

MINUTES OF THE AUGUST SESSION
OF COUNCIL

MUNICIPALITY OF THE COUNTY OF HALIFAX
TUESDAY, AUGUST 17th., 1971.

The regular monthly session of the Council, Municipality of the County of Halifax convened at 10:00 A.M. , Tuesday, August 17th., 1971 with Warden Ira Settle presiding.

The Clerk called the Roll.

Warden Settle read a letter from Councillor Slauenwhite regretting being unable to attend Council due to vacation.

The Municipal Clerk asked that Mrs. Krasemann be appointed as Reporter for this Session. Motion proposed by Deputy Warden Nicholson; seconded by Councillor Tonks:-

"THAT Mrs. Krasemann be appointed as reporter for todays session of Council." Motion carried.

The Municipal Clerk read letters from the following residents of Eastern Passage:-

Mrs. R.M. Eaton
Mrs. K.M. Lyngall
Mr. & Mrs. K.R. Wells
Dr. R.M. McMullen & Mrs. McMullen
Mr. R.J. McKenna

The correspondence protested that the Municipality was failing to enforce the Mobile Home Bylaw with mobile homes being located without permission being granted and requesting that Mrs. Lyngall be granted permission to address Council.

It was moved by Councillor Tonks; seconded by Councillor Gaetz:-

"THAT Mrs. Lyngall be heard in accordance with her written request and the request of others."
Motion carried.

Mr. Lyngall then addressed Council on his wife's behalf.

Mr. Vincent, the Building Inspector was requested to advise Council and answer questions. The Building Inspector advised that his Department were aware of these infringements but as amendments to the Mobile Home By-law were proposed to be placed before Council, proceedings were not being taken against these offenders at this time.

It was moved by Deputy Warden Nicholson; seconded by Councillor Baker:-

"THAT the matter of the proposed Mobile Home By- Law amendment and the Mobile Home By-Law be referred back to the Planning Advisory Committee for a full report at the next Session of Council." Motion carried.

Councillor Hudson and Councillor Tonks expressed dissatisfaction with the way the Municipal Authorities were failing to uphold its own By-Laws and Councillor Hudson moved; seconded by Councillor Tonks:-

"THAT the Staff be advised to take the necessary action to enforce all the By-Laws of the Municipality of the County of Halifax." Motion carried.

As Councillors had had insufficient time to study the minutes of the July Session, Councillor Tonks moved; seconded by Deputy Warden Nicholson:-

"THAT the matter of approving the Minutes be deferred until 2:00 P.M." Motion carried.

The Municipal Clerk read the report from the Warden. It was moved by Councillor Gaetz; seconded by Councillor Moser:-

"THAT the Report of the Warden be received." Motion carried.

The Municipal Clerk read the Report of the Director of Planning and Development. It was moved by Councillor Hudson; seconded by Deputy Warden Nicholson:-

"THAT the Report of the Director of Planning and Development be received." Motion carried.

The Municipal Clerk read the Report of the Planning Advisory Committee.

It was moved by Councillor Gaetz; seconded by Councillor Baker:-

"THAT the Report of the Planning Advisory Committee be adopted."
Motion carried.

Councillor Gaetz moved, seconded by Councillor Tonks:-

"THAT the Zoning By-Law be and the same is hereby amended by rezoning lands of Kenneth L. Meagher, Hall Road, Waverley, from residential two family dwelling (R-2) to mobile home park (T) Zone."
Motion carried.

Councillor Baker moved; seconded by Councillor Moser:

"THAT Council give notice in the usual manner of its intention to approve under the 1966 Legislature undersized lots, a lot owned by Donald Nicholson and located at Lakeside."
Motion carried.

It was moved by Councillor Moser; seconded by Councillor Williams :-

"THAT Council give notice in the usual manner of its intention to approve, under the 1966 Legislature re undersized lots, a lot owned by R.S. Creelman and located at Goodwood."
Motion carried.

The Municipal Clerk read the Report of the Public Works Committee. It was moved by Councillor Gaetz; seconded by Councillor McCabe:-

"THAT the Report of the Public Works Committee be adopted."
Motion carried.

AUGUST COUNCIL SESSION
TUESDAY, AUGUST 17, 1971

It was moved by Councillor Moser; seconded by Councillor Snair:-

"WHEREAS the Council of the Municipality of the County of Halifax (the "Council") is of the opinion that the hereinafter rights to the hereinafter described land are required for the purpose of a sewer easement through a portion of Lower Sackville, Halifax County;

AND WHEREAS the Council is of the opinion that no agreement can be made for the purchase thereof;

THEREFORE BE IT RESOLVED that the Council expropriate the right at any time to enter upon the lands hereinafter described for the purpose of laying down and constructing sewers and drains, and pipes for water and gas, and conduits, in, under and upon the said lands and of keeping and maintaining the same at all times in good condition and repair, and for every such purpose, the Municipality of the County of Halifax shall have access to the said lands at all times by its servants, workmen and agents, and that the compensation for the said rights to the land be

AND BE IT RESOLVED FURTHER that the lands to be affected by these rights are:"

EASEMENT REQUIRED OVER LANDS OF RIVERVIEW COMMUNITY CENTRE
LOWER SACKVILLE, HALIFAX COUNTY

ALL that certain lot, piece or parcel of land situate, lying and being at Lower Sackville in the County of Halifax, Province of Nova Scotia bounded and more particularly described as follows:

ALL those lands within fifteen feet (15') measured perpendicularly on either side of a centre line. Said centre line beginning at a point on the North West boundary of a sixty-six foot (66') right-of-way now or formerly called Trunk #1, said point being distant North West fifteen and one tenth feet (15.1') from the most northerly corner of Lot A shown on a plan of property of the Riverview Community Centre certified by J. D. MacKenzie, N.S.L.S., and dated the 28th day of June 1968.

