

MINUTES - FEBRUARY COUNCIL SESSION - 1974
Tuesday - February 19th., 1974 (Continued)

A standing vote was taken on this motion and it was defeated with a vote of seven (7), for and ten (10), against.

The next item on the Agenda was the approval of the Minutes of the January Session of Council. Deputy Warden Hudson asked that a motion be corrected. It was moved by Councillor Gaetz; seconded by Councillor Moser:

"THAT the Minutes of the Council Session of January 15th., 1974, be approved as amended." Motion carried.

Councillor Dunbar advised that there is to be a Special Meeting of the Planning Advisory Committee on February 27th., 1974, to deal with draft amendments re the Zoning By-laws. This is in compliance with instructions by Council that the Planning Advisory Committee review and bring in recommendation with regard to the Zoning By-laws and General Building Zones.

Mr. Bensted, Municipal Clerk, advised that further correspondence to that contained in the Agenda Book had been received. A letter was read from Wallace G. Mills with regard to the appointment of Colin Baker to the Planning Advisory Committee. It was moved by Councillor Nicholson; seconded by Councillor Slauenwhite:

"THAT this letter be received." Motion carried.

A letter was received from the Halifax-Dartmouth United Appeal requesting that a representative be appointed to serve on that Board. Mr. Bensted advised that Mr. J. F. R. McMahon had been serving on that Board. It was moved by Councillor Nicholson; seconded by Councillor Moser:

"THAT Mr. J. F. R. McMahon re re-appoint to serve on the Board of the Halifax-Dartmouth United Appeal." Motion carried.

A letter was also received from the Atlantic Child Guidance Centre asking for the appointment of a Councillor to serve on that Board, and expressing gratitude for the service rendered by Councillor Albert Williams. It was moved by Councillor Moser; seconded by Councillor Killam:

"THAT Councillor Albert R. Williams be re-appointed to serve on the Board of the Atlantic Child Guidance Centre." Motion carried.

Mr. Bensted advised that he had received a letter from Hon. Mr. Mooney, Minister of Municipal Affairs, advising that he should contact Mr. Hans Forrestall of that Department, at which time Mr. Bensted would be able to discuss with him the kind of assistance they might provide and how they are prepared to do.

At the December, 1973 Session of Council, it was moved by Deputy Warden Hudson; seconded by Councillor Deveaux:

"THAT the Building By-law be so amended as to make all of Halifax County a Building District." Motion carried.

Councillor McCabe stated that a portion of his District was not included under the Building By-laws. He said he had spoken to the former Warden who said he had not had reason to have it included.

It was moved by Councillor Deveaux; seconded by Deputy Warden Hudson:

"THAT the Building By-law be and the same is hereby amended by deleting Section 3 and substituting therefor the following:

"This By-law shall apply to the entire Municipality of the County of Halifax." Motion deferred.

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Councillor Streach said he would like to know if it would be in order to move an amendment to this By-law that would exempt Agricultural lands from the By-law.

Councillor Nicholson stated that he would like to hear from all the Concillors on this matter and would also like to defer this matter until the Councillors have had a chance to discuss it with people in the areas involved. He stated he had no objections to it, but, until such times as we hear from them, he would like it to be deferred.

It was moved by Councillor Nicholson; seconded by Councillor MacKenzie:

"THAT this matter be deferred until the April Session of Council." Motion carried.

Councillor MacKenzie stated that the Councillors talk with people in the area but there is not much feedback. He felt that it was unfair to farmers and fisherman to come under Building restrictions, and suggested that five hundred feet from the highway should be considered with regard to agriculture and fishing. He felt it was unfair to fisherman to come under building restrictions for building a fish-house.

Deputy Warden Hudson asked for a Report from the Board of Health with regard to health hazards, resulting from Districts not under the Building By-law.

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

"THAT the Building By-law be amended as to the new District numbers." Motion carried.

Councillor Streach wondered if the Municipal Clerk could provide Councillors with a list showing where the By-laws are not effected.

The next item on the Agneda was the Report of the Warden. It was moved by Councillor Nicholson; seconded by Councillor Moser:

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

It was moved by Councillor Gaetz; seconded by Councillor Slaunwhite:

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

It was moved by Councillor Nicholson; seconded by Councillor Gaetz:

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

Councillor Dunbar spoke at some length with regard to the Rezoning Request re Hammonds Plains. He stated that there was a bit of background that Council should be aware of. The whole area at the present time is General Building Zone. There was an application last Fall for a Paving Company to have a quarry-rock crushing plant to which there was great objection raised by the people of the area, in fact petitions were submitted with about 400 names objecting to the crusher involved. There was a request for zoning. This involved an area about fifteen square miles, this was later reduced to nine square miles. At the time, and "I still feel," that a blanket type involving the complete use of R2 Zoning is perhaps a little too heavy a plan because this would disturb a number of operations in the area. A meeting was held at Hammonds Plains at which time this was discussed, but the original application still stood. The Planning Advisory had to deal with this application. As time passed by, this was brought back to the Planning Advisory Board. That report was subsequently brought in and rezoning is not recommended, but the whole area still is a General Building Zone.

There are other Plants moving in - a Dairy Plant and we now have application for a Paving Company. They are not asking for a rock crusher plant. At the same time the area is still General Building Zone and the fear of the people is that this could be the thin edge of the wedge. If approved the area will remain General Building Zone and it could be one more step to rock crushing, blasting operation, and the people are very greatly opposed to this.

It was moved by Councillor Dunbar; seconded by Councillor Nicholson:

"THAT the Planning Staff be requested to prepare a recommended Zoning Plan to cover the Hammonds Plains Area and to submit such plan to the Planning Advisory Committee at the earliest possible date."
Motion carried.

Councillor Dunbar advised that he had been passed a note by Dr. Dombroski, of Uplands Park, requesting permission to address the Council. Permission was granted.

Before Dr. Dombroski addressed the Council, Deputy Warden Hudson asked what happened about the petition for a Public Hearing by the people of Uplands Park.

Mr. Cox stated that it was within the discretion of Council to decide on a Public Hearing.

Dr. Dombroski then addressed the Council. Dr. Dombroski spoke in detail with regard to zoning in the Uplands Park area and stated that he was very concerned about the treatment the people of the area were receiving.

Councillor Dunbar said some of Dr. Dombroski's remarks were very accurate and some he would take exception to. Councillor Dunbar explained that part of the area is in the Bedford Service Commission District, part is under the Hammonds Plains Ratepayers Association and then there is the Uplands Park Commission. Everyone knows that there has to be some kind of control. As a Councillor, he himself is opposed to blanket zoning and he thinks that the Planning Advisory Committee is deficient in the tools to work with. Changes are needed in the By-laws, there is a need for a By-law re blasting, rock-crushing - all these are tools necessary for the Planning Advisory Committee to do a more efficient job. He feels that blanket zoning should be rejected. He felt this was one of the first things Council should deal with. He said the people in the area were not against development but wanted it in an orderly fashion.

Councillor Killam stated that it struck him as rather strange that the Planning Advisory could not ask and receive something of that nature without this request having to come through the full Council.

Deputy Warden Hudson said she asked for the same thing six months ago when the re-zoning of Eastern Passage was brought up.

It was moved by Councillor Killam:

"THAT Council adjourn until 2:00 p.m."
Motion carried.

AFTERNOON SESSION

Council convened at 2:15 p.m. The Municipal Clerk called the Roll.

