

NORTH WEST COMMUNITY COUNCIL

MINUTES

FEBRUARY 13, 2003

THOSE PRESENT: Councillor Len Goucher, Chair
Councillor Robert P. Harvey
Councillor Brad Johns

ALSO PRESENT: Barry Allen, Municipal Solicitor
Angus Schaffenburg, Planner
James Campbell, Shared Services
Bruce Fisher, Manager Financial Planning
Gordon Roussel, Budget Coordinator
Bruce Colborne, Development Engineer
Sandra Shute, Legislative Assistant

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Charles Fenerty Room, Sackville Library, 636 Sackville Drive, Lower Sackville. At a later point in the meeting, the Chair recognized Barry Barnet, MLA for Sackville/ Beaver Bank.

2. **APPROVAL OF MINUTES**

MOVED by Councillor Johns, seconded by Councillor Harvey to approve the Minutes of the following meetings as circulated:

Regular Meeting - December 5, 2002
Regular Meeting - December 9, 2002
Joint Meeting - December 9, 2002
Special Council Session - January 21, 2003

MOTION PUT AND PASSED UNANIMOUSLY.

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

Added Items: Mobile Home Park Issues - Councillor Harvey

MOVED by Councillor Harvey, seconded by Councillor Johns to approve the Order of Business as amended. MOTION PUT AND PASSED.

4. **BUSINESS ARISING OUT OF THE MINUTES**

4.1 **Status Sheet Items**

4.1.1 **Restricting Discharge of Firearms**

Councillor Johns advised he and the resident had received a letter addressing this issue. This item can come off the Status Sheet.

4.1.2 **Proposed Area Rate - Former Sackville Heights Elementary School - No update at this time.**

4.1.3 **Tree Saving Proposal**

A Staff Report dated February 4, 2003 was before Community Council entitled "HRM's Initiatives for Conserving Paper in Response to the Tree Saving Proposal".

James Campbell, Shared Services provided an overview of initiatives that HRM has been undertaking to try to conserve paper internally and, as well, externally in an attempt to have the public cut down on paper use and recycle.

It was agreed that a copy of the report would be sent to Mr. Bob Kerr, who initiated the discussion.

4.1.4 Drainage and Sediment - Springfield Lake - No report.

4.1.5 Feasibility of Municipal Golf Course

Community Council was in receipt of a letter dated December 9, 2002 from Destination Halifax in support of a proposal for a municipal golf course.

MOVED by Councillor Johns, seconded by Councillor Harvey to table the correspondence. MOTION PUT AND PASSED.

4.1.6 Springfield Lake Beach - Boat Launch

Councillor Johns indicated that this item will be included in the upcoming capital budget for 2003/04.

4.1.7 Outdoor Display Courts - No report.

4.1.8 Setback for Accessory Buildings on R-0 Lots in Sackville - No report.

4.1.9 Policy P-71, Beaver Bank, Hammonds Plains, Upper Sackville MPS - No update.

4.1.10 Environmental Study of Sackville River - No report.

4.1.11 Fencing of Pathways - No report.

4.1.12 Status Sheet Time Frame - No report.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **PUBLIC HEARINGS**

8.1 **Case 00500 - Application to Rezone Lands Off Meadowlands Drive, Lower Sackville**

The following items were before Community Council:

- Staff Report dated December 17, 2002
- Recommendation dated January 15, 2003 from North West Planning Advisory Committee
- Supplementary Staff Report dated January 28, 2003
- Letter dated January 30, 2003 from Armco Capital indicating its intention, during construction of the project, to clear only that area which is required for the installation of municipal infrastructure, construction related items and individual lot development for houses, including front and rear yards.

Mr. Angus Schaffenburg, Planner and Mr. Bruce Colborne, Development Engineer, Central Region were in attendance for this application. Mr. Schaffenburg provided an overview of the report and the Supplementary Report which addresses the heritage issue. Staff was recommending approval of the rezoning to R-1.

