillor Harvey asked if the piece of land the developer was offering would continue to be owned by him. In reply, Councillor Mitchell replied he would continue to own it. Additionally, Councillor Harvey asked if the developer planned on using Lot 10 for recreation and not build on it. In reply, Councillor Mitchell stated yes. Councillor Harvey then said that if the road was ever made public, then the beach and Lot 10 would obviously become public.

Mr. Ed Hommel pointed out that the developer will maintain ownership of Lot 10 for recreation.

Ms. Angela Poirier, Shad Bay stated that if the developer owned Lot 10, he could build on it if he wanted to. Councillor Mitchell, in reply, explained that the developer had Lot 10 sold but the fuss on the beach last year cancelled the sale. He then made arrangements to turn Lot 10 into recreation for the subdivision.

Councillor Barnet suggested that a level of comfort or protection for the residents would be to request that Lot 10 be rezoned to parkland, not actually have the Municipality take ownership but rezone it so that any change in use would have to come to the Municipality.

Councillor Harvey asked if there were privately owned parkland zones. In reply, Mr. Butler stated the land could be tied up for three years, under the Planning Act. Community Council could ask the developer to zone Lot 10 as parkland which might give some level of comfort.

**MOVED by Councillors Barnet and Kelly that a letter be written to Mr. Tuttlies, the developer asking for agreement that Lot 10 be zoned as parkland. MOTION PUT AND PASSED.**

Ms. Roseann Coates, Shad Bay expressed concern with losing beach access in Nova Scotia and particularly in this area. Recreation Department should be making efforts to protect beaches from development by purchasing them. \$30,400 was a ridiculous sum for the Municipality to receive when the asking price of a building lot in the development was \$98,000-120,000. The Chair agreed that there appeared to be something wrong with the provincial government because of the difference between the assessed value of the lot and what they are being sold for. He suggested bringing the matter of the purchase of beach property to the attention of the local MLA, Bruce Holland.

Mr. Ed Hommel clarified that Assessment Department advises that the land at Shag End is assessed as vacant land and they are not aware of any development. There may be a bit of a lag time, however. The Chair added that should the project proceed in different phases, then the cash dedication could go up substantially because Assessment Department will know what the lots are worth on the market once lot purchases are registered.

With regard to the staff recommendation, Councillor Mitchell stated that since the developer does not agree with the recommendation, they were welcome to use the beach to the high tide mark. With regard to the other piece of land, the developer would like to speak to the Blind Bay residents to find out what they would like and work with them.

**MOVED by Councillors Mitchell and Kelly to accept the beach for public use for access by water and that the land being offered go to the area representatives for consideration. MOTION PUT AND PASSED.**

Members of the public wished to continue speaking on this matter. The Chair pointed out this was not a Public Hearing but allowed further time with the agreement of Community Council.

Mr. Larry Burke, Shad Bay gave a history of the beach and stated that the area was extremely underserved with recreational property. The whole process seemed to be geared towards bending towards the developer and the other land the developer was proposing was garbage. The sign the developer put up indicates that Lot 10 is for recreational purposes. If the road is a private road, he asked why were the No Trespassing signs paid for by the Municipality.

Replying to the question of signage, Councillor Mitchell stated that the sign was supposed to go back where the road goes to the beach. When the agreement for the beach was made through Recreation Department, there was supposed to be access to the beach by road in case cleanup was required. As there had been reference to the beach at Shad Bay previously, Councillor Mitchell suggested that the residents join the Recreation Committee to know what is happening in the community.

Ms. Nancy Naylor, Blind Bay asked if the \$30,400 cheque has been cashed because she understood it was being held pending a resolution. She was told it was not cashed. This meant, she said, that the 5% was, therefore, still negotiable. In reply, Councillor Mitchell said there was no deal made except for the people using the beach. She stated that the property being offered by the developer was not an appropriate piece of land and explained why. She referred to the developer's concern with fires and pointed out that the land being offered was far more wooded and posed a greater risk. Councillor Mitchell agreed to point this out to the developer.

### 10.3 Planning Advisory Committee

#### 10.3.1 Terms of Reference

A Staff Report dated February 12, 1997 was before Community Council.

**MOVED by Councillors Kelly and Barnet to approve the recommendation contained in the Staff Report: THAT the Terms of Reference for North West Planning Advisory Committee be amended to reflect that citizen member appointments be: (1) for a two year term, excepting for initial appointments; (2) appointed from November 1 to October 31 of any year; and (3) appointed to a maximum of two (2) consecutive terms. MOTION PUT AND PASSED.**

#### 10.3.2 Application by the Church of Nazarene to Rezone 740 Beaver Bank/Windsor Junction Cross Road

A Staff Report dated April 3, 1997 was before Community Council containing information that a Public Hearing would be scheduled for May 8, 1997 at 6:00 p.m.

Councillor Barnet asked if May 8 was the earliest possible date. Mr. Butler indicated that the very earliest would be May 1. Discussion took place on future meeting dates.

**MOVED by Councillors Barnet and Kelly that the regular meetings for April 24 and May 8 be cancelled and that one meeting be held on May 1, 1997 at 6:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

#### 10.3.3 Amendment to the Indian Lake Golf Course Development Agreement to Permit Food and Bar Service in the Main Building

A Staff Report dated April 3, 1997 was before Community Council containing information on a non-substantial amendment to be considered by Community Council on April 24, 1997 and a Public Hearing to be held on May 8, 1997 which is a substantial amendment.