The first item in the Afternoon Session was the Supplementary Report of the Planning Advisory Committee. The first item dealt with the Application for Zone Change, Westgate Park from R1 Residential, Single Family Dwelling Zone and R4 Residential General, to C2 Commercial General Business Zone (Application No. 1-74). It was moved by Councillor Fader; seconded by Councillor Nicholson:

"THAT the Zoning By-law be and the same is hereby amended by rezoning lands known as Westgate Park from R1 Residential Single Family Dwelling Zone and R4 Residential General Zone to C2 Commercial General Business Zone." Motion carried.

Item No. 2 - Application No. 4-74 - Application for Zone Change for the High Street area, Bedford from R4 Residential General Zone to R2 Two Family Dwelling Zone. It was moved by Councillor Dunbar; seconded by Councillor Gaetz:

"THAT the Zoning By-law be and the same is hereby amended by rezoning lands in the High Street area, Bedford, from R4 Residential General Zone to R2 Residential Two Family Dwelling Zone." Motion carried.

Item No. 3 - Application No. 45-73 re Zone Change for Herring Cove (Plan C). It was moved by Councillor Anderson; seconded by Councillor Fader:

"THAT WHEREAS Council previously approved certain amendments to the Zoning By-law dealing with the Herring Cove area; said amendments being incorporated in what is known as Plan "B";

AND WHEREAS after such approval various appeals from the approval were taken to the Planning Appeal Board and have not as yet been disposed of by that Board;

AND WHEREAS Council has duly considered other amendments to the Zoning By-law dealing with the Herring Cove area; said amendments being incorporated in what is known as Plan "C";

BE IT RESOLVED that the Zoning By-law be and the same is hereby amended by adopting Plan "C";

AND BE IT FURTHER RESOLVED that the Development Officer and Solicitor be and they are hereby instructed to appear before the Planning Appeal Board and request that Plan "B" not be approved by the said Board;

AND BE IT FURTHER RESOLVED that all appropriate action be taken to give legal effect to Plan "C". Motion carried.

It was moved by Councillor Nicholson; seconded by Councillor Fader:

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

Deputy Warden Hudson asked if the Planning Advisory Meeting to be held on February 27th, 1974, was for the Committee only or would other Councillors be welcome to attend and participate.

Councillor Dunbar stated that as far as he was concerned the more input they got, the better it would be for everyone. He would welcome any Councillor.

It was moved by Deputy Warden Hudson:

"THAT Mr. Hans Forestall of the Department of Municipal Affairs be invited to the Special Meeting of the Planning Advisory Committee of February 27th, 1974, and be requested to place his recommendation before the Committee." No seconder.

Mr. Cox stated that the decision as to who attends the Planning Advisory Meeting is up to the Planning Committee. It is not a meeting of Council but a Meeting of the Committee. Whether any Councillors or other people attend is up to the Committee.

Councillor Nicholson stated that this meeting was just to look over the first draft of Zoning By-law changes.

Councillor Dunbar said that his prime purpose was to consider what we should have in the way of changes in the By-laws and also to deal with specific motions that Council has made. He said he would be very much in favour of any Councillor attending, or I would go along with the Deputy Warden in welcoming others. We are leading to an up-dating of our development plan as far as the County is concerned. Anything that is going to contribute would be welcome.

Councillor Nicholson said that Mr. Cox and Mr. Gough were to wrap up their ideas in rough draft until we have a look at it.

Deputy Warden Hudson said that the February 27th meeting was being held on a Wednesday when she would be at a School Board Meeting. The Solicitor is proposing a development permit in place of my suggestion that industry be permitted only in areas zoned "Industrial". The Development Permit will not take the place of my suggestion - it would be just an elaborate Building Permit.

Mr. Cox stated that he was not proposing anything. "I have simply followed instructions - the draft includes your proposal, also proposals of Mr. Gough and his Committee."

Councillor Gaetz felt that if all Councillors were going to be invited to the meeting, then it should have been referred to Council as a whole.

Councillor Anderson stated that the session that they had coming up was a Special Meeting and was for the distinct purpose of including motions of Deputy Warden Hudson and other legislation prepared by the Solicitor. He felt they were getting at cross purposes and stated that if the Committee needed revising or re-organization, then it should be done. It appeared to him that they were the only Committee getting adverse criticism. Other reports are accepted. Recently the suggestion was made to add others to the Committee. He respectfully suggested that if there are members of Council who feel they should be on the Planning Advisory Committee, there is nothing in the By-laws to say how many we can have. If the Committee is going to function, then it must have the confidence of Council. It was moved by Councillor Anderson; seconded by Councillor Fader:

"THAT Council re-affirm their confidence in the Planning Advisory Committee." (see motion re deferral for six months.)

Councillor Dunbar stated that it was his opinion that the Planning Advisory Committee is the most maligned Committee of Council. The present Committee is trying to do a job with the tools they have to work with, and it was his own conviction that they do not have enough tools to work with.

Councillor Killam suggested that we all take a second look and ask members of Council not to tear another Committee apart. We can constructively do things for other Committees of Council, without having to go so far as to declare confidence. The most important Committee should and could be the one with the most responsibilities - the Planning Advisory Committee. We are all here to help each other. This type of thing would never be today if this County long before now came up with their Municipal Development Plan. This has been requested by the Provincial Government. Recommendations are coming every day. We are giving away the future of our desired spots for recreation areas simply because we did not have a plan in the County, in my judgment. If there is a Municipal Development Plan, I know nothing about it. The three levels of Government were asked to come up with their Municipal Plan - Dartmouth has theirs ready, the City of Halifax appointed citizen representatives to work with the City, to come up with their development plan for the City. I certainly feel that there is not a member in this Council, no matter what his business is - unless we plan we will not be in business long. We have to make plans. We know what we have to do to better ourselves in business, and why do we not do this in Council. Instead of criticizing a Committee, I feel we have a responsibility and challenge. I feel this should be the most important Committee in Council. If the other levels of Government can do it, we are falling short. I see no reason why we cannot come up with an organized plan. Are we afraid to have someone come in and give us a professional hand?

This, to me, is one of the most important functions this Council should be doing, -- future plans of this area where we live set out clearly. I feel that a Municipal Development Plan should be prepared for the County of Halifax, by the Planning Advisory Committee, so that they will not be a rubber stamp. A Committee made up of the Warden, the Deputy Warden and the Chairman of the Planning Advisory, should appoint a Committee of citizens--that they process

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input from the people of the County of Halifax -- we should be able to come up with a plan and get on with the job of proper zoning.

Councillor Nicholson stated that the Regional Development Plan is being revised and there will be a revisal before MAPC on March 6th. Stalemate is not with the County. We had a Master Plan before any of them.

With regard to the Motion of confidence in the County Planning Advisory Committee, proposed by Councillor Anderson; it was moved by Deputy Warden Hudson; seconded by Councillor Slauenwhite:

"THAT the above motion is deferred for six months."
Motion carried.

It was moved by Councillor Killam; seconded by Deputy Warden Hudson:

"THAT a Municipal Development Plan be prepared for the County of Halifax, and that the Planning Advisory Committee shall, in the preparing of this Plan, include five (5) citizens of the County. These citizens are to be appointed by a Committee of three of this Council namely the Warden, Deputy Warden, and the Chairman of the Planning Advisory Committee." Tie vote, eight (8) for, eight (8) against. Motion defeated.

Councillor Gaetz asked what this would do to the Master Plan, and was advised by Councillor Killam, that it would simply up-date it.

Councillor Deveaux asked if the Master Plan would be abolished once the MAPC Plan was in. Councillor Nicholson said he felt this was so and said he could not support the above motion.