With regard to the heritage issue, Mr. Schaffenburg indicated that a subdivision or rezoning would not impact on the heritage value of the church or cemetery. A Public Hearing at Regional Council would be required to consider deregistration of a portion of the church property.

Councillor Goucher asked for clarification regarding the process to deregister the land. In response, Mr. Schaffenburg advised that Heritage Advisory Committee was provided with information but Heritage Advisory Committee is not required to comment on a rezoning. The land can be rezoned without deregistration. An alternative approach would be to retain the designation and go to Heritage Advisory Committee for a substantial alteration. Staff feels the deregistration is a separate matter.

Councillor Goucher referred to the fact that Community Council took the issue of the Soil Removal By-law to Regional Council relative to lot size and for all residential lots to be covered. He understood this has been forwarded to the provincial government and asked if it would be the same process as an MPS amendment and hold weight for a 120 day period.

In response, Mr. Barry Allen, Municipal Solicitor advised it was necessary to wait for approval from the provincial government. He was not aware of the status of the amendments.

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

Mr. Kevin Carther, 206 Churchill Downs Circle suggested that Community Council consider tabling the matter until the two items just raised by Councillor Goucher are dealt with.

Mr. Andrew Giles, Armco Capital raised the following points:

- The existing zoning is P-2 which allows for a variety of uses on the property.
- There is planning policy to support a CDD zone which would allow for a higher density development.
- In conjunction with the Parish of Sackville, the R-1 zone seems to fit the existing neighbourhood of Meadowlands Park.
- He referred to the letter submitted by Armco Capital dated January 30, 2003 re tree retention.

Mr. George Carmichael, 186 Churchill Downs Circle submitted a letter dated February 13, 2003 and raised the following points:

- He had concern re the potential for flooding. His property lies at the base of a steep embankment that borders on the area in question. If the soil loses the ability to absorb the moisture coming down as runoff, he and Mr. Brookbank, his neighbour, would be inundated with water.
- He requested that a 60' permanent greenbelt be maintained to act as a natural buffer between the proposed development and existing homes.
- HRM seems to be skirting the issue of liability. The Planner claims HRM cannot permit this development to negatively impact his property and, therefore, he requested that a legal document be provided to the five or six homeowners whose properties border the new development claiming HRM's liability for compensation for damages should the properties be flooded due to inadequacy of engineering design implemented in the new development.
- By providing such a legal document, it would quell the neighbours' fears over drainage issues and guarantee that HRM engineers will closely monitor drainage management.
- The developer has been granted variances to HRM's actual guidelines and has exceeded them. It is time for variances for the current homeowners.

Ms. Donna Cook, 178 Churchill Downs Circle raised the following points:

- She had the same concerns as Mr. Carmichael. The brook ran within 10 metres. She wanted assurance that the Municipality will be responsible for any damages.
- She would like to see a greenbelt left to prevent problems.

Mr. Walter Regan, Sackville Rivers Association spoke in opposition to the development but, if it did go forward, wanted to see the following included:

- There must be a major tree retention clause in the contract.
- There should be bigger buffers to protect the watercourses, at least 15 metres on either side.
- For safety for children, there should be a walkway between Lots 13 and 14.
- There should be an in-depth sediment control plan so that there is no change to surface runoff on the site. Perc rates should be maintained at all times.
- Use of oil grit separators should be installed where possible.
- Parkland should be increased behind Lots 16, 17, 18, 19 and 20 to be used as a larger park and trail system for the public.
- The development and its impact on the Sackville River should go before the Halifax/Halifax County Waters Advisory Board for comment.
- Settling ponds should be installed to retain water on site for natural runoff.
- At least 200 metre buffer between the present subdivision to guarantee their privacy.
- There should be no development on slopes over 20%.
- Lot Grading By-law should apply to this subdivision if passed.

