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8.1 **File No. ZA-SA-009-96 - Amendment to the Sackville Land Use By-law re Sackville Business Park**

Bill Butler, Manager, Planning Services - Central provided an overview of the Staff Report dated December 5, 1996 which was an amendment to the Land Use By-law requested by the Nova Scotia Business Development Corporation, owners of the Sackville Business Park. In 1996, Metro Self Storage Limited offered to purchase five acres of land to establish a rentable storage facility, which was categorized as an industrial use. Pursuant to the Land Use By-law, it was only permitted in that portion of the Park designated for industrial activity but the lot in question was designated only for commercial activity. Consequently, it was not possible for the Development Officer to issue a permit for the facility. While the Master Plan prepared in 1994 was a positive effort, the reality of the situation was that for the most part road, water and sewage were not installed. The Master Plan implied there was a choice but the reality was that until the roads are put in, there was no land readily available in the industrial portion of the Park. The amendment would permit the Development Officer, when authorized by the owner of the Business Park, to issue permits for industrial uses within the area designated by the Master Plan for commercial purposes.

There were no questions from Council.

Speakers in Favour

Mr. Jack Brill, a member of the Sackville Business Park Management Team, stated he supported the amendment. It would increase the commercial base and provide some additional jobs for the community. Similar facilities in Burnside and Ragged Lake were clean and well kept.

Mr. George Reid, Business Development Corporation, owner of the land advised that the owner fully approved of the change and requested it. They supported the sale of the land to Metro Self Storage. It would be an addition to the commercial tax base of the area.

Speakers in Opposition

There were no speakers in opposition.

Decision by Council

**MOVED by Councillors Barnet and Mitchell to approve the amendment to the Sackville Land Use By-law which would permit the Development Officer, when authorized by the owner of the Sackville Business Park, to issue a development**

**permit which complies with the requirements of the BP (Business Park) Zone but would not be consistent with the Master Plan.**

Councillor Harvey felt that there was an attempt to do too much with this amendment; he supported the business that wishes to come to the Park but felt that with the amendment, there was an attempt to reform and revise the Master Plan. He felt that the request could have been accommodated with an amendment and then possibly a Sub-Committee of Planning Advisory Committee could have been created to deal with the Master Plan all at once. As well, he said he would be more comfortable if the owner, as named in the amendment, was Halifax Regional Municipality.

**MOTION PUT AND PASSED 4-1.**

**8.2 File Nos. DA-FEN-04-96-18 and RA-FEN-04-18-96 - Application for a rezoning and a Development Agreement by Annapolis Basin Group and Graham Cooke & Associates Inc. to permit an integrated golf course and residential development on a 550 acre site in the vicinity of Beaver, Bottle and Sandy Lakes, north of the communities of Hammonds Plains and English Corner.**

Ms. Jacqueline Hamilton, Planner provided an overview of the Staff Report dated December 24, 1996. As well, a Memorandum dated December 20, 1996 together with a proposed Development Agreement, which was intended for the golf course component, and an Information Report dated December 5, 1996 were before Community Council. Ms. Hamilton provided information on major points of the proposed Development Agreement. An alternate access road was proposed to connect as outlined in the Staff Report dated December 24, 1996 which would not utilize the streets of the adjoining subdivision. The road has to be constructed to public street standards and would be deeded and maintained by the Municipality or Department of Transportation. It was anticipated at this time that Department of Transportation would be maintaining the road as it was located outside the core area. In terms of environmental protection and recreational issues, she outlined the requirements in the proposed Development Agreement. The proposed Development Agreement also provided for minor amendments which meant that Community Council could consider these changes by way of a resolution and that residents within 500' would be notified as well as Maplewood on the Lakes Residents Association and future Glen Arbour residents. Any other changes not specifically identified in the agreement would be considered a major change and only considered through the Public Hearing process.

As indicated in the Staff Report dated December 24, 1996, Ms. Hamilton advised that staff supported the application as proposed as well as Planning Advisory Committee. In terms of alternatives for Community Council, the application could be approved as proposed, approved with changes or rejected.