Councillor Gaetz said he could see a plan for Halifax and Dartmouth easier than he could for the County. Are we going to be absolutely sure it will be suitable for housing.

Mr. Cox asked if it was intended that the five mentioned in the motion to be full members of the Committee with voting privileges and to be paid, or just to be in an advisory capacity re input.

Councillor Killam said in his judgment there were people in this County who would serve gratis. I am suggesting that we lean on people who are willing to let us have their expertise. We want the County protected.

Councillor Dunbar stated he was not against what Councillor Killam was trying to accomplish, but he thought it would be more relevant for the Committee to have their meeting and bring back a report to Council.

The next item on the Agenda was the Report of the Public Works Committee.

It was moved by Deputy Warden Hudson; seconded by Councillor MacKenzie:

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

It was moved by Councillor Streach, seconded by Deputy Warden Hudson, that:

"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 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 NORTHWEST FROM THE BEAVERBANK ROAD
OVER LANDS ALONG THE LITTLE SACKVILLE RIVER
TO A POINT NORTHWEST FROM THE BEAVERBANK CROSS ROAD Exp. No. 74-1

ALL that certain lot, piece or parcel of land, lying, being and situate in Middle Sackville, County of Halifax, Province of Nova Scotia and shown outlined in red on a plan prepared by W. B. Millar and dated February 14, 1974, and more particularly described as follows:

BEGINNING at the mid point of a manhole being manhole 15 of CBEC Job Number 71126 and also being manhole B of CBEC Job Number 71316;

THENCE by the magnet north eighteen degrees forty-five minutes west (N18°45'W) a distance of one hundred and zero tenths feet (100.0') over Lot X1 of the Annie Donnahee Subdivision and over Lot 127 of the Beverley Hills Subdivision, also crossing the Little Sackville River to a wooden stake;

THENCE north thirty-four degrees forty-five minutes west (N34°45'W) a distance of two hundred fifty-five and zero tenths feet (255.0') over Lot 127 of the Beverley Hills Subdivision and over lands of Reginald Ellis and John Tufts to a wooden stake;

THENCE north two degrees forty-five minutes west (N02°45'W) a distance of three hundred and zero tenths feet (300.0') over lands of Reginald Ellis and John Tufts and over lands of John Tufts to a wooden stake;

THENCE north nineteen degrees forty-five minutes west (N19°45'W) a distance of one hundred seventy-five and zero tenths feet (175.0') over lands of John Tufts to a wooden stake;

THENCE north twenty-nine degrees forty-six minutes west (N29°46'W) a distance of three hundred and zero tenths feet (300.0') over lands of John Tufts and over lands of Sackville Mobile Home Estates to a wooden stake;

THENCE north twenty-one degrees fifteen minutes west (N21°15'W) a distance of three hundred and zero tenths feet (300.0') over lands of Sackville Mobile Homes Estates over lands of Nova Mobile Homes and over lands of Century Parks Limited, also crossing the Little Sackville River to a wooden stake;

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THENCE north forty-five degrees forty-five and five tenths minutes west ($N45^{\circ}45.5'W$) a distance of one hundred fifty and zero tenths feet (150.0') over lands of Century Parks Limited to a wooden stake;

THENCE north eighty-seven degrees eight and five tenths minutes west ($N87^{\circ}08.5'W$) a distance of three hundred eighty and sixteen one hundredths feet (380.16') over lands of Century Parks Limited to an iron stake;

THENCE south eighty-five degrees seven minutes west ($S85^{\circ}07'W$) a distance of one hundred sixty-nine and ninety-four one hundredths feet (169.94') over lands of Century Parks Limited to an iron stake;

THENCE north sixty-five degrees fifty-three minutes west ($N65^{\circ}53'W$) a distance of two hundred ninety-five and zero tenths feet (295.0') over lands of Century Parks Limited to a wooden stake;

THENCE north eighty-one degrees forty-four and five tenths minutes west ($N81^{\circ}44.5'W$) a distance of one hundred forty-two and sixty-six one hundredths feet (142.66') over lands of Century Parks Limited and over lands of Blair C. Porter to a wooden stake being traverse point number 12;

THENCE north seventy degrees twenty-four and five tenths minutes west ($N70^{\circ}24.5'W$) a distance of two hundred fifty-six and zero tenths feet (256.0') over lands of Blair C. Porter over the Beaverbank Cross Road right-of-way and over lands of B. MacDougall to an iron stake;

THENCE north forty degrees fifty-nine and five tenths minutes west ($N40^{\circ}59.5'W$) a distance of five hundred thirty-five and zero tenths feet (535.0') over lands of B. MacDougall and over lands of Stanley Gray to a wooden stake;

THENCE north zero degrees fifty-nine and five tenths minutes west ($N0^{\circ}59.5'W$) a distance of one hundred nineteen and eight tenths feet (119.8') over lands of Stanley Gray and over lands of C. V. Ellis also crossing the Little Sackville River to a wooden stake;

THENCE north fifty degrees fifty-nine and five tenths minutes west ($N50^{\circ}59.5'W$) a distance of two hundred fifteen and zero tenths feet (215.0') over lands of C. V. Ellis and over lands of Culverwell Holdings Ltd.;

BEING or intended to be a description of centerline of an easement thirty feet (30') wide;

SAVING and excepting that portion of easement more fully shown on a plan of easement by D. V. Purcell dated February 13, 1970;

TOGETHER with an easement thirty feet wide (30') whose centerline is described as follows;

BEGINNING at a point south twenty-five degrees thirty-five and five tenths minutes west ($S25^{\circ}35.5'W$) a distance of fifteen feet (15'+) more or less from traverse point number 12, said point being on the southern boundary of said thirty feet (30') wide easement hereinbefore described;

THENCE south twenty-five degrees thirty-five and five tenths minutes west ($S25^{\circ}35.5'W$) a distance of eight feet (8'+) more or less over lands of Blair C. Porter to a point on the northern high water mark of the Little Sackville River;

SAVING and excepting that portion of easement included in the right-of-way of the Beaverbank Cross Road.

ALL Bearings are magnetic of the year 1974. Motion carried.

It was moved by Councillor Gaetz, seconded by Councillor Johnson, that:

"WHEREAS the Council of the Municipality of the County of Halifax (the "Council") at a Council Session held on Tuesday, October 19, 1971, carried out an expropriation for road purposes at Flying Point Road, Upper Lawrencetown, for the purpose of laying out, opening, constructing, repairing, improving and maintaining of streets, curbs, gutters or sidewalks at Upper Lawrencetown, Halifax County;

AND WHEREAS the Council is of the opinion that only part of that expropriation is now required for road purposes;

THEREFORE BE IT RESOLVED that the Council hereby abandon that part of the expropriation carried out at the October 1971 session of Council of all that portion of Flying Point Road being bounded and more particularly described as follows:

ABANDONMENT FOR ROAD PURPOSES, THAT PART OF FLYING
POINT ROAD UPPER LAWRENCETOWN, HALIFAX COUNTY

Exp. No. 74-3

ALL that certain lot, piece or parcel of land situate, lying and being at Upper Lawrence-town, in the County of Halifax, Province of Nova Scotia, and being shown outlined in green on a plan drawn by T. S. Foster, N.S.L.S., and being more particularly described as follows:

BEGINNING at a point, said point being the south-east corner of Lot A-14 as shown on plan of Parkcrest Subdivision by K. W. Robb and Associates, N.S.L.S., dated 13th September, 1961, revised 13th July, 1963 and 7th October 1969;

THENCE on a bearing of South thirty-six degrees forty-eight minutes East (S36°48'E) a distance of fourteen and zero tenths feet more or less (14.0'±) to a point;

THENCE on a bearing of South thirty-six degrees forty-eight minutes East (S36°48'E) a distance of fifty and zero tenths feet more or less (50'±) to a point;

THENCE on a bearing of South fifty-three degrees twelve minutes West (S53°12'W) a distance of sixty-three and zero tenths feet more or less (63.0'±) to a point;

THENCE South thirty-three degrees thirty-one minutes West (S33°31'W) a distance of one hundred twelve and two tenths feet (112.2') to a point;

THENCE South eight degrees zero minutes West (S08°00'W) a distance of forty-seven and one tenth feet (47.1') to a point;

THENCE South fifteen degrees zero minutes East (S15°00'E) a distance of seventy-seven and one tenth feet (77.1') to a point;

THENCE South eleven degrees four minutes East (S11°04'E) a distance of one hundred sixty-four and seven tenths feet (164.7') to a point;

THENCE South seventy degrees thirty-one minutes West (S70°31'W) a distance of one hundred forty-five and zero tenths feet (145.0') to the beginning of a curve.

