

Proposed Amendment to the Forest Hills Planned Unit Development Agreement

Mr. Kelly read the report requesting, by the Department of Housing, to amend the Forest Hills Planned Unit Development Agreement to allow approval of four single dwelling lots and a park area on a parcel of land previously approved as a Multiple Family Site. PAC recommended approval of the proposed changes.

It was moved by Councillor DeRoche, seconded by Councillor Snow:

"THAT Council approve the proposed amendment to the Forest Hills Planned Unit Development Agreement to allow four single dwelling lots and a park area on a parcel of land previously recommended as a Multiple Family Dwelling Site."
Motion Carried.

Councillor Poirier inquired if there had been any word from the Department of Municipal affairs regarding the MacDonald property in Timberlea. Mr. Meech indicated that he had written a letter to the Minister and had contacted his Deputy last week and had not received a response.

SUPPLEMENTARY AGENDA--PLANNING ADVISORY REPORT

Mr. Kelly read the report from PAC requesting that the following be approved: Lots A1A and A1B of the Ray Guillemette Subdivision Seabright, be approved under the regulations for undersized lots and that a public hearing be held June 11, 1984 during the regular council session.

It was moved by Councillor Larsen, seconded by Councillor Snow:

"THAT a public hearing be set for June 11, 1984 during the regular Council to hear a request that Lots A1A and A1B be approved under the regulations for undersized lots ."

Councillor Larsen indicated that June the 11, 1984 was a Monday evening and therefore would not be heard during a regular Council Session.

Motion Carried.

MANAGEMENT COMMITTEE REPORTProposals--Sheet Harbour Swimming Pool Complex

Mr. Kelly read the report respecting the proposals received for the purchase or lease of the property containing the Sheet Harbour Swimming Pool Complex. It was indicated that a deed has been prepared and drawn up to transfer the property from the Association to the Municipality, and Council must formally accept title. It was also recommended by Management Committee that Council accept the proposal of the Sheet

Harbour Lions Club to acquire the property for the amount of \$1 (one dollar) with the provisions as indicated to allow the Municipality the right to approve any re-sale of the property by the Lions Club.

Mr. Kelly indicated that prior to the meeting he had received a letter from Imperial Investments Ltd. which had been circulated.

Councillor MacDonald asked what the debt was presently on the Swimming Pool Complex. Mr. Meech indicated the debt outstanding is approximately \$118,000 - \$120,000.

Councillor MacDonald asked if the Municipality planned to write this debt off and in the future there would be no more debts as far as the County is concerned. Warden MacKenzie indicated that in the documents to turn the property over to the Municipality with no debts attached to the local recreation association. Councillor MacDonald asked if the deed had been turned over. Warden MacKenzie indicated that the deed had been turned over, but it had not been executed. Mr. Meech indicated that this was the first issue that would have to be dealt with this evening. Mr. Meech also indicated that there was a motion on the books which had not been dealt with as yet and must be voted upon.

Councillor Mont inquired of Mr. Cragg if a proper tender had been advertised or if there were any concerns in this regard. Mr. Cragg indicated he was satisfied that the proposal was tendered and was tendered properly. Councillor Mont inquired if there was any need to retender. Mr. Cragg replied there was not.

Mr. Meech indicated there was a legal opinion circulated this evening from Mr. Cragg and it indicates that there should be one adjustment in the recommendation from the Management Committee and that is that the property should be leased for a period of twenty years and not to sell the property.

It was moved by Councillor Mont, seconded by Councillor Eisenhauer:

"THAT Council accept transfer of the property into the ownership of the Municipality."
Motion Carried.

Councillor Mont indicated that he was not in agreement with the recommendation of the Management Committee. Councillor Mont indicated that nobody had been back to discuss and negotiate the offer of Imperial Investments and that perhaps Imperial Investments would be willing to offer more than \$35,000. Councillor Mont stated he felt that Council have been very supportive of the swimming pool complex and that a substantial debt had been accumulated and that the County should try to recover as much of the funds which had been funneled into the project as possible.