Questions from Council

Councillor Kelly asked if public street standards meant paved streets, to which Ms. Hamilton replied yes. With regard to on-going base line testing, he asked how often this would be done. In reply, Ms. Hamilton indicated that base line monitoring would be done on a quarterly basis and that reports would be provided. Staff felt this was adequate after consultation with Engineering Services.

Speakers in Favour

Mr. Barry Zwicker, Wallace Macdonald & Lively, representing the Annapolis Basin Group, advised that presentations have been made previously to Planning Advisory Committee and in order to allow the public to make their thoughts known, he would hold back from making a formal presentation but would like the opportunity to respond to any issues that may arise during the Hearing and respond to any questions from Community Council.

There were no questions from Council.

Speakers in Favour

Ms. Barbara Verge read a letter on behalf of the committee signed by Tom Quigg which was formed in the Maplewood on the Lakes subdivision with regard to the golf course proposal. The letter outlined conditions under which the residents would support the proposal. Personally, she asked what were the zoning intentions for the access road as it appeared there could be R-1 zoning for houses on both sides of the road and this could be done now. She also expressed concern re traffic problems in her subdivision and school overcrowding.

In reply, Ms. Hamilton stated that the zoning of the property off the access road was not part of the proposal. Zoning would remain the same as it is now. With regard to traffic concerns, Traffic Services did not foresee the need for improvements at this time in Maplewood on the Lakes with the alternate access in place. With regard to school concerns, staff felt the proposal should not be refused on that basis even though there would be an increase in school enrollment.

Councillor Kelly asked if the developer had provided information on long term plans for the access road. It was agreed that the developer could respond during Rebuttal.

Councillor Kelly asked about the turning lane suggested. In reply, Ms. Hamilton advised that the traffic impact study done by the developer indicated the warrant existed for a turning lane; however, it would be Department of Transportation's responsibility to require the developer at the subdivision stage.

Mr. Ross Evans stated he was in favour of the application; however, there should also be a left hand turn at the new access road.

There were no questions from Council.

Mr. Shalom Mandaville, Soil and Water Conservation Society of Metro Halifax provided for the record a copy of a letter to him from W. R. Ernst, Toxic Chemicals Section, Environmental Protection Branch dated July 19, 1996 regarding the measurement of mercury contamination at golf courses as a result of the use of mercury-containing fungicides, which are no longer registered for use on golf courses in Canada. As well, the letter referred to long-term monitoring strategies and he stated that he was surprised and shocked with staff's statement that they agreed with quarterly monitoring when the original draft agreement called for monthly reports. The Soil and Water Conservation Society was looking for a guarantee that Sandy Lake phosphorus count would not increase by 50% for 50 years. He expressed displeasure with the fact that Dr. Tony Blouin, Policy and Planning Department had not been consulted.

Councillor Kelly asked for clarification with regard to monthly versus quarterly reports. In reply, Ms. Hamilton advised that in the previous version of the Development Agreement, the request was for monthly reports; however, the developer would not agree to that as their consultant had indicated quarterly reports were appropriate. When staff asked for and received justification from the consultant, Engineering Services advised that they concurred that quarterly reports were acceptable. Under the Topsoil Removal permitting process, Engineering Services carried out weekly testing for siltation which was additional to quarterly testing.

Ms. Hamilton referred to the content of water quality monitoring raised by Mr. Mandaville and advised this was one component recommended by the Watershed Advisory Board. Based on recommendations from the consultant and review by Engineering Services, this was not requested.

#### Speakers in Opposition

Mr. Walter Regan, stating he was speaking as a resident of Sackville, spoke at length in opposition to the application because he did not feel the proposal adequately protected the environment or allowed the community to have access to the natural resources. He focused on such items as environmental impact study, buffers, storm drainage, public access to the lakes, water sampling techniques, site preparation, sewage disposal, a program instituted in Kings County, the requirement for bonding by the developer, wildlife and habitat management, water conservation and certification by the Audubon Society. He provided a copy for the file of his presentation. He requested that Community Council demonstrate what sustainable development really means now and for the future.

Councillor Kelly asked why bonding was not a requirement. In reply, Ms. Hamilton advised that staff followed the former Halifax County model. Bonding has traditionally not been a part. There was bonding required as part of the Topsoil Removal Permit.