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

MOVED by Councillor Johns, seconded by Councillor Harvey to close the Public Hearing. MOTION PUT AND PASSED.

The Chair then requested that Bruce Colborne, Development Engineer respond to issues raised by the public. His responses follow:

- The Lot Grading By-law applies to all subdivisions. The Topsoil By-law would also apply during the initial development of an area of land, until subdivided.
- During construction, there is a requirement for an erosion and sedimentation control plan to be submitted by the engineers.
- With regard to drainage, there is a review process to ensure there is no impact on existing watercourses.
- If problems arise, it will be a matter of determining what happened to cause the problem.
- The design will be looked at by a professional engineer. There is never a 100% guarantee.

Also, in response to questions raised by Community Council, Mr. Allen, Municipal Solicitor provided the following information:

- With regard to Mr. Carmichael's request for a legal document from the Municipality, the Municipality is not an insurer of people for problems that arise from development matters. Problems could arise that have nothing to do with the Municipality. If

problems arise and claims are made, the Municipality will respond and the engineers will look to see the solution. If there is legal liability and damage is involved, the Municipality would pay those. The nature of the problems that arise would have to be dealt with at the time they arise.

- If there is flooding, it could be the property owner from which the water comes who would be responsible, or the developer, or the contractor, or people beyond the development altogether. The people whose properties are flooding could conceivably be contributing to the problem by something they are doing on their property.
- If the Municipality were to give a guarantee, it would be saying that if the property owner has a problem, the Municipality will indemnify and that is not the way legal problems resolve themselves.
- Tonight involves the passage of a law. A law balances interest and gives a benefit to one group at the cost of another. Indemnities are not granted along with the passage of a law to ensure that those who might suffer from the law in any way will receive compensation.
- Should a stormwater master plan fail, a variety of people could be responsible - HRM, the developer, the property owner. The basic law of water is that each owner of land has an obligation not to do something with his land that causes more water to flow off his land onto his neighbour's land to his neighbour's detriment or does something to his property that increases the flow of water, such as paving.

Councillor Goucher then referred to the letter from Armco dated January 30, 2003 and asked for information regarding the possibility of enforceable covenants to make sure tree cutting is controlled. In response, Mr. Schaffenburg advised that he understood Armco did not plan to do this as it did not work in terms of individual lots. The Municipality does not have any ability for covenants or any ability to control tree cutting.

Councillor Harvey then raised the following issues:

- The proposal has received a great deal of study by staff and residents and has been the subject of two Public Information Meetings, which is somewhat unusual in a development of this nature.
- Should the property be rezoned, the challenges for any potential developer have been clearly laid out - tree retention, storm water management plan, sanitary sewer issues, parkland designation.
- The sellers of this property, the Church, have chosen to include in the agreement of Purchase and Sale that they will only seek an R-1 rezoning although they had other choices for the property, such as much more dense development in the form of CDD which could feature small lots or apartments because it is a residentially designated piece of property.

- A real effort has been made by the sellers to ensure that should the land be rezoned, the type of development to take place would be the most compatible with the existing subdivision.
- While there are no absolute guarantees, there are a number of measures that apply to this type of situation, should the rezoning take place. There is the Lot Grading By-law, the Topsoil Removal By-law and the Stormwater Management Plan prepared by a professional engineer and approved by HRM Engineers.
- Regulation 5.9 indicates that stormwater shall not be directed to adjacent private property unless there is an easement provided and, if necessary, the engineer may require zero increase in the peak rate runoff from storms of specified frequency.
- Both staff and Planning Advisory Committee recommend approval of the development; therefore, to look for a planning reason to deny the application, with it being designated residential, is very difficult.
- The application could be deferred until certain other processes are complete, including deregistration of the property by Regional Council, but that would amount to a delay which, in the end, would not change the outcome.