Thence south fifty-two degrees thirty minutes west ($S52^{\circ}30'W$) a distance of one thousand three hundred fifty-seven and zero tenths feet more or less (1,357.0'+) or to the bank of the Little Sackville River.

ALL the above described lot of land being more particularly shown on a plan entitled "Plan showing easement required over lands of the Riverview Community Centre and T. B. Blackburn" certified by D. V. Purcell, N.S.L.S., and dated the 2nd day of August, 1971."

Motion carried.

AUGUST COUNCIL SESSION
TUESDAY, AUGUST 17, 1971

It was moved by Councillor Gaetz; seconded by Councillor Isenor:-

"WHEREAS the Council of the Municipality of the County of Halifax (the "Council") is of the opinion that the hereinafter rights of the hereinafter described land are required for the purpose of a sewer easement through a portion of Lower Sackville, Halifax County;

AND WHEREAS the Council is of the opinion that no agreement can be made for the purchase thereof;

THEREFORE BE IT RESOLVED that the Council expropriate the right at any time to enter upon the lands hereinafter described for the purpose of laying down and constructing sewers and drains, and pipes for water and gas, and conduits in, under and upon the said lands and of keeping and maintaining the same at all times in good condition and repair, and for every such purpose, the Municipality of the County of Halifax shall have access to the said lands at all times by its servants, employees, workmen and agents, and that the compensation for the said rights to the land be

AND BE IT RESOLVED FURTHER that the lands to be affected by these rights are:"

EASEMENT REQUIRED OVER LANDS OF T. B. BLACKBURN
LOWER SACKVILLE, HALIFAX COUNTY

ALL that certain lot, piece or parcel of land situate, lying and being at Lower Sackville, in the County of Halifax, Province of Nova Scotia bounded and more particularly described as follows:

ALL those lands within fifteen feet (15') measured perpendicularly on either side of a centre line, said centre line beginning at a point on the bank of the Little Sackville River.

THENCE south fifty-two degrees thirty minutes west (S52°30'W) a distance of sixty feet more or less (60'+) to the north east boundary of an existing thirty foot (30') wide easement for trunk sewer;

ALL the above described lot of land being more particularly shown on a plan entitled "Plan showing easement required over lands of the Riverview Community Centre and T. B. Blackburn" certified by D. V. Purcell, N.S.L.S., and dated the 2nd day of August, 1971.

Motion carried.

AUGUST COUNCIL SESSION
TUESDAY, AUGUST 17, 1971

It was moved by Councillor Baker; seconded by Councillor Moser:-

"WHEREAS the Council of the Municipality of the County of Halifax (the "Council") is of the opinion that the hereinafter rights of the hereinafter described land are required for the purpose of a sewer easement through a portion of Lower Sackville, Halifax County;

AND WHEREAS the Council is of the opinion that no agreement can be made for the purchase thereof;

THEREFORE BE IT RESOLVED that the Council expropriate the right at any time to enter upon the lands hereinafter described for the purpose of laying down and constructing sewers and drains, and pipes for water and gas, and conduits in, under and upon the said lands and of keeping and maintaining the same at all times in good condition and repair, and for every such purpose, the Municipality of the County of Halifax shall have access to the said lands at all times by its servants, workmen and agents, and that the compensation for the said rights to the land be

AND BE IT RESOLVED FURTHER that the lands to be affected by these rights are:"

EASEMENT REQUIRED OVER LANDS OF THE LEASIDE SUBDIVISION
LOWER SACKVILLE, HALIFAX COUNTY

ALL that certain lot, piece or parcel of land situate, lying and being at Sackville, Halifax County and shown outlined in red, as a sewer easement fifteen feet (15') in width over Lots B, 25 and 24 on a plan entitled "Plan of Leaside Subdivision" prepared by John A. McElmon & Associates Limited dated August 20, 1970, said lot being more particularly described as follow:

BEGINNING at a point on the southeastern boundary of Lot B, said point being the intersection of a straight line between a manhole on Leaside Drive and the manhole on Lot 25 with the said southeastern boundary of Lot B as shown on plan;

THENCE north sixty degrees thirty-five minutes east (N60°35'E) along the southeastern boundary of Lot B to a point seven and five tenths feet (7.5') measured at right angles from the aforementioned straight line between an manhole on Leaside Drive and the manhole on Lot 25;

...2

EASEMENT REQUIRED OVER LANDS OF THE LEASIDE SUBDIVISION
LOWER SACKVILLE, HALIFAX COUNTY

THENCE northwesterly, parallel to and seven and five tenths feet (7.5') northeasterly from the said straight line between a manhole on Leaside Drive and the manhole on Lot 25, to the southeastern boundary of property of A. Wilson;

THENCE south fifty-two degrees zero one minutes west (S52°01'W) along the southeastern boundary of the property of A. Wilson and the prolongation thereof, to a concrete monument marking an angle in the boundary of property formerly owned by Mrs. L. Peverill;

THENCE south eleven degrees twenty-four minutes west (S11°24'W) over the northwestern portion of Lot 24 to a point on the northeastern boundary of Seawood Avenue, said point being twenty-seven and fourteen hundredths feet (27.14') measured southeasterly along the northeastern boundary of Seawood Avenue from the most westerly angle of Lot 24;

THENCE south twenty-nine degrees twenty-five minutes east (S29°25'E) along the northeastern boundary of Seawood Avenue to a point fifteen feet (15.0') measured easterly and at right angles from the prolongation southwesterly of the last described course;

THENCE northeasterly parallel to and fifteen feet (15.0') measured at right angles from the fourth and third described courses, to a point seven and five tenths feet (7.5') measured southwesterly at right angles from the aforementioned straight line between a manhole on Leaside Drive and the manhole on Lot 25;

THENCE southeasterly, parallel to and seven and five tenths feet (7.5') southwesterly from the said straight line between a manhole on Leaside Drive and the manhole on Lot 25, to the southeastern boundary of lot B;

THENCE north sixty degrees thirty-five minutes east (N60°35'E) along the southeastern boundary of Lot B to the point of beginning, all bearings being magnetic.