Mr. David Scarratt, Chairman, Sackville River Watershed Advisory Committee stated that the Sackville River watershed was probably the most difficult watershed system in the province to develop and advised against shortsightedness. There was already considerable housing upstream and space for more in the immediate vicinity and the effect on groundwater has not been adequately studied. He suggested the provision of strong covenants now and recommended the application and enforcement of a Silt and Erosion Control By-law at least as strict as that which applied in the Town of Bedford.

There were no questions from Council.

#### Rebuttal by Applicant

Mr. Barry Zwicker advised that the intent for the access road area was to have it developed with single family homes consistent with the zone in place. With regard to a turning lane at the intersection of Pockwock Road and Hammonds Plains Road, an analysis was done at the early stages of the development when the primary point of access was through Maplewood on the Lakes Subdivision. The traffic analysis definitely indicated a warrant for a left-hand turning lane on Hammonds Plains Road and it had been agreed to construct. Since that time, however, the second access has been put forward and it was agreed that when Department of Transportation completes its final analysis and if they deem that a left-hand turning lane is required at the intersection of the access road and Hammonds Plains Road, they were prepared to do that as well at their cost. He pointed out, however, that both of those would not be warranted by the development and he felt the access road would prove to be the primary access to the site.

With regard to the lake monitoring program, Mr. Zwicker stated that the program has been reviewed by Engineering Services and deemed to be appropriate. In terms of the issue of environmental controls, there were at least three components within the Development Agreement addressing the issues: stormwater management plan, integrated turf management and erosion and sedimentation control plan. He outlined each plan and stated it was to the developer's benefit to ensure that the site is developed in a positive and understanding manner so as to prevent a problem for themselves and not put the development at risk.

Referring to lake access, Mr. Zwicker said that this is a public golf course and available for recreational purposes, especially in the winter for cross country skiing. The present zoning on the site would allow all the lakes to be surrounded by residential development. As a result of this development, there would be more access to the water's edge than

would otherwise be guaranteed by as-of-right development. With regard to parkland, there were two different pieces of parkland dedication. The developer planned to provide active playground equipment at their expense. As a result of discussions with Sackville Rivers Association, the lands at Thompson Run were being dedicated and he understood Sackville Rivers Association was supportive of the project.

With regard to the suggestion for an added tax, Mr. Zwicker pointed out that this was what property taxes were for. To put on additional tax, would be double taxation. With regard to septic tank development and the suggestion of a sewage treatment plant, this was a bigger issue than what this development would require or what Community Council could address. With regard to environmental assessment, the project was not a project under the new Environmental Act and did not require an environmental assessment. There were, however, environmental controls that Department of Environment can impose at any one time in terms of something happening to any one of the lakes. With regard to the suggestion regarding the Kings County project, he was aware of it and recalled it was initiated primarily because of cottage development and there was a concern that water quality was dropping to a level where it would not be a safe recreational lake. This included monitoring other lakes as well to be able to obtain a level of comparison reflecting usage. He pointed out that the developer could not provide a guarantee of what people eventually living on the lake would do but he hoped that the people who buy the lots would have respect for what they are buying and protect the resources. They were prepared to monitor the lakes within the development on a quarterly basis which would continue for at least 12 months after the golf course is fully operational.

Mr. Zwicker acknowledged the cooperation received from the community and the organizations that represent environmental issues, staff and Planning Advisory Committee. He requested that Community Council approve the proposal and acknowledged the presence of Graham Cooke who would be responsible for the on-going management of the golf course when it is built.

#### Decision by Council

Councillor Rankin pointed out that at the Public Meeting initiated by the developer last summer it was certainly clear that the residents in the area wanted the development for the community. There were concerns identified with regard to traffic but he did not hear any voices against the proposal except the hope that the traffic situation would be resolved to the benefit of Maplewood on the Lakes. There were a number of meetings held which culminated in the Public Hearing tonight with support from the Planning Advisory Committee. He felt the developer, a well respected company, met the concerns identified by the residents for a dedicated road for the development. In his opinion, the proposal was a good thing for the community and Annapolis Basin Group was making a major investment. He referred to Ms. Verge's comments regarding school overcrowding and felt

that the School Board should be made aware of the proposal, should it pass tonight. He asked for the support of Community Council and pointed out it was important to get on with the project while the ground is still hard.