Councillor Harvey, therefore, put forward the following motion:

MOVED by Councillor Harvey, seconded by Councillor Johns to approve the rezoning of lands off Meadowlands Drive (generally PID 41027061) to R-1 (Single Unit Dwelling) Zone from P-2 as shown on Map 2 attached to the Staff Report dated December 17, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Correspondence** - None

9.2 **Petitions** - None

9.3 **Delegations**

9.3.1 **Sackville Centennial Elementary School - Sidewalk Request**

Mr. David Haley, Chair, Safety Committee, Sackville Centennial Elementary School provided a written request for a sidewalk on George Street, Sackville. He indicated that Councillor Harvey had previously submitted a Petition to Regional Council in this regard.

Mr. Haley provided information on the background, the solution and costs associated with the request for sidewalk construction, as a result of a safety concern. He requested support from Community Council during the upcoming budget process to include a sidewalk on George

Street and have staff initiate the procurement and design process in this regard. He requested that consideration be given to including this small piece of sidewalk in a contract for Skyridge, which would be a larger undertaking.

MOVED by Councillor Harvey, seconded by Councillor Johns that a copy of the request from Sackville Centennial Elementary School be sent to the Director of Public Works for evaluation and consideration that this small project could be attached to the proposed Skyridge project and that costs be obtained. To facilitate this project, to offer a cost sharing grant from District 20 Capital funds. MOTION PUT AND PASSED.

10. **REPORTS**

10.1 **Appointments and Reappointments to Halifax/Halifax County Watershed Advisory Board**

A report dated January 23, 2003 was before Community Council containing recommendations for appointment to Halifax/Halifax County Watershed Advisory Board. The recommendations contained in this report were also before Chebucto Community Council, Peninsula Community Council, Marine Drive Valley and Canal Community Council and Western Region Community Council.

MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council appoint or reappoint the members of Halifax/Halifax County Watershed Advisory Board as contained in the report dated January 23, 2003 and ratify reappointments of representatives of various community based organizations involved with the Municipality also as contained in the same report. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 **Sackville Landfill Compensation Funds**

10.2.1 **Sackville Landfill Trust: Donation to Sackville Heights Community Centre, 45 Connolly Road, Sackville**

A Staff Report dated January 28, 2003 was before Community Council.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council approve the withdrawal of \$75,000 from the Sackville Landfill Trust Fund in 2003/04 for capital upgrades to the Sackville Heights Community Centre, 45 Connolly Road, Sackville, contingent upon formal written approval from the Nova Scotia Department of the Environment.

Councillor Johns explained that the contingency has to do with soil testing. The location of the project in question will benefit all areas of Sackville.

Councillor Harvey explained that a number of funding sources have been identified for the Sackville Heights Community Centre, which is an important project. The project will touch many people and organizations in the community.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Sackville Landfill Trust Fund: Donation to Beacon House Interfaith Society, Property Acquisition and Development

A Staff Report dated January 28, 2003 was before Community Council.

MOVED by Councillor Harvey, seconded by Councillor Johns to approve the withdrawal in the amount of \$75,000 from the Sackville Landfill Trust Fund in 2002/03 as a donation towards Beacon House Interfaith Society's acquisition of a property located in the Sackville area.

It was noted that this motion is subject to a satisfactory agreement of Purchase and Sale and also subject to relocating in the Sackville area. If a suitable property was found outside the Sackville area, then Beacon House would no longer qualify.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Appointments to North West Planning Advisory Committee

MOVED by Councillor Harvey, seconded by Councillor Johns to appoint Robert Morgan and Roddy Macdonald to North West Planning Advisory Committee for a term to end January, 2005 to represent District 20. MOTION PUT AND PASSED UNANIMOUSLY.

10.4 Appointment to North West Transit Advisory Committee

MOVED by Councillor Johns, seconded by Councillor Harvey to appoint Troy Mitchell to North West Transit Advisory Committee to represent District 19. MOTION PUT AND PASSED.