It was moved by Councillor Mont, seconded by Councillor Gaudet:

"THAT staff be directed to negotiate with Imperial Investments Ltd. for the sale of the Swimming Pool Complex in Sheet Harbour."

Councillor Mont indicated that William Mont was no relation to him.

Warden MacKenzie indicated that the closing date for proposals was March 15, 1984, and the proposal from Imperial Investments was received on March 29, 1984. Warden MacKenzie stated that he had indicated to Mr. Brine that it was not proper for him to negotiate with Imperial Investments Ltd. at that time. The Warden also stated that although Imperial Investments does have a use for the facility, there would be no way of preventing this organization from demolishing the building after purchase. The Warden indicated that much of the equipment and structural steel would be worth a great deal of money if the building was demolished and could be sold.

Warden MacKenzie also indicated that the Lions Club had, over the past number of years, contributed a lot of time and money to the operation of the pool. It was also indicated that the Department of Culture and Fitness was to be approached by the Hon. Tom MacInnis for funding to proceed with the restoration of the site.

Councillor Mont inquired if it would be possible to accept the tender of Mr. Mont (William) from Imperial Investments at this point in time considering it was submitted fourteen days late. Councillor Mont indicated that if we could not accept this tender, the County would not be bound to accept any of the tenders submitted. Mr. Cragg indicated this understanding was correct and considering the situation the best solution to the problem may be to retender.

Warden MacKenzie indicated that Deputy Warden Adams had indicated he wished to speak on the motion and that there was a group in the chambers from Sheet Harbour.

Councillor DeRoche indicated there was a resolution already adopted by Council one year ago initiating the business on the floor which stated in part that the facility be put up for sale to the highest bidder to enable the County to realize the greatest return on our investment. Councillor DeRoche also indicated that if we do not retender, then the highest possible return on investment would not be realized.

Deputy Warden Adams indicated he had been speaking with one of the representatives from the Native Council, Jackie Mackie, who had indicated to the Deputy Warden that the Native Council had some new information with regard to finances which could be put towards the purchase of the pool. Deputy Warden Adams also indicated that the Native Council were hoping to be able to address Council this evening.

Councillor Mont indicated he had no objection to hearing the representative from the Native Council, but would like to hear from representatives from the Lions Club and Imperial Investments Ltd.

Warden MacKenzie indicated there was opposition to having the representative from the Native Council heard this evening.

Councillor Walker inquired if the building would be sold for \$1 (one dollar) or if the building would be leased for that sum of money. Mr. Meech indicated that the building would be leased.

Councillor Walker indicated he felt a one-year lease should be executed in order to allow the County an opportunity to assess the person who does lease the building.

Warden MacKenzie indicated he did not feel that any group would be interested in taking over the building on the basis of a one year lease. Councillor Walker indicated his intention was to provide the lease with the option to renew after one year.

Mr. Meech indicated that the property would require a number of major repairs to put it in operational condition and this would require a fair amount of money to be expended and any organization may hesitate to go ahead and spend either the time or money in making the facility useful for one year if the lease is not renewed for any reason.

Councillor Poirier indicated she felt that the community people should keep and maintain the building for the benefit of the community and the \$35,000 which may be recovered by the outright sale of the building would be insignificant when considering the benefits which could be derived from a community organization working with and in the community for their benefit.

Councillor Wiseman indicated in the report in the second paragraph under proposal one it states the Lion's Club Building committee intends to use it as a recreation center and a meeting den. She also indicated the report stated the Lions Club would not be using the pool and they were attempting to secure \$50,000 of funding from the government. Councillor Wiseman inquired what would be happening to the pool equipment, who would be paying for maintenance, etc. Warden MacKenzie indicated that anything that could be removed, it would be available for examination to the Recreation Department and could be removed if it was of value to the Department.