**MOVED by Councillors Rankin and Mitchell to approve the application by Annapolis Basin Group Inc. to rezone the subject site in Hammonds Plains from the MU-1 (Mixed Use One) Zone to R-1 (Single Unit Dwelling) Zone and further, to enter into a Development Agreement with Annapolis Basin Group Inc. to permit the proposed Glen Arbour golf course and residential development.**

Councillor Harvey said that several speakers tonight pointed Community Council in directions that the Municipality could go to greater levels of environmental stewardship. This was something that, in another forum, should be considered very seriously, More information should be obtained as Halifax Regional Municipality goes forward to create planning documents in the future. This application, however, has to be judged on the planning documents that exist now and the rules that exist in this jurisdiction. He was impressed with the level of community/developer consensus that has been reached and would be supporting the motion.

**MOTION PUT AND PASSED UNANIMOUSLY.**

The Chair declared a recess at 7:45 p.m.. The meeting resumed at 7:55 p.m.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 Correspondence

A letter dated December 2, 1996 from Sackville Bedford Development Centre was before Community Council requesting a letter of support.

**MOVED by Councillors Barnet and Kelly that a letter of support be forwarded as requested. MOTION PUT AND PASSED.**

10. **REPORTS**

10.1 **Proposed Crosswalk - Gertrude Parker School**

The Chair welcomed Kenny Silver, Manager of Traffic and Planning and Inspector David Murphy, Police Services. A Staff Report dated January 6, 1997 from Police Services was before Community Council on this matter. This report included a copy of the Staff Report dated October 31, 1996 to Regional Council on School Crossing Guard Criteria.

Inspector Murphy provided an overview of the Staff Report dated January 6, 1997. There was no support for an adult crossing guard; however, there were recommendations that the school and PTA undertake a proactive approach to remind motorists and parents of their responsibilities with respect to safety.

Subsequently, Mr. Silver provided, as requested by Community Council, the reasons why a crosswalk was not recommended at this location. He pointed out that crosswalks sometimes gave pedestrians a false sense of security and, when motorists fail to yield, they provide no protection. He offered to assist in making residents of the area aware that at all intersections motorists are supposed to yield to pedestrians. By putting a crosswalk at the location in question, it was felt that it would do little to help the situation and might make people less vigilant.

Councillor Barnet asked how many times staff visited the site. In reply, Mr. Silver advised that counts were done twice but visits were made several other times looking at conditions in general.

Councillor Barnet asked if there had been an analysis of the afternoon situation. In reply, Mr. Silver advised that his department had gone to the school at that time but the principal advised there was more pedestrian activity in the morning. He felt there might be a visibility problem with parents picking up their children and if this is an issue, parking restrictions in front of the school could be considered to alleviate the possibility of a child coming out between a car and not being seen.

Councillor Barnet expressed concern regarding the Metro Transit buses and a previous concern raised at Community Council about the speed of the buses and whether or not this has been considered. He pointed out that Smokey Drive School was in close proximity with a crosswalk further down the road for that school. The question arose from parents as to what difference there was between those students and the students at Gertrude Parker School. He acknowledged the best thing to do was to teach children the safety rules for crossing streets; however, he felt that a crosswalk would provide guidance to children and comfort to parents. Mr. Silver, in response, referred to his correspondence of December 6, 1996 and pointed out that people tended to let down their guard at crosswalks assuming that motorists will stop. He added that if Police Services thought there was a crossing guard required, he would be very willing to reconsider the request. As to why there was a crosswalk further down the street, he assumed that Department of Transportation put it in assuming there would be a crossing guard.

Inspector Murphy provided information on the recommendation for educating the public through the PTA and the school system and said he did not think parking regulations would work either. He recommended the Safe Route to School program which could be developed and which could deal with the situation in a proactive community manner as

opposed to hiring crossing guards and try to facilitate the movement of some children who may choose to use the crosswalk location. The educational program was very economical.

Councillor Barnet said he thought that painting the lines would provide guidance to the children, comfort to the parents and some ability to teach the children where they should cross. It would also provide a level of warning to motorists; he still felt the crosswalk was necessary. If the parents did not get a crossing guard, they were prepared to go as parent volunteers to make sure the children got across safely but the painted lines were essential in order for the parents to do this. He would convey the information back to the concerned parents.