THENCE along a circular curve to the left, said curve having a radius of eighty and zero tenths feet (80.0') an arc distance of one hundred eighteen and seven tenths feet (118.7') to the end of the curve;

THENCE South fourteen degrees twenty-nine minutes East (S14°29'E) a distance of one hundred thirty-six and zero tenths feet (136.0') to a point;

THENCE South six degrees twenty-two minutes East (S06°22'E) a distance of four hundred thirty-four and zero tenths feet (434.0') to the beginning of a curve;

THENCE along a circular curve to the right, said curve having a radius of sixty and zero tenths feet (60.0') an arc distance of two hundred twenty-seven and two tenths feet (227.2') to the end of the curve;

THENCE North thirty degrees thirty-eight minutes East (N30°38'E) a distance of eighty-one and five tenths feet (81.5') to the beginning of a curve;

THENCE along a circular curve to the left, said curve having a radius of forty-four and zero tenths feet (44.0') an arc distance of twenty-eight and four tenths feet (28.4') to the end of the curve.

THENCE North six degrees twenty-two minutes West (N06°22'W) a distance of three hundred two and eight tenths feet (302.8') to a point;

THENCE North fourteen degrees twenty-nine minutes West (N14°29'W) a distance of one hundred thirty-two and four tenths feet (132.4') to the beginning of a curve;

THENCE along a circular curve to the right, said curve having a radius of one hundred thirty and zero tenths feet (130.0') an arc distance of one hundred ninety-two and nine tenths feet (192.9') to the end of the curve;

THENCE North seventy degrees thirty-one minutes East (N70°31'E) a distance of one hundred one and eight tenths feet (101.8') to a point;

THENCE North eleven degrees four minutes West (N11°04'W) a distance of one hundred nineteen and nine tenths feet (119.9') to a point;

THENCE North fifteen degrees zero minutes West (N15°00'W) a distance of eighty-five and six tenths feet (85.6') to a point;

THENCE North eight degrees zero minutes East (N08°00'E) a distance of sixty-eight and six tenths feet (68.6') to a point;

THENCE North thirty-three degrees thirty-one minutes East (N33°31'E) a distance of one hundred thirty-two and five tenths feet (132.5') to a point;

THENCE on a bearing of North fifty-three degrees twelve minutes East (N53°12'E) a distance of six and zero tenths feet more or less (6.0'±) to a point;

THENCE on a bearing of North fifty degrees one minute West (N50°01'W) a distance of fourteen and zero tenths feet more or less (14.0'±) to a point;

THENCE on a bearing of North fifty-three degrees twelve minutes East (N53°12'E) a distance of sixty-nine and zero tenths feet more or less (69.9'±) to the point of beginning.

Councillor Gaetz asked about the Abandonment for Road Purposes - part of Flying Point Road, Upper Lawrencetown. Mr. Gallagher, Director of Public Works, explained this in detail to the Councillor.

Motion carried.

It was moved by Councillor Moser, seconded by Councillor Fader, that:

"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 Upper Lawrencetown, 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:"

EXPROPRIATION FOR ROAD PURPOSES

FLYING POINT ROAD, UPPER LAWRENCETOWN Exp. No. 74-2

ALL that certain piece of parcel of land lying being and situate in Upper Lawrencetown, County of Halifax, Province of Nova Scotia and shown outlined in red on a plan by W. Bruce Millar N.S.L.S. dated February 6, 1974, entitled "Plan Showing Existing Road - Flying Point Road - for Road Improvement Purposes" and more particularly described as follows:

Beginning at the south-east corner of Lot A14 of Parkcrest Subdivision, being also on the northern boundary of Parkcrest Drive.

THENCE by the magnet, South fifty degrees one minute East ($S50^{\circ}-01'E$) a distance of sixty-eight feet more or less ($68'_{\pm}$) to a point on the north-west boundary of Lot 4 of the Roy Settle Subdivision.

THENCE South fifty-two degrees twenty-five minutes West ($S52^{\circ}-25'W$) a distance of ninety-nine feet more or less ($99'_{\pm}$) along the north-west boundary of Lot 4 to a point.

THENCE South thirty-four degrees forty-seven minutes West ($S34^{\circ}-47'W$) a distance of sixty-eight and five tenths feet ($68.5'$) along the west boundary of Lot 4 to the south-west corner of Lot 4, being also the north-west corner of Lot 3 of the Roy Settle Subdivision, to a point.

THENCE South seven degrees thirteen minutes West ($S7^{\circ}-13'W$) a distance of seventy-three feet ($73'$) along the west boundary of Lot 3 to a point.

THENCE South fifteen degrees forty-seven minutes East ($S15^{\circ}-47'E$) a distance of seventy-three feet ($73'$) along the west boundary of Lot 2 of the Roy Settle Subdivision to a point.

THENCE South eleven degrees fifty-one minutes East ($S11^{\circ}-51'E$) a distance of one hundred fifty and nine tenths feet ($150.9'$) along the west boundary of Lot 2 and of Lot 1 of the Roy Settle Subdivision to a point.

THENCE South sixty-nine degrees forty-four minutes West ($S69^{\circ}-44'W$) a distance of one hundred seventy-three and four tenths feet ($173.4'$) to a point.

THENCE South fourteen degrees fifty-eight minutes West ($S14^{\circ}-58'W$) a distance of eighty-two and four tenths feet ($82.4'$) to a point.

EXPROPRIATION FOR ROAD PURPOSES
FLYING POINT ROAD, UPPER LAWRENCETOWN

THENCE South sixteen degrees thirty-six minutes East (S16°-36'E) a distance of one hundred thirty-two and zero tenths feet (132.0') to a point.

THENCE South six degrees thirty-six minutes East (S6°-36'E) a distance of three hundred ninety-eight and six tenths feet (398.6') to a point on a circular curve of radius fifty feet (50').

THENCE along a circular curve to the right of radius fifty feet (50'), an arc distance of two hundred twenty-eight and three tenths feet (228.3') to a point, marking the end of curve, being on the eastern boundary of Lot 3 of the Maurice Conrad Subdivision,

THENCE North two degrees thirty-nine minutes East (N2°-39'E) a distance of ninety and zero tenths feet (90.0') along the eastern boundary of Lot 3 and of Lot 4 of the Maurice Conrad Subdivision to a point marking the northeast corner of Lot 4 and the south-east corner of Lot 5.