Motion carried.

AUGUST COUNCIL SESSION
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It was moved by Councillor Dunbar; seconded by Councillor McCabe:-

"WHEREAS the Council of the Municipality of the County of Halifax (the "Council") is of the opinion that the land hereinafter described is required for the purpose of laying out, opening, constructing, repairing, improving and maintaining of streets, curbs, gutters or sidewalks at Bedford, Halifax County;

AND WHEREAS the Council is of the opinion that no agreement can be made for the purchase thereof;

THEREFORE BE IT RESOLVED that the Council expropriate the land hereinafter described for the purpose of laying out, opening, constructing, repairing, improving and maintaining of streets, curbs, gutters or sidewalks and that the compensation for the said land be

BE IT RESOLVED FURTHER that the land to be expropriated is:"

SHORE DRIVE EXTENSION
BEDFORD, HALIFAX COUNTY

ALL that certain lot, piece, or parcel of land situate, lying and being at Bedford in the County of Halifax, Province of Nova Scotia; said lot being a sixty-six foot (66') wide right-of-way shown outlined in red on a plan showing Shore Drive Extension, prepared by Thomas S. Foster, N.S.L.S., dated June 14th, A.D., 1971 and revised on August 14th, A.D., 1971; said right-of-way being more particularly described as follows:

BEGINNING at a point on the eastern boundary of Shore Drive at the end of the present highway listing; said point marking the northeastern angle of the right-of-way herein described;

THENCE south ten degrees seven minutes east ($S10^{\circ}07'E$) a distance of ninety-four and zero tenths feet (94.0') to the beginning of a curve;

THENCE along a circular curve to the right, said curve having a radius of one hundred thirty-three and zero tenths feet (133.0'), an arc distance of one hundred thirty-eight and one tenth feet (138.1') to the end of the curve;

...2

SHORE DRIVE EXTENSION
BEDFORD, HALIFAX COUNTY

THENCE south forty-nine degrees twenty-three minutes west (S49°23'W) a distance of two hundred thirty-eight and five tenths feet (238.5') to a point;

THENCE south fifty-eight degrees fifty-five minutes west (S58°55'W) a distance of four hundred eighty-nine and five tenths feet (489.5') to a point;

THENCE north eighty-one degrees thirty-nine minutes west (N81°39'W) a distance of three hundred eighty-eight and five tenths feet (388.5') to a point;

THENCE north seventy-eight degrees twelve minutes west (N78°12'W) a distance of three hundred seventy-two and zero tenths feet (372.0') to a point;

THENCE north sixty-six degrees twenty-nine minutes west (N66°29'W) a distance of three hundred thirty-six and five tenths feet (336.5') to a point;

THENCE south sixty-three degrees thirty-one minutes west (S63°31'W) a distance of forty-two and three tenths feet (42.3') to the beginning of a turning circle;

THENCE along the turning circle to the right, said turning circle having a radius of seventy-five and zero tenths feet (75.0') an arc distance of three hundred twenty-five and nine tenths feet (325.9') to the end of the turning circle;

THENCE south forty-seven degrees twenty-nine minutes east (S47°29'E) a distance of sixty-three and seven tenths feet (63.7') to a point;

THENCE south sixty-six degrees twenty-nine minutes east (S66°29'E) a distance of three hundred twenty-nine and seven tenths feet (329.7') to a point;

THENCE south seventy-eight degrees twelve minutes east (S78°12'E) a distance of three hundred sixty-three and two tenths feet (363.2') to a point;

THENCE south eighty-one degrees thirty-nine minutes east (S81°39'E) a distance of three hundred sixty-two and nine tenths feet (362.9') to a point;

THENCE north fifty-eight degrees fifty-five minutes east (N58°55'E) a distance of four hundred sixty and three tenths feet (460.3') to a point;

SHORE DRIVE EXTENSION
BEDFORD, HALIFAX COUNTY

THENCE north forty-nine degrees twenty-three minutes east (N49°23'E) a distance of two hundred thirty-three and zero tenths feet to the beginning of a curve;

THENCE along a circular curve to the left, said curve having a radius of sixty-seven and zero tenths feet (67.0'), an arc distance of sixty-nine and five tenths feet (69.5') to the end of the curve;

THENCE north ten degrees seven minutes west (N10°07'W) a distance of ninety-four and zero tenths feet (94.0') to a point;

THENCE north seventy-nine degrees fifty-three minutes east (N79°53'E) a distance of sixty-six and zero tenths feet (66.0') to the place of beginning;

Also a ten foot (10') wide drainage easement leading from the turning circle to the shore of Bedford Basin, the centre line of the said drainage easement beginning at a point on the said turning circle distant an arc distance of two hundred sixty-nine and six tenths feet (269.6') from the beginning of the turning circle;

THENCE north forty degrees thirty-nine minutes west (N40°39'W) a distance of sixty-six feet more or less (66'±) to high water mark ordinary spring tide on the shore of Bedford Basin.

The above described ten foot (10') wide drainage easement being shown outlined in red on the aforementioned plan.

Motion carried.

The Municipal Clerk read the Report of the Municipal School Board.

It was moved by Councillor Gaetz; seconded by Councillor Hudson:-

"THAT the Report of the Municipal School Board be received."
Motion carried.

Councillor Dunbar questioned the proposed revision of the bylaw to empower the School Board to control the use of school property after hours. Councillor Hudson and Councillor McCabe explained the problems involved. Mr. Cox advised that some amendments to existing By-laws could provide the required authority. The problem would be enforcement of the authority. Concern was expressed by some councillors that flammable material was still present in some of the schools. Councillor Hudson stated these conditions should be corrected. Deputy Warden Nicholson stated he felt the matter of a second exit in the basement at Sir John A. MacDonald High School would be expensive and a problem. He suggested that the Municipal School Board make other arrangements. The Warden called for a vote on the motion. Motion carried.