While Mr. Silver was in attendance, Councillor Harvey requested that Mr. Silver provide information on the crosswalk request for Prince Street and Pine Hill Drive. In response, Mr. Silver advised that a second assessment would be available shortly.

As well, Councillor Harvey asked for an update on the request for an overhead light at Old Sackville Road and Sackville Cross Road. Mr. Silver agreed to check.

Councillor Harvey asked for clarification if, under the Traffic Authority of Halifax Regional Municipality, there was the ability to reduce speed limits below 50 km/h. In response, Mr. Silver advised that the minimum speed limit was set by the Motor Vehicle Act. There was the ability to place cautionary signage in places like blind crests but the posted speed limit was not below 50 km/h.

## 10.2 **Appointments to North West Transit Advisory Committee**

It was agreed that although there were insufficient applications in some cases, to proceed to appoint the names of members before Community Council tonight and seek to add one member for Districts 19, 20, 22 and 23 at a later date.

### **MOVED by Councillors Kelly and Mitchell to appoint the following members to the North West Transit Advisory Committee:**

District 19	-	Bob Keeping
District 20	-	Phillip Cox
District 21	-	William Chaffey
	-	Mark Johns
District 22	-	Gerard Boulos
District 23	-	Don Peer

### **MOTION PUT AND PASSED.**

It was agreed that Councillor Rankin would act as Liaison Councillor.

10.3 **Glengarry Estates Development Agreement - Lot Approval Restrictions**

**MOVED by Councillors Barnet and Rankin to receive the Staff Report dated December 5, 1996 for information purposes. MOTION PUT AND PASSED.**

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 Staffing - Central Region

A reply from the Commissioner of Community Services dated January 8, 1997 providing information on the current staffing process was before Community Council. It was agreed to receive the report for information purposes.

12.2 Hot Line for Community Councils

A Hot Line for the public to obtain information on meetings of the five Community Councils of Halifax Regional Municipality is now in service. The number to call is 490-6080.

12.3 Twinning - Highway 103

Councillor Barnet referred to Information Items and requested that an update be requested with regard to Community Council's concern re the twinning of Highway 103 as this was an urgent issue. It was agreed to send a follow-up letter.

12.4 Nottingham Street Paving

**MOVED by Councillors Rankin and Mitchell that Bill Newman of Regional Operations be requested to assist with the petitioning of Nottingham Street in Haliburton Heights for paving. MOTION PUT AND PASSED.**

12.5 Timberlea Transportation Study

**MOVED by Councillors Rankin and Mitchell that staff be requested, through Mr. Meech's office, to provide the review of the Timberlea Transportation Study report to Regional Council by the end of January in order to be considered during budget deliberations, particularly with regard to the priority of the interconnector road linking Highway 3 with Highway 103. MOTION PUT AND PASSED.**

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Marvin Silver, Bedford Waters Advisory Committee raised the following points:

- He requested that Community Council do whatever is necessary to assist with the appointment of four replacement members to the Committee.
- A number of months ago, the Committee requested the appointment of a Liaison Councillor and a staff member. To date, neither has attended. He asked for assistance in this matter.
- With regard to the Terms of Reference and Community Council's request that they be reviewed, the Committee was in the process of doing so.
- A motion was passed at the last meeting that Community Council give consideration to the establishment of one Waters Advisory Committee for the entire North West area as there were a number of advisory committees in existence at present. At present, Bedford Waters Advisory Committee deals only with issues in the former Town of Bedford and reported to Town Council. Since amalgamation, the committee has not been reporting to anyone.

Community Council members agreed to take Mr. Silver's comments and requests under advisement and hoped to have a response in the near future.

