

APPROVED OCTOBER 12, 2005

# TOWN COUNCIL MINUTES

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## Special Meeting September 26, 2005 5:45 p.m.

### PRESENT

Mayor David Corkum, Deputy Mayor Larry Honey, Councilor Dennis Kehoe, Councilor Nola Folker-Hill, Councilor Bernie Cooper, Councilor Mark Pearl, Councilor Eric Bolland, CAO Bill Boyd, Solicitor Peter Muttart, Recording Secretary Carol Harmes

Director of Planning and Development Bev Gentleman

### KINGSHIRE DEVELOPMENT AGREEMENT

Solicitor Muttart pointed out that at an earlier meeting of Council Advisory Committee, Director Gentleman, of the Planning and Development Department, outlined the status of the proposed Development Agreement between Kingshire Developments Limited and the Town of Kentville, pointing out that this document has not been signed prior to July 31, 2005, as anticipated. The developer is therefore, now requesting an amendment to the time limitations, to be no later than September 30, 2005, in order to permit execution of the Agreement.

It was further noted that as per Section 9 (d) (i) of the Development Agreement, changes to the time limitations specified therein, would be considered non substantive, in accordance with s.230 of the Municipal Development Act, and therefore, would not require a public hearing, but rather would require a resolution of Council. The Town's solicitor prepared the following resolution which was discussed by the Council Advisory Committee.

Therefore, it was moved by Deputy Mayor Larry Honey and seconded by Councilor Nola Folker-Hill.

**THAT WHEREAS the Town has approved a Development Agreement with Kingshire Developments Limited by resolution on June 8<sup>th</sup>, 2005;**

**AND WHEREAS certain amendments thereto are permissible pursuant to 230(7) of the Municipal Government, as being identified therein, as not substantive amendments, and thereby not requiring a public hearing, but rather a simple resolution of Council;**

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**BE IT RESOLVED that the Development Agreement between Kingshire Developments Limited and the Town of Kentville be, and hereby is, amended by the adoption and approval of the following, in the text thereof:**

**PERMITTED AMENDMENTS (MADE SEPTEMBER, 2005):**

- 1. Paragraph 4.(b) is amended to permit completion on or before September 20, 2007.**
- 2. Paragraph 11 is amended to permit execution of the agreement by the Owner not later than September 30, 2005.**

**MOTION CARRIED**

Points from Discussion:

- A delay took place in the signing of this agreement because the Town wanted to accommodate the developer. As he had not completed the purchase of this property, he was unable to enter the agreement.
- The developer has now purchased the property and is ready to sign the agreement. This arrangement had allowed him to proceed with his applications for financing, purchase, etc.

**ADJOURNMENT** It was moved by Deputy Mayor Larry Honey and seconded by Councilor Bernie Cooper

**that the meeting adjourns at 6:00 p.m.**

**MOTION CARRIED**

It was further moved by Councilor Dennis Kehoe and seconded by Councilor Nola Folker-Hill

**that the meeting returns to Council Advisory Committee.**

**MOTION CARRIED**

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**Mayor**

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Town Clerk