It was moved by Councillor Tonks:-

"THAT Council adjourn until 2:00 P.M."
Motion carried.

AFTERNOON SESSION

Council resumed session at 2:00 P.M. with Deputy Warden Nicholson in the Chair.

It was moved by Councillor Tonks; seconded by Councillor Moser:-

"THAT the Minutes of the July Session of Council be approved as amended."
Motion carried.

Councillor Dunbar requested an amendment to Page 28 in the Minutes. "Solicitor's interruption" should read "Solicitor's interpretation."

Councillor Jennex asked that the Minutes be amended on Page 27, Paragraph 5. Councillor Hudson asked if the Finance and Executive Committee had a report to submit on the Regional Authority Report.

Deputy Warden Nicholson, as Chairman of the Finance and Executive Committee stated this would be made at a later session. Councillor Tonks asked what action had been taken on his resolution regarding the causeway to Lawlor's Island. The Clerk advised that a letter had been sent to the Minister of Municipal Affairs asking to whom a letter should be addressed regarding this matter. An acknowledgment had been received but no answer to the question as yet.

Councillor Tonks asked what action had been taken with regard to the piping of effluent at Petpeswick Inlet. The Municipal Clerk advised another letter had been sent to the Minister of Health but no reply had been received to date.

Councillors expressed concern at the amount of interest the Municipality would have to pay on the Provincial Department of Education portion of cost sharing projects in the interim periods before approval was granted and money being received. Councillor Hudson proposed, seconded by Councillor Snair:-

"THAT the School Capital Program Committee be asked to bring in a report on the Cost Sharing of Portable Schools built in the last two years."
Motion carried.

With regard to the Sidney Stephen High School the Assistant Municipal Clerk advised that approval for cost sharing was not obtained due to the sewage disposal system.

It was moved by Councillor Jennex; seconded by Councillor Gaetz:-

"THAT a Report be brought in at the next Council Session showing the cost of the original school and the addition together with interest costs."
Motion carried.

Councillor Hudson stated the Minutes for the Special Session of August 11th should be amended.

It was moved by Councillor Hudson; seconded by Councillor Gaetz:-

"THAT the Minutes of the Special Session of August 11th., 1971 be amended by moving the motions by Councillor Dunbar and Deputy Warden Nicholson to just before the motion to adjourn, and that the Minutes of the Session be approved as amended." Motion carried.

The Clerk read the Report of the School Capital Program Committee. Councillor Gaetz moved; seconded by Councillor Moser:-

"THAT the Report of the School Capital Program Committee be approved."
Motion carried.

Councillor Baker was advised that the Harrietsfield School had not been included in the 1971 Capital Program. This project would have to be placed in the 1972 Capital Program. There was a delay in acquiring land for the Junior High School, Herring Cove, due to problems arising with regard to the road entrance.

Councillor Gaetz was advised that the contractor had been instructed to start work with regards to the paving to the lake.

Councillor Nicholson stated he would check with the Minister of Health on the disposal system for Eastern Shore Rural High School. Deputy Warden Nicholson expressed doubt that the Junior High School at Brookside would be ready for the opening of School.

The Deputy Warden advised that investigations as to whether the addition to the William Ross School was feasible were being carried out. The project was not included in the 1971 program.

Deputy Warden called for a vote on the motion. Motion carried. At this point Warden Settle resumed the chair.

The Clerk then read the Report of the Finance and Executive Committee.

It was moved by Councillor Gaetz; seconded by Councillor Williams:-

"THAT the Report of the Finance and Executive Committee be adopted."
Motion carried.

The Paragraph dealing with bylaws on Page 4 was to be amended. Line 3 should read By-Laws 1 - 8, not 1 - 10.

Councillor Jennex asked for clarifications of the term "on hand" in the paragraph dealing with the application from CNR. He was informed this meant someone residing in the area.

Councillor McCabe expressed the wish to contact people concerned with the handling of freight, before expressing his views on this change.

Councillor Hudson in dealing with the paragraph referred to Office Equipment pointed out that no cost had been mentioned in the request for purchase.

An amendment was moved by Councillor Hudson; seconded by Councillor Tonks:-

"THAT this item in the Finance and Executive Report re Expenses of the Deputy Warden and Mr. Gallagher be deleted from the Council Report."
Amendment defeated.

Deputy Warden reported to Council his findings re garbage disposal as a result of this trip, with the matter being discussed by a number of Councillors.

Warden called for a vote on the motion. Motion carried.

A letter from Canada Manpower Centre was discussed and it was felt that the Council should point out there was some dissatisfaction at the way this agency had been performing.

It was moved by Councillor Tonks; seconded by Councillor Snair:-

"THAT Canada Manpower Centre be written a letter stating that the Centre has not been effectively placing students in summer employment and Council would support any organizations that assists students in getting summer employment."
Motion carried.

A letter was read from the Police Commissioner asking if Council had any objection to David Warren Rodd being granted a license as a private guard business. Mr. Cox advised that the Police Commission would carry out their own investigation.

It was moved by Councillor Hudson; seconded by Deputy Warden Nicholson:-

"THAT they inform the Police Commission that Council has no objection to the appointment of David Warren Rodd to be licensed as a private guard business in the County of Halifax." Motion carried.

Some Councillors expressed concern that some private police were wearing shoulder lapals suggesting they were County Police. Solicitor Cox stated that before action could be taken, the status of this force should be established.

It was moved by Councillor Tonks; seconded by Councillor Baker:-

"THAT Staff bring in a report at the next Council Session as to the situation of Constables wearing " Halifax County Police" flashes." Motion carried.