Mr. Jack Brill referred to the Acadia School renovations and landfill compensation funds. \$1 million of the \$5 million compensation funds - which was and is for the five former Districts of Sackville - was invested by Community Council into the Acadia School renovations. He understood that once the building was in use, the community of Sackville - the five Districts - would receive a total monthly payment of \$7,753 for the next 240 months. The total payment would be \$1,860,720 and, therefore, interest of \$860,720 and should be used in the five former Districts. A motion was passed last year that the interest would go to support a complex in District 19 and he recalled questioning why this was being done and forget everybody in the former Districts 16, 20 and 21. As there were many other worthwhile community-wide projects the money should be used for, he asked if it was true that all of the investment income was being allocated to District 19. If that was so, he asked if Councillor Harvey had forgotten the people in District 20 who he represented. This would be in violation of the provincial legislation that provides the five Districts of Sackville the \$5 million in compensation. He requested that Community Council refer this matter to Halifax Regional Municipality and the provincial Department of Municipal Affairs legal departments for a legal opinion on the decision and that of

Sackville Community Council's motion stating that the interest would go to the complex in District 19. Further, once both opinions have been received, the public should be given advance notice that the matter will be on the Agenda for further discussion.

Councillor Harvey confirmed that the motion of about a year ago directed the investment income to the Upper Sackville facility. Provincial legislation allowed spending to take place in the five old Districts but did not require it to take place in any particular District in any particular amount or division. In his opinion, the moral right to the money exists in District 19. If Community Council wished to explore this issue, they could decide to do so.

Although very few decisions have been made regarding expenditure of funds since the election, Councillor Barnet said it was clear that the source of the revenue was as a result of the mis-operation of the landfill in Upper Sackville. As well, prior to the money coming to the community, Sackville Community Council dealt with the idea of redress and it was clear that the funds should be directed to Middle and Upper Sackville. Since that time, there have been changes that allowed for Lower Sackville to take advantage of some of the funds, to some extent with the good graces of Upper Sackville. In his opinion, Sackville Community Council might have acted in extreme haste spending the earlier money and he did not want to see the same thing happen in the future.

Councillor Harvey stated the legislation did not indicate that the \$5 million would be spent equally in the five Districts.

Mr. Jack Brill raised two other points:

- He asked if Halifax Regional Municipality was going to assume the Fultz House deed. In reply, Councillor Harvey advised that the Heritage Policy Officer was working on terms of the agreement to be offered to the Fultz House Society whereby the Municipality would assume the responsibility for the property for the next 3-5 years. A meeting should be held this month.
- He referred to the Tax Reform Road Show and the fact that Regional Council had voted 12-11 not to hold meetings in five locations. In his opinion, the vote should have required a 2/3 majority and residents had a right to discuss proposed increases in taxes. In reply, Councillor Harvey advised he supported a public forum and had been on the losing side of the motion. He did not think that a firm decision has been made yet with regard to holding public meetings.

Ms. Theresa Scratch supported Sackville Community Council's motion for the interest from the Acadia School project to go to the Upper Sackville complex.

Mr. Wayne MacPhee raised the following points:

- He asked for an update on the Auditor General. In response, Councillor Rankin advised that this matter has not been discussed at Audit Committee yet.
- He referred to recovery rates for recreational facilities and asked if there has been a financial analysis on the operating budget of the various facilities. The Clerk was requested to check to see if an analysis is available.

Mr. Bryce Reid raised the following points:

- He asked the status of Millwood Elementary playground. In reply, Councillor Barnet advised that there will likely be support for the playground provided it is done through Halifax Regional Municipality's Purchasing Policy.
- He asked the status of upgrading Sackville High and CP Allen High School fields. In reply, Councillor Kelly advised that funding had been approved on January 7, 1997.
- He referred to Mr. Brill's comments regarding the \$1 million and pointed out that there was also another \$1 million involved for the Upper Sackville facility. In reply, Councillor Harvey advised there was another \$1 million in the Sackville fund in an investment. What would happen to that interest and principle has not been decided.

Mr. Shalom Mandaville pointed out that the general public does not understand the lakes until they go downhill. He also pointed out that planners and engineers were not qualified in limnology.

Mr. Jack Brill asked for clarification on when Community Council would make a decision regarding his request for a legal opinion. Following further discussion, it was agreed that a copy of the motion from Sackville Community Council would be circulated to all members of North West Community Council along with the relevant portion of the legislation. If it was felt that a legal interpretation was necessary after that, Community Council could proceed from there.

15. **NEXT MEETING**

Thursday, January 23, 1997 at Sunnyside Mall, Bedford - 7:00 p.m.

16. **ADJOURNMENT**

Meeting adjourned at 9:15 p.m.

Vi Carmichael  
Municipal Clerk