THENCE North six degrees thirty-six minutes West (N6°-36'W) a distance of three hundred forty-five and zero tenths feet (345.0') along the eastern boundary of Lot 5, of Lot 6, and of Lot 7 of the Maurice Conrad Subdivision to a point marking the northeast corner of Lot 7 and being on the southern boundary of a road reserve.

THENCE North sixteen degrees thirty-six minutes West (N16°-36'W) a distance of one hundred forty-one and eight tenths feet (141.8') along the eastern limit of a road reserve and along the eastern boundary of Lot 8 of the Maurice Conrad Subdivision to a point marking the north-east corner of Lot 8, being also the south-east corner of Lot 9.

THENCE North fourteen degrees fifty-eight minutes East (N14°-58'E) a distance of one hundred twenty-two and four tenths feet (122.4') along the eastern boundary of Lot 9 of the Maurice Conrad Subdivision to a iron pipe marking the north east corner of Lot 9 and also being the south west corner of Lot 5 of the Roy Settle Subdivision.

THENCE North sixty-nine degrees forty-four minutes East (N69°-44'E) a distance of one hundred fifty-six and seventeen one-hundredths feet (156.17') along the south boundary of Lot 5 and Lot W of the Edwin Muir Subdivision to a point marking the south east corner of Lot W.

THENCE North eleven degrees fifty-one minutes West (N11°-51'W) a distance of one hundred six and two one-hundredths feet (106.02') along the eastern boundary of Lot W to a point.

THENCE North fifteen degrees forty-seven minutes West (N15°-47'W) a distance of eighty-one and forty-five one hundredths feet (81.45') along the eastern boundary of Lot W to a point.

THENCE North seven degrees thirteen minutes East (N7°-13'E) a distance of ninety-five and four tenths (95.4') along Lot W to a point.

THENCE North thirty-four degrees forty-seven minutes East (N34°-47'E) a distance of eighty-eight and five tenths feet (88.5') to a point.

THENCE North fifty-two degrees twenty-five minutes East (N52°-25'E) a distance of twenty-eight feet more or less (28'±) to a point.

THENCE North fifty degrees one minute West (N50°-01'W) a distance of seventeen feet more or less (17'±) to a point marking the north-east corner of Lot A13 of the Parkcrest Subdivision.

THENCE North fifty-three degrees twelve minutes East (N53°-12'E) a distance of sixty-seven and eight tenths feet (67.8') along the eastern limit of Parkcrest Drive to the place of beginning.

ALL Bearings are magnetic of the year 1961.

The Report of the Municipal School Board was the next item.

Councillor MacKenzie asked about the Library material, if this was just for books. He also asked if any provision was provided for this to other schools in the County.

Mr. Bensted advised the Councillor that this was included in the Provincial Five-Year Program approved by the Department of Education. He did not know whether the Municipal School Board had a program for other schools.

Deputy Warden Hudson advised that they had set an amount of \$2.00 per pupil, which the Provincial Government would share in.

It was moved by Deputy Warden Hudson; seconded by Councillor Anderson:

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

The next item was the Report of the School Capital Program Committee.

It was moved by Councillor Nicholson; seconded by Councillor Moser:

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

Deputy Warden Hudson asked if any progress had been made with regard to the Ash-Lee School site.

Councillor Slauenwhite advised that they were waiting to hear from the owners of lands involved.

Councillor Fader said he would like to thank the School Capital Program Committee, for taking over the Caudle Park Elementary School. He thought the Committee, as a whole, had done a wonderful job and, once again, would say thank you.

Councillor Fader also said he had received phone calls with respect to complaints about the Sidney Stephen High School. He was advised to take this up with Mr. Karl Perry, Superintendent of the Municipal School Board.

Councillor Deveaux asked why the School Maintenance Supervisor was not invited when the School Capital Program Committee was taking over a school.

Mr. Bensted advised him that Mr. Reid Harrison, Assistant Superintendent, and Mr. Wild, the Maintenance Supervisor, had inspected the school before the take-over.

It was moved by Councillor Williams; seconded by Deputy Warden Hudson:

"THAT the Report of the Social Assistance Committee be received." Motion carried.

The Report of the Finance and Executive Committee was considered next.

Councillor MacKenzie spoke at length with regard to the amount of financial help the area would lose by the Finance & Executive Committee not approving the Swimming Pool for Sheet Harbour. He stated they had a LIP Grant, a recreation grant, and another grant of \$50,000 from the Department of Education, with the stipulation that this Pool be built on school property, and stated that they stood to lose the \$167,000 if the project was not proceeded with, at this time. He asked if the Municipality was contributing or including any funds for any other swimming pools in the County or any other recreation.

Councillor Streach said that he had been involved in community work for some time, and it was very discouraging when you felt you had something, and then had a barrier stuck in front of you. Perhaps we could have approved this in principle, and I apologize to the Committee, for not having done that. I suggest, that I believe it would be a great asset for Councillor MacKenzie's District, to have the construction of a Swimming Pool on the grounds of his High School in Sheet Harbour. Approval in principle would certainly have changed the attitude of the Press in reporting.

Councillor MacKenzie asked if there were not some Resolution or motion he could make to help solve the problem.

Mr. Cox said he did not know how you could have approval in principle for this project. You cannot support construction on approval in principle. There must be approval by Council for a LIP grant, in order for the the construction to commence. The County would ultimately be responsible, with the swimming pool on the school grounds, as the Municipality owns the grounds.

Councillor Streach asked if the Department of Education had not indicated their desire for recreation such as swimming pools as part of their curriculum?

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

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

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

"THAT the Five-year Projected School Capital Program be approved in principle and the Municipal Clerk be authorized to submit the same to the Department of Education of the Province of Nova Scotia for approval." Motion carried.

It was moved by Councillor Gaetz; seconded by Councillor Nicholson, THAT:

RESOLUTION OF MUNICIPAL CORPORATION

To authorize the borrowing of certain monies from the Royal Bank of Canada to meet the current expenditure of the Corporation of the Municipality of the County of Halifax for the year 1974.

WHEREAS it is necessary to borrow the sum of SEVEN MILLION FIVE HUNDRED THOUSAND-----00/100 DOLLARS from the ROYAL BANK OF CANADA to meet the now current expenditure of the Corporation until such time as the taxes to be levied therefor can be collected.

BE IT THEREFORE RESOLVED by the Municipal Council of the Corporation of the MUNICIPALITY OF THE COUNTY OF HALIFAX as follows:

1. That the Warden with the Treasurer of the said Corporation, be and they are hereby authorized under the seal of the Corporation to borrow from the ROYAL BANK OF CANADA the sum of SEVEN MILLION FIVE HUNDRED THOUSAND-----00/100 DOLLARS as the same may be required from time to time to meet the now current expenditure of the said Corporation which said expenditure has been duly authorized by the Council.
2. That the said Warden with the Treasurer aforesaid be, and they are hereby authorized to pay or allow to the said bank interest on the said sum of SEVEN MILLION FIVE HUNDRED THOUSAND-----00/100 DOLLARS at the rate of 9 3/4 percent per annum, which may be paid or allowed in advance by way of discount or otherwise howsoever as they may deem best.
3. That the promissory note or notes of the said Corporation, sealed with the corporate seal and signed by the Warden and Treasurer of said Corporation be given from time to time as required, in security for the amounts borrowed from time to time under the provisions of this resolution.

4. That the giving of such renewal note or notes, as aforesaid, shall not be deemed satisfaction to the said bank of the said advance or interest, but as evidence only for indebtedness.

