

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

"THAT the Public Hearing Minutes of April 2, 1984 be approved as submitted."

Motion Carried.

It was moved by Deputy Warden Adams, seconded by Councillor DeRoche:

"THAT the Public Hearing Minutes of April 16, 1984, be approved as submitted."

Motion Carried.

ADDITIONS TO THE AGENDA

Councillor MacKay requested that declarations of intent prior to Public Hearings be added to the agenda.

DEFERRED ITEM--SHEET HARBOUR SWIMMING POOL COMPLEX

Warden MacKenzie welcomed the representatives from all three organizations submitting proposals for the swimming pool complex.

Mr. Cleveland representing the Sheet Harbour Lion's Club presented the proposal indicating the various uses the club intended to use the facility to accommodate. Mr. Cleveland also indicated this proposal was for the sale of the building for \$1.00 (one dollar).

Councillor Margeson asked Mr. Cleveland to clarify what he meant by activities for youth organizations. Mr. Cleveland indicated he meant recreational activities for those youths under the age of nineteen and would include such activities as roller skating, dances, etc.

Councillor DeRoche indicated the County had had to modify their requests for proposals as a result of some legal advice received from the County's Solicitor and the building would only be available for lease. Councillor Mont asked Mr. Cleveland if the Lion's Club would be willing to lease the building. Mr. Cleveland indicated to the Council he would have to consult with the other members of the Lion's Club to ascertain this information, and he was not in a position to state at this time if a lease would be a satisfactory arrangement.

Mr. Bill Mont from Imperial Investments presented his submission to Council indicating he would be willing to purchase the building outright for \$35,000 or to lease the building for \$1,000 per month until the County had received \$100,000. He also stated it was not his intention to compete with the service organizations and would be willing to withdraw his offer if either the Lion's Club or the Native Council were prepared to take over the same options as he put forward.

Councillor MacDonald inquired if Mr. Mont's bid was successful what did he intend to do with the building. Mr. Mont indicated he would be doing something similar to the Lion's by providing a recreational facility in the complex. He further indicated he would like to eventually use the pool area if it could be self-sufficient.

Councillor McInroy requested that Mr. Mont confirm his offer would be \$35,000 cash or \$1,000 per month on a lease basis up to a maximum amount of \$100,000 being received by the County. Mr. Mont confirmed this.

Warden MacKenzie indicated it showed in the staff report the proposal from Imperial Investments was 14 days late and asked why Mr. Mont felt his proposal should still be accepted. Mr. Mont indicated he had had some difficulty in acquiring copies of the plans of the building from staff. Warden MacKenzie inquired if Mr. Mont knew which staff member he was dealing with. Mr. Mont indicated it was the Property Manager.

Councillor DeRoche inquired what specific purpose Mr. Mont would be using the building for. Mr. Mont indicated it would be used for recreational purposes similar to what the Lion's Club had planned.

Councillor DeRoche asked if Mr. Mont thought there would be a market in the area for this type of use. Mr. Mont indicated the market would not be in the immediate area but would be, in fact, servicing the whole Eastern Shore area.

Councillor Walker asked it was possible to accept the Lion's Club proposal. Mr. Cragg indicated it was not so much the fact the building could not be sold, but rather, that the County must be seen to be receiving a fair market price for the premises and the Municipal Act was very clear on this point. Warden MacKenzie asked if it would be possible to lease the property for a twenty year period. It was indicated by Mr. Cragg it would be possible.

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

"THAT staff enter into negotiations with the Sheet Harbour Lion's Club for lease of the Swimming Pool Property."

Councillor Wiseman indicated the Native Council of Nova Scotia had made a proposal and she felt it was very unjust of the Council not to consider this proposal during debate as the proposal was to lease which was in compliance with the present requirements stipulated by the County's Solicitor if fair market value was not to be given for the property.

Councillor MacKay stated he felt Council should make a decision as soon as possible, and he was supportive of the proposal to lease. Councillor MacKay also indicated he would not want a particularly long lease period.