It was moved by Deputy Warden Nicholson; seconded by Councillor Tonks:-

"THAT Council fix a tax rate of \$3.00 per \$100.00 of assessment for a ten year period on the real property of Gourock Bridport Gundy Limited located in the Lakeside Industrial Park and that the personal property assessment of this Company be fixed at 50 % of the real property assessment."
Motion carried.

With regard to the agreement between the Municipality and Centennial Properties, Mr. Cox explained the various clauses in the agreement. The Clerk illustrated, by means of a map where the boundaries to this land were situated and roads involved.

It was moved by Councillor Tonks; seconded by Councillor Moser:-

"THAT the Warden and Clerk be and they are hereby authorized and instructed to execute on behalf of the Municipality an agreement between the Municipality and Centennial Properties Limited, a copy of which is attached to this resolution."
Motion carried.

Councillor Gaetz questioned that tenders had not been invited on the land.

Solicitor Cox discussed the proposed Legislature and advised that Sections 1 - 5 were proposed last spring and not approved.

Some Councillors questioned the section and dealing with Shores, Beaches, and Shoals and felt the responsibility was placed on the wrong people.

It was moved by Councillor Moser; seconded by Councillor Baker:-

"THAT Part 11 of the proposed Legislations entitled "Shores, Beaches, and Shoals" be deleted from the proposed Legislation."
Motion defeated -
For - 2; Against - 12.

It was moved by Councillor Jennex; seconded by Councillor Cleveland:-

"THAT the Legislation placed before Council this date be approved, and the Solicitor instructed to have it introduced at this fall Session of the Legislature."
Motion carried.

At this point a draft proposing special legislature to restrict electric hookups re Mobile Home, etc. was introduced.

This item was discussed at length by several Councillors.

It was moved by Councillor Tonks; seconded by Councillor Moser:-

"THAT Council adjourn."
Motion defeated.
For 6 - Against 8

Solicitor Cox explained the proposed legislature on electric hook-ups. Councillor Johnson felt this would be unfair to members of the Electrical Trade. Councillor Hudson felt this was making the Power Company responsible for what should be the responsibility of the Planning Authority.

It was moved by Councillor Hudson; seconded by Deputy Warden Nicholson:-

"THAT the matter of the special Legislation re Electric Hook ups for Mobile Homes, etc. be deferred until the next Council Session."
Motion defeated.
Seven for - Seven against.

Councillor Dunbar questioned the ambiguity of the term "Mobile Home" and asked the Solicitor to the Council for a breakdown on this term. Councillor Dunbar moved; seconded by Councillor Gaetz:-

"THAT the Sepcial Legislation re electric hook up for Mobile Home etc. be referred to the Finance and Executive Committee and the Solicitor; with special instructions to consider the definition of Mobile Homes.
Motion defeated.

An amendment was moved by Councillor Hudson; seconded by Councillor Johnson:-

"THAT the phrase " definition of Mobile Homes be deleted."
Amendment defeated.

It was moved by Deputy Warden Nicholson; seconded by Councillor Gaetz:-

"THAT Council delete this section re "Building" in an Act Respecting Electrical Connections."
Motion carried.

It was moved by Councillor Tonks; seconded by Councillor Snair:-

"THAT the Proposed Legislation entitled "An Act Respecting Electric Connections be approved as amended."
Motion carried.

Councillor Hudson, under New Business, expressed concern with regards to explosives which had been delivered by rail siding within 500 feet of a school in the Waverley area, when children were present in school.

It was moved by Councillor Hudson; seconded by Councillor Tonks:-

"THAT a letter be sent to the Canadian Transport Commission and the Minister of Mines Energy and Resources requesting that stricter laws be enacted covering the transportation of explosives by rail, specifications of Box cars to be used, unloading procedure and location of sidings used for the unloading of Explosives."
Motion carried.

Councillor Tonks drew Council's attention to Page 10, item 2 of Bylaw number 2 suggesting the word "not" should be deleted on line 2. Agreed by Council.

It was moved by Councillor Tonks; seconded by Councillor Gaetz:-

"THAT the wish of Council in that the term of the Deputy Warden be one year be included in the By-laws."
Motion carried.

Councillor Tonks moved; seconded by Councillor Moser:-

"THAT the eight bylaws as presented to Council this day and as amended by Council be approved in principal."
Motion carried.

The Clerk read the Supplementary Report of the Finance and Executive Committee.

It was moved by Councillor Tonks; seconded by Deputy Warden Nicholson:-

"THAT the Supplementary Report of the Finance and Executive Committee be adopted."
Motion carried.

It was moved by Councillor Tonks; seconded by Deputy Warden Nicholson:-

"THAT Council Adjourn."
Motion carried.

Council closed with the signing of "God Save the Queen."

MINUTES

of the

FIRST YEAR MEETINGS

of the

THIRTY - SEVENTH COUNCIL

of the

MUNICIPALITY OF THE COUNTY
OF HALIFAX

SEPTEMBER COUNCIL SESSION
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September Council Session - 1971

Tuesday, September 21, 1971

A G E N D A

SEPTEMBER COUNCIL SESSION

1. Opening of Council - The Lord's Prayer.
2. Roll Call.
3. Appointment of Recording Secretary.
4. Letters and Communications.
5. Approval of Minutes of August 17, 1971 Session.
6. Business arising from the Minutes.
7. Report of the Warden.
8. Report of the Director of Planning and Development.
9. Supplementary Report of the Director of Planning and Development.
10. Report of the Planning Advisory Committee.
11. Public Hearing - Undersized Lot - Donald Nicholson, Lakeside.
12. Resolution re Item #11.
13. Public Hearing - Undersized Lot "B" - R. S. Creelman, Goodwood.
14. Resolution re Item #13.
15. Resolution re Proposed Rezoning Application #5-71 - Broadfahls Park Limited - Land at Harrietsfield - from General Building Zone and Area to "T" Zone - Mobile Home Park.
16. Resolution re Proposed Rezoning Application #17-71 - Sunnyside Shopping Plaza Limited - Land at Bedford - from C2 and R2 Zone to C2 Zone - Commercial General Business Zone.
17. Resolution re Proposed Rezoning Application #13-71 - Ronald Pickrem - Land at Fall River - from C1 Zone Commercial Local Business to "M" Zone Motel.