Deputy Warden Hudson asked when we would be getting tax bills twice a year, and was advised by the Municipal Clerk that they did not know of any date as yet, that we have to go to a computerized system, and while we do have a partial system we required substantially more or perhaps a complete new system. We are pursuing investigations and possibilities.

Councillor Nicholson noted that Halifax and Dartmouth have one rate while the Municipality has seventeen different rates.

Mr. Bensted noted that there is a possibility that the Graham report would make very definite recommendations with regard to assessment departments. If this took place we could probably buy the services of the tax billing through the Provincial Computer System.

It was moved by Councillor Gaetz; seconded by Councillor Smith:

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

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

"THAT the Warden and the Clerk be and they are hereby authorized and instructed to execute on behalf of the Municipality an Agreement with the Department of Public Works, Canada, relating to lands at Head of Chezzetcook, a copy of which is attached to this Resolution; provided that satisfactory insurance coverage is obtained at the cost of the local Group, and the work is approved by the Department of Public Works." Motion carried.

As this was with reference to a Swimming and Recreation Development at Head Chezzetcook, Councillor MacKenzie asked what position this would put the County in. He was advised that it would be the same position as a swimming pool at Sheet Harbour but that the cost was a very different matter.

Councillor Gaetz said that he could guarantee this any more than he could and he was advised that in the case of Head Chezzetcook, it would only be an amount of about \$35.00.

Councillor Smith spoke with regard to the amount of time consumed by the Public Hearings, and made the following Notice of Motion:

"THAT when a Public Hearing is required that a Board of three Councillors have the right to hold a Public Meeting in the area and report to Council."

Councillor Smith was advised that the Councillors could not make a decision but they do have the right to bring back a report of their findings to the Planning Advisory Committee who will make a recommendation to Council.

Councillor Deveaux made the following Notice of Motion:

"THAT a Director of Recreation be appointed for the Municipality of the County of Halifax."

Following a lengthy discussion with regard to garbage and road condition in the Bissett Road area, it was moved by Councillor Deveaux; seconded by Councillor Gaetz:

"THAT the Department of Highways of the Province of Nova Scotia be asked to have Bissett Road upgraded and paved and the garbage and refuse cleaned up." Motion carried.

MINUTES - FEBRUARY COUNCIL SESSION - 1974
Tuesday - February 19th., 1974 (Continued)

The Municipal Clerk advised that we have four (4), Constables working out of the Municipal Administration Building, whom we wish to have appointed Civil Constables. It was moved by Councillor Williams; seconded by Councillor MacKenzie:

"THAT Mr. Edward Arthur Brine, Mr. Thomas Edward Burke, Mr. Charles Andrew Mitchell and Mr. Gordon Ross Snow, be appointed as Municipal Civil Constables." Motion carried.

Councillor Williams spoke with regard to some recognition being given to the people who had given long and faithful service to the Municipality stating that some had been here for more than thirty years. It was moved by Councillor Williams; seconded by Councillor Smith:

"THAT the Finance & Executive Committee be asked to consider the recognition of long service employees." Motion carried.

Following a discussion on Mobile Home Parks, it was moved by Deputy Warden Hudson; seconded by Councillor Fader:

"THAT the Council go on record deploring the negative attitude of the Minister in charge of the Nova Scotia Housing Commission with regard to a Mobile Home Park.: Motion carried.

Councillor Killam suggested to Councillor MacKenzie that the people of his area approach the Hon. Garnet Brown and possibly the LIP people who control these decisions to get a reasonable reason for not extending the decision pertaining to the swimming pool at Sheet Harbour.

It was moved by Councillor Killam; seconded by Councillor Nicholson:

"THAT the Public Works Committee obtain information with regard to the effect of the Pockwock Development in the St. Margaret's Bay area of Halifax County. Motion carried.

Mr. Bensted said that some intensive studies have been carried out by the Provincial Government and the Public Service Commission. Some of the reports have not yet been made public and they are very lengthy.

Following a discussion on the assessment of Farm Lands, it was moved by Councillor Streach; seconded by Councillor Nicholson:

"THAT the matter of Farm land assessment be part of our 1974 legislation." Motion carried.

Councillor MacKenzie made the request that the rent paid by the riding farm, at the County Hospital, be looked into.

It was moved by Councillor Nicholson; seconded by Councillor Williams:

"THAT Council adjourn." Motion carried.

M I N U T E S & R E P O R T S

of the

F I R S T Y E A R M E E T I N G S

of the

T H I R T Y - E I G H T H C O U N C I L

of the

MUNICIPALITY OF THE COUNTY OF HALIFAX

ANNUAL COUNCIL SESSION

March 19, 1974

March 29, 1974

April 16, 1974

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MINUTES OF THE ANNUAL COUNCIL SESSION
OF THE FIRST YEAR OF THE THIRTY-EIGHTH COUNCIL OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX
TUESDAY, MARCH 19th., 1974

(FIRST DAY)

The Annual Session of the Council of the Municipality of the County of Halifax convened at the Municipal Administration Building at 10:00 a.m. Tuesday, March 19th., 1974 with Warden Ira S. Settle presiding.

Following the Lord's Prayer, the Municipal Clerk called the Roll.

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

"THAT Mrs. Elizabeth Beaupre be appointed Recording Secretary for this Council Session." Motion Carried.

The Municipal Clerk, Mr. Bensted, read the Report of the Finance and Executive Committee with regard to the appointment of the Municipal Solicitor. It was moved by Councillor Nicholson, seconded by Councillor Moser:

"THAT Mr. A. William Cox, Q.C. be and is hereby appointed as Municipal Solicitor for the Municipality of the County of Halifax." Motion Carried.

It was moved by Councillor MacKenzie, seconded by Councillor Anderson:

"THAT the Minutes of the Council Session of February 19th., 1974 be approved as amended." Motion carried.

Deputy Warden Hudson questioned the wording of one of the Resolutions. It was agreed by Council to amend the wording. Councillor MacKenzie commented on a job well done by Miss Leonard with regard to the recording of the Minutes of the last Session of Council.

The Municipal Clerk read a letter to Council from Albert R. Williams, Councillor for District No. 4, requesting that action be taken by the Department of Highways with regard to the dangerous condition of Highway No. 333 in this District. He also stressed the concern of the people preparing this petition, and the dire need for the road to be corrected by the Department of Highways. It was moved by Councillor Williams, seconded by Councillor Anderson:

"THAT the Municipality of the County of Halifax support the petition to the Department of Highways with regard to Highway No. 333 as presented by Councillor Williams." Motion carried.

The Municipal Clerk read a letter from the Federation of Mayors and Municipalities with regard to the Annual Conference to be held in Winnipeg from June 2nd., to 6th., 1974. Any Resolutions to be submitted should be done so before April 30th., 1974.

The Municipal Clerk read a letter about up-coming Emergency Measures Organization Courses for elected officials. Councillor Nicholson suggested that Mr. Gough, our EMO Director, attend the Course also, as he has attended a past Course.

It was moved by Councillor Nicholson, seconded by Councillor Gaetz:

"THAT Warden Ira Settle attend the Emergency Measures Organization Course to be held on March 25th., 1974." Motion Carried.

It was agreed by Council to deal with the May Course at a later date.

Councillor Dunbar commented on the letter received from the Village Commissioners of Uplands Park. He finds their request for his resignation to be ludicrous. At the last meeting with the people of the District he felt he had the support of most of those present.

The Deputy Warden suggested that the Municipal Solicitor advise how Councillors can be replaced during their term of office. The Solicitor stated that there is no way - only by electing someone new in the next Election.