Councillor MacDonald indicated he felt one proposal was equal to the other with regard to both the service groups and the intended use would be basically the same and therefore it was very difficult to come to an equitable decision. Councillor MacDonald recommended this matter be forwarded to staff for study and further information to come back to council.

Warden MacKenzie indicated staff had already studied this matter and Council chose not to accept their advice.

Councillor McInroy indicated that he had no difficulty in supporting the motion on the floor because of the long and successful track record of the Lion's Club.

Councillor MacDonald asked if the Lion's Club would be able to inform Council if they would be willing to lease. Warden MacKenzie asked Mr. Cleveland if they could answer this question. Councillor Lichter brought a point of order forward indicating he was not in agreement with hearing further from the Lion's Club at this point. Councillor Margeson indicated it had been stated to him by Harry Cleveland that the greatest emphasis had been put on sale of the building because this is the way the advertisement had been placed in the paper. Councillor Margeson also stated the Lion's would be quite willing to lease the property on a five year lease basis subject to renewal. Councillor Margeson further stated that with the agreement of Council the questions could be answered as the people involved were in the chambers and that deferring the issue would serve no purpose.

Warden MacKenzie indicated if there was one person opposed to hearing from the Lion's Club then they could not be heard as the agreement had to be unanimous.

Councillor Mont stated he specifically asked Mr. Cleveland if the Lion's were prepared to lease the premises and Mr. Cleveland answered it would be necessary for him to check back with the club. Councillor Mont also indicated it was unfortunate two worthy community groups who have similar interests and desire to develop the complex could not use the property for a period of time in conjunction with one another.

Councillor Mont amended the motion, was seconded by Councillor Wiseman:

"THAT included in the motion to negotiate with the Lions Club staff also be instructed to negotiate some use of the facility by the Native Council of Nova Scotia."

Councillor Mont spoke on a point of order and indicated the amendment did not change the intent of the motion but also instructed staff to carry those negotiations further so that some use for the Native Council would be provided for in the lease.

Councillor MacKay indicated he had difficulty with the intent of the amendment which seemed to suggest this would not be a negotiated arrangement by the groups involved and this may cause some difficulties if the situation was altered some time down the road through unforeseen circumstances. Councillor MacKay indicated he would not be supporting the amendment.

Councillor Poirier stated this arrangement dictated by the amendment would not be satisfactory to either group. The complex should be in the hands of one organization or the other, not both.

Councillor Lichter indicated he must see the situation in a different light than the other councillors, however, his opinion was the property could not be sold for one dollar and neither of the original proposals from these two groups was therefore valid. Councillor Lichter indicated he felt now there was only one organization who had offered to lease the premises in question and did not feel a re-negotiation process should take place as it would not appear to be fair. He also indicated he felt if re-negotiations were to take place it would be more equitable to have deferred this discussion. Councillor Lichter indicated he agreed with Councillor Mont that the last word he had heard from the Lion's Club was the representative would have to consult with the members of the Club to determine if they would be willing to lease.

Councillor Margeson asked for agreement from Council to hear the representative of the Lion's Club.

Amendment defeated.

Motion Lost (nine in favour, nine in opposition.)

Warden MacKenzie indicated he did not vote and indicated his reasons for not voting to members of council.

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

"THAT the Native Council of Nova Scotia be awarded a one year lease for \$1.00 (one dollar) for the property."

Councillor Eisenhower stated his position which supported the Lion's Club's acquisition of the property however, he needed to know the conditions of the lease. Councillor Eisenhower also indicated there was only one offer to lease made tonight although he did respect the amount of money and time the Lion's did put into the facility. Councillor Eisenhower also indicated he did not have all the information necessary to vote.

Councillor Margeson indicated the members of the Lion's club were available to answer the questions from Council members and again asked for agreement on this point. Warden MacKenzie asked for Council's wishes. It was not agreed by all members of Council to hear from the Lion's Club.