Councillor MacKay inquired how much money went into the original capital construction of the building. Warden MacKenzie indicated there were grants from a number of sources and levels of government. Mr. Meech indicated from the information he had available, the cost would have been in the area of \$500,000. Warden MacKenzie indicated he felt that value would be quite high and may actually be in the vicinity of \$400,000. Councillor MacKay stated that considering the cost of the building, the debt which was to be written off the books, plus the cost of the grants given by the Municipality, the total cost of the building would be in the vicinity of half a million dollars and the County

should attempt to recover as much of its losses as possible. Councillor MacKay also indicated he felt the community should have been willing to support the pool by levying an area rate. Councillor MacKay indicated that the Kinsmen in Sackville had been leasing land from the Municipality on the basis of a two-year renewable lease and have expended almost a million dollars on a building and facilities.

Councillor MacKay also indicated he would be willing to support one of two things: 1. that an advertisement be placed in the newspaper asking for proposals, not a monetary offer, from community organizations; or 2. sell the property to the highest bidder.

Mr. Meech indicated to the Councillor that both of these options had been explored in the request for proposals which had been advertised in the newspaper.

Councillor Eisenhower asked Mr. Cragg what the guideline was in the Municipal Act for the period of time the Municipality was able to lease a property. Mr. Cragg indicated that the County could lease for a period not exceeding twenty-one years. Mr. Cragg also indicated that for a lease of this period of time it was not necessary to receive ministerial approval, however, ministerial approval was required for conveying a property for something in excess of \$25,000 and is found in Section 134 of the Municipal Act.

Warden MacKenzie asked Mr. Cragg if the lease arrangement was not changed recently with regard to the twenty year period. Mr. Cragg indicated this was the amendment which was ratified in 1983. Councillor Eisenhower asked Warden MacKenzie if he had a level of faith that the Lion's Club could perform or manage the financial end of this operation. Warden MacKenzie stated that he had not been involved with the club and discussed this project other than with individual members, but it was his feeling that the Lion's Club could support the complex financially. Councillor Eisenhower indicated that he agreed with leasing the building.

Councillor Reid stated it was his understanding of the discussion during the Management Committee meeting to deal with this issue that not just the re-sale of the property would be with final approval from the Municipality but also any resale of equipment or property within the building.

Warden MacKenzie indicated he was very disappointed that the facility was not a success in the community and hoped at some point in the future the support would be available for the pool.

Deputy Warden Adams indicated that only two local offers were made before the deadline advertised, and further that the native council has further information which Council elected not to hear, he would be supporting Councillor Mont's motion.

Councillor Mont amended his motion, seconded by Councillor Gaudet:

"THAT Council have staff re-tender for business groups, community groups, and any proposals from a community group of a recreation nature should be evaluated by the Municipality's Department of Recreation."

Councillor MacKay asked Councillor Mont if it was his intention that the property be tendered for sale or if it was more in the line of a proposal from community groups as we would request from community schools when it becomes surplus property and is turned over to the Municipality. Councillor MacKay also indicated that this would be a lease situation as opposed to a direct sale of the property.

Mr. Meech indicated that Councillor Mont's motion was identical to the procedure which had been followed by the County in March to receive tenders up to this point. Councillor Mont indicated that one of the proposals was too late for the tender date. Councillor Mont stated that according to Mr. Cragg's opinion the County was not bound to accept any tenders and that we have the right to retender. Councillor Mont indicated he did not feel the existing tenders which were for examination this evening were sufficient.

Councillor MacKay inquired of Mr. Cragg if, with the history on the motions which have been made in the past by this council, are we now in the position to accept ownership and if we could also lease it to an organization without going through any further process. Mr. Cragg indicated that the County was in a position whereby it was possible to accept a deed and record it and thereby take ownership of the property, and once the County has become the registered owner of the lands it is possible to deal with the lands as the County sees fit within the bounds of the law.

Councillor MacKay asked if, considering this information, it would still be possible to offer this property for lease. Mr. Cragg indicated it would or that it would be possible to offer the property for sale as well. Mr. Cragg indicated it would be possible to seek the same proposals for lease or purchase the property as he did before. Mr. Cragg indicated it was not necessary to accept any of the proposals and if desired it was possible to re-invite proposals for either a straight lease situation or a lease/purchase proposition.