The Municipal Clerk read a Notice of Motion from the February Session of Council. It was moved by Councillor Smith, seconded by Councillor Streach:

"THAT when a Public Hearing is required that a Board of three (3) Councillors have the right to hold a Public Meeting in the area and to report to Council."

It was moved by Deputy Warden Hudson, seconded by Councillor Streach that the original motion be amended to add "and the appropriate Committee or Board," as follows:

"THAT when a Public Hearing is required that a Board of three (3) Councillors have the right to hold a Public Meeting in the area and report to Council and the appropriate Committee or Board."

Following a standing vote the Amendment was defeated by a vote of eight (8) for; nine (9) against.

After considerable discussion by Council, the Motion was defeated by a vote of eight (8) for; nine (9) against.

The Municipal Clerk read a second Notice of Motion from the February Council Session. It was moved by Councillor Deveaux, seconded by Councillor MacKenzie:

"THAT a Director of Recreation be appointed for the Municipality of the County of Halifax."

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

"THAT the matter of the appointment of a Director of Recreation be referred to the Finance & Executive Committee."

Following a standing vote, the Motion was Carried by a vote of ten (10) for; seven (7) against.

It was moved by Deputy Warden Hudson, seconded by Councillor Streach:

"THAT a Recreation Committee of three (3) Councillors be appointed and the Committee be instructed to meet at noon-hour and report back to Council this afternoon."

Councillor Streach stated that it was important to have some discussion on this item. Considerable discussion followed with a difference of opinion as to the merit of such a program. During the discussion Councillor Streach commented that he is dissatisfied with certain procedures of the more experienced Councillors, which seem contrary to the printed rules for operation. He also requested that assistance from the Provincial Department of Recreation be looked into as many areas of the Province are in need of such facilities.

Councillor Dunbar opposed the idea of a Director since the Bedford area has many recreation facilities and have gotten them by their own work. Councillor Nicholson felt that recreation was of a lower priority in comparison with other needs of the County. Councillor Deveaux felt that a good Director would assist in distributing the Government grants more fairly, and could even save the County money in the long run, rather than being a threat to the power of any Recreation Council in a individual area.

A standing vote was taken on the Motion with the result - sixteen (16) for; one (1) against. Motion carried.

It was moved by Deputy Warden Hudson, seconded by Councillor McCabe:

"THAT Councillors Deveaux, MacKenzie and Streach be appointed as a Recreation Committee."

A standing vote was taken on the Motion with the result - thirteen (13) for; four (4) against. Motion carried.

The next item was the Report of the Warden. It was moved by Councillor Nicholson, seconded by Councillor Moser:

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

It was moved by Deputy Warden Hudson, seconded by Councillor Gaetz:

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

It was moved by Councillor Gaetz, seconded by Councillor Anderson:

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

It was moved by Deputy Warden Hudson, seconded by Councillor Dunbar,

"BE IT RESOLVED THAT Council give Notice of Intention in the usual manner to amend the Zoning By-law as follows:

A BY-LAW TO AMEND THE ZONING BY-LAW

1. The Zoning By-law is amended by adding immediately after Section 49 thereof the following:

Industrial Uses

- 49B Notwithstanding any other provisions of this By-law no person shall erect, alter, repair, maintain or use any building in whole or in part of use any land for an industrial enterprise except in an I-1, I-2 or IP Zone.
- 49C Notwithstanding the provisions of Section 49A the provisions of this By-law dealing with non-conforming uses shall apply to industrial enterprises in existence at the time of the passing of this By-law.
- 49D The provisions of Section 49A shall not apply to an agricultural or forest use(or fishing.) (Amendment)
- 49E Notwithstanding the provisions of Sections 49B, 49C and 49D those Sections shall not apply to the following Districts of the Municipality: 2, 3, 4, 5, 8, 9, 10, 11, 12, 13 and 15." (Amendment)

Much discussion followed with regard to this proposed amendment to the Zoning By-law for (a) Industrial Uses. Councillor Slaunwhite felt that Industrial Zoning would be a deterrent to small industry locating in the County and that such industry should be encouraged. Deputy Warden Hudson was concerned about the take-over by industry of residential areas without control. Councillor Dunbar requested that the question be taken to the people in Public Hearings. He stated that following meetings with the Department of Municipal Affairs, and hearing their advice and recommendations, he felt that these By-laws are only interim steps before the final Development Plan from the Provincial Government.

There followed a general discussion by a number of Councillors as to the Pros and Cons of this form of control and the effect on some primary industries such as Agriculture, Farming, Fishing, Boat Building etc. Several Councillors indicated they would not want this control in their Districts at this time.

Mr. Cox, Municipal Solicitor, advised that an amendment could be added to the proposed Zoning Amendment by Council or by the Planning Advisory Committee following the Public Hearing.

Following further discussion it was agreed to add the word "Fishing " to Section 49D.

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

"THAT Section 49E be added with the following Districts being exempted - 2, 3, 4, 5, 8, 9, 10, 11, 12, 13 and 15." (Amendment Carried)

The Warden called for a vote on the original motion as amended. Motion carried.

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

"THAT Council adjourn until 2 o'clock"
Motion carried.

AFTERNOON SESSION

The Afternoon Session of the Municipal Council resumed at 2:00 p.m. with Warden Ira S. Settle presiding.

The Municipal Clerk called the Roll.

The Municipal Clerk advised that the other proposed Amendments to the Zoning By-law would be the next item of business.

Mr. Cox, Municipal Solicitor, explained the purpose of these Amendments and answered some questions from the floor.

It was moved by Deputy Warden Hudson, seconded by Councillor Dunbar:

"BE IT RESOLVED THAT Council give notice in the usual manner of its intention to amend the Zoning By-law as follows:

A BY-LAW TO AMEND THE ZONING BY-LAW

1. The Zoning By-law is amended by adding immediately after clause (p) of Section 2 the following:
 - (p-1) "dump" means any premises where garbage and refuse are placed, stored or kept.
2. The Zoning By-law is further amended by adding immediately after clause (u) of Section 2 the following:
 - (u-1) "garbage" means all waste, animal, fish, fowl, fruit or vegetable matter, other than the excretion of humans and animals, which is collected from other premises and taken to a dump for disposal or storage.
3. The Zoning By-law is further amended by adding immediately after clause (ll) of Section 2, the following:
 - (ll-1) "refuse" means all combustible and non-combustible solid waste, including garbage and ashes, which are collected from other premises and taken to a dump for disposal or storage."
4. The Zoning By-law is further amended by adding immediately after clause (oo) of Section 2 the following:
 - (oo-1) "salvage yard" means premises where used bodies or parts of automobiles or used bodies or parts of other vehicles or machinery or used goods, material or equipment of any kind are placed, stored or kept."
5. Clause (xx) of Section 2 of the Zoning By-law is amended by striking out the words and letter "and G Zones" in the last line thereof and substituting therefor the following: "SD and G Zones".