**MOVED by Councillors Barnet and Kelly that both the non-substantial and substantial amendment applications be heard on May 1, 1997 at 6:00 p.m. MOTION PUT AND PASSED.**

#### 10.3.4 Appointment to Committee - District 22

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A Staff Report dated April 3, 1997 was before Community Council indicating that it was the recommendation of Planning Advisory Committee that Carolann Wright be replaced for non-attendance with a new citizen appointee from District 22.

**MOVED by Councillors Rankin and Mitchell that Carolann Wright be dismissed from the Planning Advisory Committee and replaced by Donald Boutilier. MOTION PUT AND PASSED.**

11. **MOTIONS**

**MOVED by Councillors Mitchell and Rankin that the Terms of Reference for North West Community Council - Section 3.1 - be amended to change the number of regular meetings per year from 24 to 12.**

Councillor Mitchell stated that, in his opinion, there were not enough items on the Agenda to warrant two meetings a month.

Councillor Barnet advised he would be voting against the motion because of the large geographical area Community Council covers. If there was only one meeting a month, it would mean that Community Council would only meet in the Sackville area once every three months and residents would have very limited opportunity to participate unless they drove outside their area.

Councillor Rankin stated that several other Community Councils met only once a month. Since the new Districts were so much larger, there were many other demands on Councillors' time. In terms of contents for a meeting, the Agenda could be filled between 6:00 and 10:30 p.m. once a month. As far as community input was concerned, there were other avenues for residents to access their Councillor and sometimes Public Participation became something akin to a Public Hearing. He would be reassessing his participation if the motion was lost even though he advocated for a Community Council very early after amalgamation took place and had served on a Community Council in the former Halifax County.

Councillor Kelly stated he thought it was premature as there was still a heavy workload even though there were times when the Agenda was light. If so, then there was the opportunity to cancel a meeting. Community Council was trying to get to all communities.

Councillor Harvey stated that he felt that Community Council was an important opportunity to do public business in public in the communities and it was what mitigates against the big amalgamated Regional Council in downtown Halifax. He would not support the motion - the political culture in Sackville expects a public meeting more often than once every three months.

Councillor Mitchell noted all the meetings he attended other than Community Council meetings and felt that Community Council was not as busy as some of the other meetings he attended.

**MOTION DEFEATED.** 2 in favour, three against.

Following defeat of the motion, Councillor Rankin gave Notice of Reconsideration for the meeting to be held on May 1, 1997. The motion of reconsideration was seconded by Councillor Mitchell.

12. **ADDED ITEMS**

12.1 **Landfill Funds - Ratification of Expenditure**

**MOVED by Councillors Barnet and Kelly to ratify the expenditure of \$1,500.00 from the unexpended and unallocated interest on the new landfill money which represents 50% cost sharing for additional landscaping at Heritage Park, Sackville in conjunction with the Royal Canadian Legion.**

Councillor Rankin asked if it was necessary for Community Council to ratify the expenditure or should Community Council be advised for information purposes only.

Councillor Barnet explained it was incumbent on the Councillors from Sackville that if there is money spent from landfill accounts, to ensure it be ratified by a body in the public forum. He agreed it was an information item but it was the most prudent way to let the public know of expenditures.

Councillor Rankin said he could not take responsibility for expenditures from landfill funds. For clarification purposes, Councillor Harvey advised that Sackville Community Council approved expenditures in the past and North West Community Council was the successor body. He and Councillor Barnet were publicly accountable for the funds.

Councillor Rankin asked for criteria on the overall authority for the funds so that North West Community Council would have knowledge of what is ratified or would be ratified in future. Councillor Barnet explained that the authority was contained in the HRM Act where the Community of Sackville Landfill Compensation Act was amended. Councillor Harvey added that the money was from community compensation and should be spent for the public good of Sackville in whatever way the two sitting Councillors for Sackville deemed appropriate.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Gary McAvoy, Brookside asked if Community Council was aware of a proposed charge by the School Board of \$10 per hour for use of school facilities. He pointed out that this would affect volunteer organizations and asked if the School Board was considering such a proposal, why was it not made public so that the public could provide input. Members of Community Council not being aware of this proposal, clarification was provided by Ryan VanHorne, the Daily News who advised that this was something being considered by the School Board and a Staff Report would be going forward in the near future. Councillor Mitchell agreed to follow up.

Mr. Wayne MacPhee stated that the \$10 per hour was a good deal for using the school facilities and he did not have any concerns with the School Board trying to recover some money.

Mr. Joe Hauser, Brookside asked if there was any transit service being considered for the Brookside area. He offered help, if required. In reply, Councillor Mitchell indicated that Gary McAvoy, a Brookside resident, had just recently been appointed to the Transit Advisory Committee. There was a study being carried out with regard to transit for the Peggys Cove Road/Prospect Road area and for the Tantallon/Hubbards area.

Mr. Wayne MacPhee referred to the \$50 fee per team proposed to be levied for soccer and the imbalance it presents to some teams over others. Councillor Kelly advised that staff was told not to do anything about the proposal until it is dealt with in the Operating Budget. Councillor Harvey added that Regional Council was quite surprised that the proposal was being circulated without its approval.

Mr. Walter Regan, Sackville Rivers Association referred to Myra's Beach and asked if staff could be asked to resolve the problem. Councillor Mitchell provided further information on the present situation, particularly with regard to costs involved in bringing a private road up to standard before it can be taken over for public use.

15. **NEXT MEETING** - May 1, 1997 (location to be confirmed)

16. **ADJOURNMENT**

Meeting adjourned at 9:00 p.m.

Sandra M. Shute  
Assistant Municipal Clerk