Councillor Margeson indicated he would be willing to put that point forward as a motion. Councillor DeRoche brought forward a point of order and indicated there was a motion on the floor and a second motion could not be entertained at this point.

Councillor Wiseman stated according to the agenda and according to the advice received from the Solicitor, there is only one choice Council could make and further it was stated in the report:

"Council members indicated that a one year lease of one dollar would be their offer for the building and the land" and this is exactly what had been determined by Council the offer should be. It was also stated at the meeting Council would maintain and repair the building during the initial one-year lease period and was willing to re-negotiate at the end of that lease for a longer term lease. Councillor Wiseman stated the motion now on the floor indicated the premises would be leased by the Native Council of Nova Scotia for a period of one year for the sum of one dollar. It had been suggested in the Council Chambers there would be various uses for that building by the Council, and it has also been determined there would be other uses of the premises by the Community. Councillor Wiseman stated the decision had been made to lease the property and the Native Council's proposal would be the only proposal in front of Council coinciding with that understanding.

Warden MacKenzie indicated the advertisement in the newspaper stated it would entertain proposals for lease or purchase of the premises. Warden MacKenzie indicated the proposal was made by the Lion's club on that basis and the information the property could not be purchased and had to be leased was not available until this evening.

Councillor Bayers indicated he had some questions about the motions which had been placed on the floor this evening.

It was moved by Councillor Bayers, seconded by Councillor Margeson:

"THAT this item be deferred until the next council session."
Motion Carried.

Councillor MacKay indicated it was his feeling something should be done regarding this situation during the interim between this session and the next Council Session.

Councillor Bayers asked this item be get back to Management Committee and from there it be recommended to staff to distribute some instructions on the resolutions which had been put forward.

Councillor Mont asked some input from the Recreation Department be requested.

Councillor DeRoche indicated he felt information should be requested by Management Committee to determine the fair market value of this property. Councillor DeRoche also stated the Council had been basing their debate this evening on a fair market value of half a million

dollars approximately, and this may not actually be anywhere near the value of the property.

It was agreed by Council this item go back to Management Committee for further consideration and a recommendation to Council.

Deputy Warden Adams took the chair for the Warden.

Deputy Warden Adams asked for Council's agreement to move forward the Supplementary agenda under the Policy Committee report.

SUPPLEMENTARY AGENDA--POLICY COMMITTEE REPORT

Mainstreet Program--Sheet Harbour

Mr. Kelly presented the report from Policy Committee indicating a request by the Sheet Harbour BIDC for an allocation of funds for the mainstreet program in Sheet Harbour in the amount of \$7,200. This request was recommended by the Policy Committee.

It was moved by Councillor Poirier, seconded by Councillor Bayers:

"THAT Council approve the allocation of funds for the Sheet Harbour Mainstreet Program in the amount of \$7,200."

Councillor MacDonald stated there were other submissions in for the Mainstreet Program and could Council be certain the other submissions would be honoured.

Mr. Meech indicated Councillor MacDonald was correct regarding other submissions to the Administration for grants to assist in the Mainstreet Program; however a report has been completed to aid in the determination of a policy for the County and will be submitted at the next session of the Policy Committee. Mr. Meech also indicated the reason Sheet Harbour was being considered at this time was due to the timing involved. Mr. Meech also stated there was a submission from Sackville requesting approximately \$23,000 in terms of the Municipal Contribution which must be dealt with. Mr. Meech stated he would want to treat all communities the same in terms of contributions from the Municipality.

Councillor MacDonald indicated the submission from Sackville had been available since March 30 and it may be both communities should be considered for grants at this time. Mr. Meech indicated if the Sheet Harbour proposal receives approval and the application for Musquodoboit Harbour was already approved, then Council would be at least committed in principle to this program.

Councillor McInroy asked if Sheet Harbour is limited by a deadline then wouldn't Sackville be governed by that same deadline. Mr. Meech stated the community had levied an area rate to ensure the program could be carried out. Mr. Meech also stated the Sackville proposal had been submitted to the Department of Development based on Council's approval