6. Section 14 of the Zoning By-law as amended is further amended by striking out the word "fifteen" in the third line thereof and substituting therefor the word "sixteen".
7. Section 15 of the Zoning By-law is amended by adding immediately after "P Parks and Institutional Zone" the following: "SD Salvage and Dump Yard Zone".
8. The Zoning By-law is further amended by adding immediately after Section 60 thereof the following:

SD ZONE

Salvage Yard and Dump Zone

Permissible Uses

- 60A (1) Notwithstanding any other provision of this By-law no person shall use any land in the Municipality of the County of Halifax for the purposes of establishing, operating and maintaining a salvage yard or dump except in a SD Zone.
- (2) Notwithstanding the provisions of subsection (1) the provisions of this By-law dealing with non-conforming uses shall apply to salvage yard and dump uses in existence at the time of the passing of this By-law.
- 60B The uses permitted in a SD Zone are as follows:
- (a) salvage yard
 - (b) dump
 - (c) retail outlet for the sale of gasoline and oil products
 - (d) garbage
 - (e) any accessory use.
- 60C No land shall be rezoned SD Zone that has an area of less than one acre and a minimum frontage of one hundred feet on a public highway.
- 60D No salvage yard or dump shall be established, operated or maintained unless it complies with the following provisions:
- (a) is so located that it is not unsightly or offensive to any part of the travelling public,
 - (b) that no used bodies or parts of automobiles or used bodies or other vehicles or machinery or used goods, material or equipment of any kind or any garbage or refuse are placed, stored or kept within fifty feet from the boundary of the right-of-way of a public highway.
- 60E Every salvage yard or dump established, operated or maintained shall be fenced or otherwise screened in such a way that it will not be unsightly or offensive to any part of the travelling public.

- 60F. No land shall be rezoned SD unless the salvage yard or dump to be established, operated or maintained thereon complies with any provision of the Public Health Act, the Municipal Act, the Planning Act, the Water Act, the Public Highways Act, the Environmental Protection Act, the Lands and Forests Act, and the Salvage Yards Licensing Act, or By-laws, rules, regulations or orders made under any of the said Acts." Motion carried.

It was moved by Deputy Warden Hudson, seconded by Councillor Anderson:

"BE IT RESOLVED THAT Council give notice in the usual manner of its intention to amend the Zoning By-law as follows:

A BY-LAW TO AMEND THE ZONING BY-LAW

1. The Zoning By-law is amended by adding immediately after Section 49C the following:

C-3 Zone

Local Business Zone (2)

- 49D The provisions applicable to a C-1 Local Business Zone shall apply to the C-3 Local Business Zone (2) except that no person shall erect, alter, repair, maintain or use any building in whole or in part or use any land in a C-3 Zone for the purpose of an apartment building."

Motion Carried.

It was moved by Councillor Gaetz, seconded by Councillor Fader:

"BE IT RESOLVED THAT the Council give notice of its intention in the usual manner to amend the Zoning By-law as follows:

A BY-LAW TO AMEND THE ZONING BY-LAW

1. The Zoning By-law is amended by adding immediately after Section 11 the following:

- 11A. No parking space or part thereof required by this By-law for an R-4 use shall be located within the set back area of any lot.

2. The Zoning By-law is further amended by adding immediately after Section 18 the following:

- 18A. Notwithstanding any other provision in this By-law land used and building erected, altered, repaired, maintained or used for an apartment building shall comply with the following requirements:

- (a) Lot frontage minimum 60 feet
(b) Building Height Maximum 35 feet
(c) Lot area minimum 6,000 Sq. Ft.
provided that where there are more than four dwelling units on a lot there must be an additional one thousand five hundred square feet of lot area for each such additional dwelling unit.

Mr. Bensted, Municipal Clerk, stressed the importance of the density control with regard to the sewer capacity. Motion carried.

The Municipal Clerk outlined the Supplementary Report of the Planning Advisory Committee. It was moved by Councillor Dunbar, seconded by Councillor Gaetz:

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

It was moved by Councillor Slaunwhite, seconded by Councillor Fader:

"THAT the Zoning By-law be and the same is hereby amended by re-zoning lands of W.W. Ling, Sackville, from R-4 (Residential General Zone) to C-1 (Commercial Local Business Zone). Motion carried.

It was moved by Councillor Nicholson, seconded by Councillor Anderson:

"THAT the Zoning By-law be and the same is hereby amended by rezoning lands in the John Stewart Drive area, Cole Harbour, from General Building Zone to R-2 (Residential Two Family Dwelling Zone). Motion carried.

Referring to the R-5 Zone change request, Councillor Nicholson said that only the Planning Advisory Committee has any information about this item. It was moved by Councillor Nicholson, seconded by Councillor Streach:

"THAT the proposed R-5 Zone change be deferred to the April Session of Council." Motion carried.

The Municipal Clerk outlined the Report of the Municipal School Board. It was moved by Councillor Gaetz, seconded by Deputy Warden Hudson:

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

It was moved by Councillor Slaunwhite, seconded by Councillor Fader:

"THAT the Report re Area School Rates be referred to the Finance and Executive Committee." Motion carried.

The Municipal Clerk outlined the Supplementary Report of the Municipal School Board and some of the items of expenditure. It was moved by Deputy Warden Hudson, seconded by Councillor Johnson:

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

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

"THAT Appendix "A" of the Municipal School Board Report be referred to the Finance and Executive Committee." Motion carried.

Councillor MacKenzie questioned the lack of maintenance in various schools he has visited and the cut-back in the budget on the maintenance amount. Councillor Streach asked for a break-down of money spent on books and maintenance for specific schools, especially the school at Musquodoboit. Councillor Deveaux asked that the Provincial Government be approached for more money for maintenance and was told by the Municipal Clerk that the ceiling in funds from the Government end had been increased this year but was still below costs. Councillor Killam suggested that the lunch program costs could be lowered if parent organizations were approached to staff the lunch room voluntarily. It was agreed by Council that a greater sharing should be received from the Provincial Government.

The next item on the Agenda was the Report of the School Capital Program Committee. It was moved by Councillor Nicholson, seconded by Councillor Slaunwhite:

"THAT the Report of the School Capital Program Committee be adopted." Motion Carried.

Councillor Williams and Councillor Gaetz asked about needed schools for their areas and they were advised that these plans are for future programs.

The Municipal Clerk outlined the Report of the Finance and Executive Committee. It was moved by Councillor MacKenzie, seconded by Councillor Smith:

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

Councillor Williams suggested that a delegation meet with the Provincial Government to try for higher grants, and he was advised that a delegation had already met with the Premier and is now waiting for his reply, but have not been refused.

The Municipal Clerk tabled letters from the Nova Scotia Road Builders Association and the Department of Highways with regard to the proposed By-laws re Blasting and Excavation.

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

"THAT the three proposed By-laws be deferred until the April Session of Council

Councillor Dunbar stated his objection to another deferral and asked that these By-laws be dealt with now.

A standing vote was taken with regard to the deferral with the result thirteen (13) for; four (4) against. Motion carried.

It was moved by Councillor Nicholson, seconded by Councillor Fader:

"THAT the Warden and the Clerk be and they are hereby authorized and instructed to enter into and execute on behalf of the Municipality of the County of Halifax with the Department of Highways, an Agreement re sidewalks in the Cole Harbour and Sackville Areas, provided, that the cost to the Municipality be recovered from the areas where the sidewalks are located." Motion carried.

It was moved by Councillor Smith, seconded by Councillor Gaetz:

"THAT the loan re District No. 10 East Volunteer Fire Department in the amount of \$5,600.00 be approved." Motion carried.

The Municipal Clerk read the first Report of the Finance and Executive Committee re Estimates for the year 1974. It was moved by Councillor Nicholson, seconded by Councillor Gaetz:

"THAT the Report of the Finance and Executive Committee re Estimates for the year 1974 be adopted." Motion carried.

The Municipal Clerk outlined the Supplementary Report of the Finance and Executive Committee. It was moved by Councillor Gaetz, seconded by Councillor Smith:

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

It was moved by Councillor Gaetz, seconded by Councillor Slaunwhite:

"THAT the loan to the District No. 9A Volunteer Fire Department in the amount of \$15,000.00 be approved." Motion carried.