10.5 **Report from North West Planning Advisory Committee re Case 00511 - Various Amendments to the MPS and LUB, Bedford**

A Staff Report dated January 27, 2003 was before Community Council along with a recommendation from North West Planning Advisory Committee.

MOVED by Councillor Johns, seconded by Councillor Harvey to give First Reading to consider amendments to the Bedford Land Use By-law and set March 18, 2003 as the date for a joint Public Hearing with Regional Council. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Johns, seconded by Councillor Harvey to recommend that Regional Council:

1. **Give First Reading to consider amendments to the Bedford Municipal Planning Strategy and Land Use By-law and schedule a joint Public Hearing for March 18, 2003.**
2. **Adopt the amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachments A and A-1, Attachments B, B-1, B-2 and B-3, and Attachments C and C-1, with an amendment to Attachments A and A-1 to better clarify the wording.**

MOTION PUT AND PASSED UNANIMOUSLY.

North West Community Council, at a future date, will consider approval of the amendments to the Bedford Land Use By-law as provided in Attachments D and D-1, Attachments E and E-1 and Attachment F.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Mobile Home Park Issues**

MOVED by Councillor Harvey, seconded by Councillor Johns to request that staff advise if the following issues can be addressed and, if so, by whom, and provide a report in this regard:

1. **Clearing of fire hydrants inside mobile home parks during the winter.**

2. **Snow removal generally in terms of streets and whether or not there is control over this.**
3. **Streets being poorly maintained in general and the parking of cars during the winter.**

MOTION PUT AND PASSED UNANIMOUSLY.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

14.1 **2003/04 Budget Process**

Mr. Gordon Roussel, Budget Coordinator, with the aid of overheads, provided budget information for 2003/04 which included:

- Where we are today
- Moving Forward - Strategic Initiatives
- Budget Process
- Capital Budget Shortfall
- Total Assessment Values 2002/03 and 2003/04
- Fiscal Challenges
- Options
- Public Participation

The Chair then called for input from the public.

Walter Regan, Sackville Rivers Association referred to the following issues:

- He was in favour of increasing the tax rate to keep infrastructure up.
- If there was an increase in funding last year for heritage site protection.
- Was there proof that residents are getting good value for taxes paid.
- By right development raises taxes. Has staff considered a service charge per lot for by right development.
- The School Board should be a line department of Regional Council. Regional Council should be looking at sidewalks for schools, access to schools and all schools should be community centres with access to ball fields, etc.
- There should be more Planners and By-law Enforcement Officers generally.
- Costs of walking trails should be weighed against the cost of health care.
- To reduce the cost of storm sewer infrastructure, the brooks should be left alone.

Mr. Barry Barnet, MLA Sackville/Beaver Bank referred to a five-year review carried out by the Minister of Municipal Affairs for the 52 municipalities in Nova Scotia from 1997 to 2002. The collective increase over that time was about \$89 million; however, HRM was responsible for \$83 million of that. This amounts to a 25% increase in operating expenses over five years for HRM. He asked if HRM actively goes out and looks for cost savings. He used for examples the fact that some subdivision streets are being plowed more often than needed and controlling the use of salt. As well, he did not accept the fact that there was a need to tie assessment to the tax rate. HRM could take a closer look at its expenditures and do a better job of managing where it saves money. The operating budget is now \$100,000,000 more than the budget at amalgamation and amalgamation was supposed to save money.

Ms. Gloria Lowther, Bedford questioned the use of consultants and asked why more studies were not done in house to save money for taxpayers.

Ms. Jan Gerrow, Bedford stated she was willing to pay more or hold the tax rate to improve services. She had concerns with the level of service for snowplowing, transit, sidewalk, the deficit at the Sackville Sports Stadium and fees for sports programs were too high.

Mr. Dave Grace, Sackville questioned whether population growth is reflected in extra expenditures. With regard to by right development, individual freedoms are disappearing and things are being changed without others being aware.