September Council Session - 1971

Agenda Continued

18. Resolution re Proposed Rezoning Application #15-71 - Ross Forward - Land at Bedford from R1 Zone Single Family Dwelling to C1 Zone Commercial Local Business Zone.
19. Resolution re Proposed Rezoning Application #30-70 - Hillview Acres Limited - Land at Upper Sackville - from General Building Zone and General Building Area to "M" Mobile Home Park Zone.
20. Report of the Planning Advisory Committee re Proposed Mobile Home By-law amendments.
21. Resolution re Proposed Mobile Home By-law Amendments.
22. Report of the Public Works Committee.
23. Resolution re Expropriation of Balcombe's Road, Bayside for Road Purposes (Exp. 71-1).
24. Resolution re Expropriation of Levy's Road, Hackett's Cove for Road Purposes (Exp. 71-2).
25. Report of the Municipal School Board.
26. Report of the School Capital Program Committee.
27. Report of the Finance and Executive Committee.
28. Resolution re Application of CNR re Halifax Servocentre.
29. Resolution re Application of CNR re Dartmouth Servocentre.
30. Resolution re Application of CNR re Bridgewater Servocentre.
31. Appointment of Mr. Edward Bring as County Constable for purposes of serving papers.
32. Resolution re Capital Budget (Public Works).
33. Resolution authorizing Warden and Clerk to execute amendments to DND agreement re Grand Desert Beach.



MINISTER OF PUBLIC HEALTH
NOVA SCOTIA

September 13, 1971

Mr. R. G. Hattie
Municipal Clerk & Treasurer
Municipality of the County of Halifax
P. O. Box 300
Armdale, Nova Scotia

Dear Mr. Hattie:

Re: Sewage Disposal
Musquodoboit Harbour Rural
High School

Several months ago construction on the above project was halted at my request.

Since that time I have had the opportunity of having further investigations on the matter carried out and recently held a meeting with all concerned parties on this problem. As a result of the investigation and our meeting, I now authorize the construction to proceed in accordance with the plans approved by the Nova Scotia Water Resources Commission and the Department of Public Health.

Yours very truly,

A handwritten signature in black ink, appearing to read "Scott MacNutt", written over a horizontal line.

Scott MacNutt

DISTRICT 13 RATEPAYERS' ASSOCIATION

15 Horne's Road
Eastern Passage
Halifax Co., N.S.
July 15, 1971.

Mr. Mike Forrestall
Member
House of Commons
Ottawa, Ontario

Dear Mr. Forrestall:

Until approximately five years ago, a portion of land situated on County Hospital Road and owned by the Municipality of the County of Halifax was used as a garbage disposal area for residents of District 13. The County at this time closed the section and forbade further dumping of garbage.

A portion of land adjacent to said section is owned by a Mr. C. Milligan, who does not possess a permit to operate a garbage disposal area, but who has appeared in court and been fined five times for infractions of the law concerning garbage disposal on this property.

In April of this year, Mr. Tom Tonks, County Councillor, and myself went to the property owned by the County which was formerly used as a garbage disposal area, and took pictures of a garbage truck dumping garbage on Mr. Milligan's property. A picture was also taken of this garbage being burned, and left unattended incidentally.

These pictures were turned over the Halifax County Planning Dept. who in turn forwarded them to the County Solicitor. According to the County Solicitor, it is imperative that the person*caught dumping be identified before this County can proceed with prosecution.

It is the feeling of the ratepayers in our District, that if County Council were really concerned with carrying out action on the CountyBy-law concerning the breaking of this law by persons using the said area for a dumping ground, that county Council would inform the R.C.M.P. or other authorities to apprehend any person or persons found dumping garbage or other refuse on said property.

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It would appear in view of these events, as if someone in higher authority than Halifax County Council is protecting Mr. Milligan, especially in view of the fact that a large portion of the garbage being dumped on this property comes from C.F.B. Shearwater, and also from Imperial Oil Refinery in Dartmouth.

Incinerators are provided in the metropolitan area for the use of all garbage collectors. This also includes the person or persons using Mr. Milligan's property for this purpose.

We therefore request that you instigate a full investigation being made by the Federal Department concerned, concerning this situation, and that pressure be brought to bear on Mr. Milligan to ensure that the law be upheld with regards to this matter.

We understand that under the agreement for garbage disposal at C.F.B. Shearwater, successful tenderer must have approved dumping area in County concerned, and as stated previously in this letter, contractor does not have permit to dump garbage on aforementioned property.

Yours very truly,

Eugene Deveaux
President

ED/dmw

cc: Hon. A.G. Brown
Halifax County Council

MINUTES OF THE SEPTEMBER SESSION OF THE FIRST YEAR
COUNCIL OF THE THIRTY-SEVENTH COUNCIL OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX

The September Session of Council of the Municipality of the County of Halifax convened at 10:30 a.m. Tuesday, September 21st., 1971, with Warden Ira Settle presiding.

Council opened with the Lord's Prayer after which the Clerk called the Roll.

Mr. Hattie advised Council that the Recording Secretary who had recorded the last two Session of Council was in Hospital for major surgery and was unable to attend this Council Session.

It was moved by Councillor Tonks; seconded by Deputy Warden Nicholson:-

"THAT Mr. H.G. Bensted be appointed as
Recording Secretary for this Session of
Council."
Motion carried.

Mr. Hattie read a letter from Mr. Cox of the Provincial Department of Agriculture with regard to the Pest Control Act. Mr. Cox requested permission to speak to Council this morning with regard to the implementing of this Act in Halifax County.