Councillor MacKay indicated that there have been decisions made in the past which may have been made hastily and therefore careful consideration should be given to the decision whether to offer the property for sale/lease and to the group or organization which will retain the property.

Warden MacKenzie asked if the title still had to be searched. Mr. Cragg indicated that this would be correct. Mr. Cragg also indicated that the County should accept title if the property is free and clear of all encumbrances.

Councillor DeRoche indicated it was his feeling that in the interest of fairness the only option available at this point in time would be to re-tender. Councillor DeRoche indicated that this opinion was based on the fact that the Deputy Warden had indicated additional information would be available to the County from the Native Council. Councillor DeRoche also indicated that it was his feeling that representation had been made on behalf of the Lion's Club by the Chair and to give anyone interested in acquiring the property a fair chance to do so a second tender should be called.

Warden MacKenzie stated he was not involved with the Lion's Club at the time of the committee establishing guidelines for the proposals. Councillor DeRoche indicated he was relating his comments to the information the Warden had given regarding the financial capability of the Lion's Club to operate the property and the Native Council had not been given the same opportunity to offer information. Warden MacKenzie indicated he was answering questions from the floor at that time.

Councillor Lichter indicated that a simple solution was available to Council. He also stated that a proper tender was called, there were two groups who tendered. Councillor Lichter also indicated there was new information available and;

It was moved by Councillor Lichter, seconded by Councillor Snow:

"THAT this item be deferred until the Council session of May 15, 1984 and one speaker from each group be permitted to present their proposals and respond to questions."

Councillor Mont raised a point of order that the intention of the motion by Councillor Lichter was not simply to defer but to defer to allow the two groups to speak.

Councillor MacKay indicated that the motion by Councillor Lichter is to defer to the next Council Session and have one speaker from each group come forth to give proposals and this would take the original motion completely out of context. Councillor MacKay also indicated that the motion was out of order and for that reason he would be unable to support the motion.

Mr. Cragg indicated that this motion could be dealt with as a deferral and before dealing with the matter at the next Council session, we would hear from those groups.

Warden MacKenzie inquired if it was agreed by Council this item be deferred and the two groups in question be heard from at the next session.

Deputy Warden Adams inquired if it would be agreeable to hear the presentations at the Management Committee instead of at the Council Session. It was indicated this would not be agreeable to all members of Council.

Councillor Mont indicated he would agreeable to the motion of deferment put forward by Councillor Lichter if Imperial Investments Ltd. is also invited to make a presentation to Council.

Councillor Lichter indicated he would agree to this change in the motion of deferrment.

Councillor Margeson indicated he would move that the proposal of the Lion's Club be accepted after discussing this matter with Sargeant Bishop. It was indicated by Councillor Margeson that it was his feeling the motion had been withdrawn. Warden Mackenzie indicated the motion had not been withdrawn.

Motion Carried.

It was asked if it was possible to deal with the proposal by Imperial Investments. Mr. Cragg indicated it was possible to deal with this proposal although it could have been excluded due to its lateness.

Request for Loan--Waverley Fire Department

Mr. Kelly read the report requesting a loan for the Waverley Fire Department in the amount of \$60,000 for the purpose of expanding the Fire Hall. It was recommended to Council by Management Committee for approval.

It was also indicated the loan would be repaid over a period of ten years for both the principal and the interest with the provision of the right to levy an area rate in default of payment of either principal and/or interest.

It was moved by Councillor Snow, seconded by Councillor DeRoche:

"THAT Council approve the loan to the Waverley Fire Department in the amount of \$60,000 for the expansion of the Waverley Fire Department Fire Hall with the provision that the County have the right to levy an area rate in default of payment of principal and/or interest."

Motion Carried.

Request for Funds--Nova Scotia Housing Commission Funds

Mr. Kelly read the report indicating Management Committee had received a request for funds in the amount of \$5,000 from the Nova Scotia Housing Commission Funds. The funds were requested for the purpose of upgrading a recreational ball field located in District 19 on the Old Beaverbank Road. It was recommended for approval to Council from the Management Committee.