Staff and Councillors responded to items as follows:

- The heritage reserve was increased to fund heritage projects.
- Public consultation provides information as to good value for taxes paid. As well, there is an audit system and Councillors are involved with Program and Service Review Committee. There is a Business Planning process.
- A Capital Cost Contribution Policy has just been introduced but lot levy charges are restricted by provincial laws which applies to large developments. Right now there is nothing for by right. The Regional Planning initiative continues to go forward.
- A Capital Cost charge can be applied to an as-of-right development if there are going to be external costs by applying a holding zone. This is limited, however, to hard infrastructure issues.
- The School Board is under provincial law and there has not been any proposal to eliminate it. The Municipality has a concern with the way School Boards are funded.
- Regarding increases in operating expenditures over the five year period indicated by MLA Barnet, there are different areas which have risen in tandem such as collective agreements, RCMP, education.
- A major issue now is the Corporate Scorecard and one objective is the Healthy Vibrant Community.

Councillor Johns asked the status of assessments being taken over by HRM. In response, Mr. Fisher advised that this was a provincial responsibility but the Municipality is billed for it but is still waiting for a Board to be established in order to provide input.

Councillor Harvey stated that one of the most important things being brought to the attention of Council and the public in the upcoming budget is the need to invest in capital assets, such as buildings, roads, buses. There is a necessity to move on this at once so that there will not be a need to replace capital assets all at once in one or two years by necessity. This has happened with the School Board.

Councillor Johns stated that HRM has allowed development to continue to take place in areas such as Upper Sackville and behind it comes the need for sidewalk, bus services and increased traffic. If you are not going to provide the amenities required from development, then development should be restricted. People have become accustomed to a certain level of service.

The Chair then thanked Mr. Fisher and Mr. Roussel for their presentation.

14.2 **Other Public Participation**

Mr. Don Lowther, Bedford Waters Advisory Committee expressed concerns that some of the HRM reports were printed one sided, not in keeping with the report regarding the Tree Saving Proposal received earlier in the meeting.

Mr. Don MacVicar, Bedford expressed support for the services provided by the Sackville Sports Stadium and urged Community Council to do everything possible to ensure that those services continue.

Mr. Ed Grace, Springfield Lake referred to Item 4.1.4 on the Agenda - Drainage and Sediment, Springfield Lake and asked the status. In response, Councillor Johns advised that he has not heard anything since he last spoke to Mr. Grace and suggested that Mr. Grace contact Walter Regan of Sackville Rivers Association and/or Don Lowther, Bedford Waters Advisory Committee for input. These gentlemen might be able to suggest ways to alleviate Mr. Grace's specific problems. He understood the whole drainage problem at the end of Fenerty Road and Springfield Lake was included in the upcoming budget.

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

- He asked the status of the 60 acres at Second Lake. In response, Councillor Harvey advised that a meeting would be held shortly.
- He expressed appreciation with the service provided by the 490-4000 number when he called with concerns. Mr. Regan's comments will be passed on to the Call Centre.

It was noted that the Call Centre is open seven days a week from 7:30 a.m. to 10:00 p.m.

- The HRM Trails Group will be requesting an increase in funding. He asked for support from Community Council.
- He expressed concern with the Pinehill Street sediment site by National Radiator and stated he believed the situation was getting worse.
- He asked for the status on the shopping cart issue. Since there was a report sent to Regional Council in this regard not long ago, the Clerk was asked to provide Mr. Regan with a copy.

Mr. Brian McLeod, Cobequid Road indicated he has not been a resident of the Sackville area for long but expressed support for the process that Community Council follows. He was also particularly appreciative of the HRM web site and the information provided there.

15. **NEXT MEETING DATE** - Thursday, March 27, 2003.

16. **ADJOURNMENT**

On a motion from Councillor Johns, the meeting adjourned at 9:00 p.m.

Sandra M. Shute
Legislative Assistant