Council agreed to hear Mr. Cox.

Mr. Cox outlined to Council a program with regard to an eight-week treatment period with regard to the Warble Fly. It was the intention to carry out this program in three municipalities this year and in order to carry out this program in Halifax County it would be necessary to have approval of the Municipal Council. Mr. Cox advised that no monies would be required from the Municipality of the County of Halifax as a grant had been received from the Province of Nova Scotia in order to carry out a trial program this year with the farmers paying fifty percent of the cost.

Mr. Cox advised that under the Legislation if this program was carried out in future years that the Municipality would be required to pay fifty percent of the grant but that these monies would be refunded to the Municipality of the County of Halifax by the Province of Nova Scotia from the monies paid by the farmers.

Mr. Cox advised the Council that it was hoped that under this program the Warble Fly would be exterminated in Nova Scotia as it had been in Prince Edward Island under a similar program. Mr. Cox stated that most of the farmers were carrying out their own control now but in order for the control to be effective it would require that one hundred percent of the farmers took part in the program.

Mr. Cox advised that the animals involved were not destroyed by the Warble Fly but the quality of meat was lowered and also the value of the hide.

In answer to questions by the Councillors, Mr. Cox stated that the Federation of Farmers had requested this program be carried out and if any farmer should refuse to pay he could be taken to Court in order to recover the cost. Inspectors would be appointed to do the Treatment necessary and the drugs involved would be available to the farmers at cost.

Councillor Hudson questioned the Municipality being involved by this Act which apparently had been passed by Legislation without the Municipality being consulted.

In answer to a question, Mr. David Mann, the Solicitor, advised that it was possible for the Municipality to become involved financially in future years.

It was moved by Councillor Hudson, seconded by Councillor Tonks:

"THAT the Council request the Government of the Province of Nova Scotia to amend the Cattle Pest Control Act of 1970 to relieve Municipal Government of any financial responsibility under the Act."
Motion defeated.

It was moved by Councillor McCabe, seconded by Councillor Isenor:

"THAT Council approve the suggestion of the representative of the Department of Agriculture."
(Motion deferred)

It was moved by Councillor Tonks, seconded by Councillor Moser:

"THAT the matter be referred to the Finance and Executive Committee." Motion carried.

Mr. Cox thanked Council for their hearing.

Mr. Hattie read a letter from the Superintendent of Ocean View Manor with regard to the roof re Ocean View Manor. It was moved by Councillor Tonks, seconded by Deputy Warden Nicholson:

"THAT this letter be referred to the Finance and Executive Committee for a report to Council."
Motion carried.

Mr. Hattie read a letter from the Administrator of the Halifax County Hospital with regard to paving constructs at the Halifax County Hospital property. It was moved by Councillor Jennex, seconded by Councillor Gaetz:

"THAT this letter be received." Motion carried.

Mr. Hattie read a letter from the Superintendent of the Halifax County Hospital with regards to an old brick building on the property apparently being an old pump house serving the original County Hospital Building requesting permission to remove this building.

It was moved by Councillor Gaetz; seconded by Councillor Baker:-

"THAT Council give its authority to demolish the old pump house at the Halifax County Hospital."
Motion carried.

Councillor Tonks questioned whether Mr. Hattie was able to complete a report for Council with regards to removal of fill from the Halifax County Hospital Property.

Mr. Hattie advised that he did not have sufficient information as yet to make a report.

Mr. Hattie advised Council that a letter had been received by the Warden from Mr. and Mrs. Lyngal of Eastern Passage requesting permission to speak to Council and asking for the answer to a number of questions.

Mr. Hattie advised that this letter had been placed before the Finance and Executive Committee who felt that the letter should be answered by the Warden.

It was moved by Councillor Tonks; seconded by Deputy Warden Nicholson:-

"THAT the letter from Mr. and Mrs. V.L.J. Lyngal be received, and the Warden asked to answer the questions on behalf of Council."
Motion carried.

Councillor Hudson questioned as to the date of the letter and why it had not been answered before the Council Session.

Warden Settle advised that he did not think that it was his prerogative to answer the letter unless he had been authorized to do so by Council.

Councillor Hudson requested that a copy of the letter and a copy of the Warden's reply be made available to the Councillors.

Mr. Hattie read a letter from Mrs. A.J. Smeltzer the widow of late ex-councillor Smeltzer expressing her appreciation to Council. It was agreed that this letter be filed.

Mr. Hattie read letters from the Mayor of Dartmouth and the Clerk -Treasurer, City of Dartmouth, with regards to setting up a Committee of three members (3) of each Municipal unit to discuss proposed regional government.

It was moved by Councillor Tonks; seconded by Councillor Slauenwhite:

"THAT this Council set up a Committee of three, to meet with similar Committees from the City of Halifax and the City of Dartmouth to discuss the Metropolitan Community."

Motion carried.

It was moved by Deputy Warden Nicholson; seconded by Councillor Moser:-

"THAT the Warden make the appointment of the three member Committee to meet with similiar Committees in Halifax and Dartmouth."

Motion carried.

Councillor Hudson questioned as to whether any reply had been received yet with regards to the letters written re explosives in the Waverley area. Mr. Hattie advised that no written reply had been received to date.

It was moved by Councillor Jennex, seconded by Councillor Tonks:-

"THAT the Warden and members of School Capital Program Committee arrange for a public meeting to report to the rate payers on the decision of the Minister of Health relative to the sewerage disposal system at the Eastern Shore Rural High School at Musquodoboit Harbour and that the Department of Public Health be asked to have a representative at each meeting."

Motion defeated.

Deputy Warden Nicholson stated that the Minister of Health had held a meeting at which all parties concerned were invited, including the local committee from Musquodoboit Harbour and at this meeting only one member of the local committee showed up, and the meeting lasted something over two hours at which time all persons present including Councillor Jennex had an opportunity to express their opinions. Deputy Warden Nicholson stated that if any public meetings were to be held that the ratepayers should approach the Minister as it was his decision.

Councillor McCabe stated that in his opinion if the rate payers had any questions they should direct them to the Minister, not the Municipality.

The Warden called for a vote on the motion, motion defeated.

Councillor Tonks referred to a letter from the Federal Minister, Donald S. MacDonald which had been written to Mr. Forrestal Member of Parliament with regards to the garbage removal contract from Shearwater.

It was moved by Councillor Tonks; seconded by Councillor Williams:-

"THAT a letter be sent to the Minister of National Defence, giving him the facts with respect to the Milligan Dump, Eastern Passage."
Motion carried.

Councillor Tonks advised Council that the ratepayers of District 13 were very concerned with regards to action being taken by the CNR with regards to the laying of a spur line to the autoport property, that the people had experienced problems with regards to drainage being closed off, flooding, and brush fire. Councillor Tonks stated that a public meeting was held on Sunday, September 19th., 1971, and at this meeting he had been given a mandate on behalf of the ratepayers of District 13.

Councillor Tonks read the mandate in question and moved

"THAT Council approve the mandate given to Councillor Tonks by the ratepayers of District 13. No Secunder.

Deputy Warden Nicholson and Councillor Baker moved:-

"THAT Council authorize the Finance and Executive Committee to meet with the C.N.R. representatives in order to insure that the rights of the ratepayers in Eastern Passage are fully protected, in connection with the prepared auto port at Eastern Passage.

Warden Settle stated that he had met with the delegation of the people on the site last week along with representatives of the CNR, that he had discussed the matter by phone with the vice president of the CNR in Moncton, New Brunswick, and had been advised that an over all plan of the proposed operation involving the IEL property and the Clarence Park Property

could be made available by the end of this week.

The Warden called for a vote on the motion, motion carried.

It was moved by Councillor Tonks; seconded by Councillor Snair:-

"THAT the Warden be asked to declare the week of Nov. 15 - 22 as Young Canada Book Week in Halifax County."
Motion carried.

It was moved by Councillor Moser; seconded by Councillor Gaetz:-

"THAT the Minutes of the Meeting of August 17th., 1971 be approved as amended."
Motion carried.

Councillor Hudson stated that page 2 of the minutes, the resolution shown as being moved by Councillor Hudson, seconded by Councillor Tonks should read moved by Councillor Tonks and seconded by Councillor Hudson. It was agreed by Council for this amendment to be made.

Councillor Hudson inquired as to a staff report with regards to Constables wearing flashes reading "Halifax County Police".

Mr. Hattie advised that as far as he could determine the only constables involved were constables employed at the Sunnyside Shopping Centre and that they have been instructed to remove the word "pölice".

Councillor Dunbar stated that he had investigated the matter to some extent and questioned the definition of "Constable" and stated that in his opinion Constable meant 'pölice" and police meant "constable."

It was moved by Councillor Hudson; seconded by Deputy Warden Nicholson:-

"THAT the Solicitor be asked to report at the next session of Council as to whether any action should be taken by Council as to whether shoulder badges etc. on Constables should read Halifax County Police or just Halifax County Constables."

Councillor Jennex inquired as to a report with regards to the financing of the Eastern Shore Rural High School, Musquodoboit Harbour. Mr. Hattie advised that this information would be tabled at the afternoon session.

The Clerk read the Report of the Warden. It was moved by Councillor Gaetz; seconded by Councillor Tonks:-

"THAT the Report of the Warden be received."
Motion carried.

Councillor Hudson questioned the manner in which the final book of minutes and reports were being produced and questioned whether these could not be done in an easier manner and requested the Warden to bring in a report at the next session of Council.

The Clerk read the report of the Director of Planning and Development.

It was moved by Councillor Hudson; seconded by Deputy Warden Nicholson:-

"THAT the Report of the Director of Planning and Development be approved."
Motion carried.

The Clerk read the report of the Planning Advisory Committee.

It was moved by Councillor Tonks; seconded by Councillor Baker:-

"THAT the Report of the Planning Advisory Committee be adopted."
Motion carried.

It was moved by Deputy Warden Nicholson; seconded by Councillor Gaetz:-

"THAT be it resolved and it is hereby resolved that the lot of land located at Lakeside and owned by Donald Nicholson be approved as an undersized lot pursuant to the 1966 Undersize lot legislation." Motion carried.

It was moved by Councillor Tonks; seconded by Councillor Baker:-

"THAT be it resolved and it is hereby resolved that the lot of land located at Goodwood and owned by Paul S. Creelman be approved as an undersized lot pursuant to the 1966 Undersized lot legislation." Motion carried.

Moved by Councillor Baker; seconded by Councillor Williams:-

"Be it resolved, and it is hereby resolved
that the lands of Broadfalls Park
Limited at Harrietsfield be rezoned
from General Building to Mobile Home Park
T. Zone."
Motion carried.

It was moved by Councillor Moser; seconded by Councillor
Dunbar:-

"THAT it be resolved and it is hereby
resolved that the lands of Sunnyside
Shopping Plaza Limited at Bedford be
rezoned from C2 and R2 to C2 Commercial
General Building Zone."
Motion carried.

Councillor Hudson questioned as to whether the Department
of Highways approval was obtained before these items
were brought to Council.

Mr. Gough, Director of Planning and Development stated
that the Highways were advised of the proposal
but that they would not give an opinion until actual
application was made by the individual.

Councillor Dunbar questioned as to whether this was so,
and felt that highways were giving their approvals
on some items before they were approved by Council.

It was moved by Councillor Hudson; seconded by Deputy Warden
Nicholson:-

"THAT be it resolved and it is hereby
resolved that the lands of Ronald Pickrem
at Fall River be rezoned from C1 Commercial
Local Business to M Motel Zone."
Motion carried.