

The next item on the Agenda was the Report of the Planning Advisory Committee.

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

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

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

"THAT the following Resolution re Herring Cove re Zoning be approved." Motion carried.

WHEREAS appeals were taken to the Provincial Planning Appeal Board (the "Board") from a decision dated 21st., August, 1973 of the Council of the Municipality of the County of Halifax (the "Council") rezoning lands at Herring Cove in the County of Halifax by the Director of Community Planning, Herring Cove Ratepayers Association, Fred G. Martin and Mrs. F. Forhart.

AND WHEREAS appeals were taken to the Board from a further decision dated 19th, February, 1974 of the Council rezoning lands at Herring Cove by the Director of Community Planning, Herring Cove Ratepayers and Fred G. Martin.

AND WHEREAS an appeal was taken to the Board from a decision of Council not to make an amendment to or alternatively the failure of the Council to make a decision respecting an amendment to the Zoning By-law of the Municipality for which application had been made by the Herring Cove Ratepayers Association on 26th September, 1973 which application sought to rezone certain lands at Herring Cove.

AND WHEREAS these appeals were heard by the Board during the month of May, 1974

AND WHEREAS at the conclusion of the hearings the Board reserved its decision on these appeals.

AND WHEREAS on the 25th day of November, 1974, the Board rendered its decision on these appeals.

AND WHEREAS the said decision of the Board instructed the Council to amend its Zoning By-law by approving the so-called Plan "C" with modifications set forth in the said decision.

BE IT RESOLVED that the Council in conformity with the instructions of the Board and the provisions of the Planning Act hereby amends its Zoning By-law by approving Plan "C" as referred to in the said decision of the Board with the following modifications:

1. Reduce the size of T-4 (Residential General) zone so that the existing apartment building known as the Scallion building will be situate within the R-4 Zone and the apartment building will comply with the requirements of Section 33 of the Zoning By-law and the R-4 zoned area will be of such size as not to permit the construction of any additional apartment units. The remaining lands previously shown as R-4 on Plan "C" will be zoned R-2 (Two Family Dwelling).

2. Change the area zoned P (Parks and Institutional) situate on the shore of Herring Cove adjacent to the area shown F-1 (Fishing Industry Zone) to F-1 Zone.
3. Change that area of land zoned C-1 (Commercial Local Business) shown on Plan "C" as the most southerly area zoned C-1 (presently used as a family residents and trucking business) to R-2 (Two Family Dwelling).
4. Change the area zoned as C-1 on the west side of the Ketch Harbour Road (presently used as a garage and junk yard) to R-2.
5. Change the area situate at the intersection formed by the west side of Village Road and the south side of Hebredean Drive (presently known as the Harrigan Store Lands) from C-1 Zone to C-2 Zone.
6. Change the lands occupied by Dominic Forms situate to the rear of the Fishermen's Club from C-1 to R-2.
7. Change the land on the west side of the Herring Cove Road adjacent to the Southern boundary of the City of Halifax presently used as an Esso storage area from C-1 to R-1.

AND BE IT FURTHER RESOLVED that the Zoning By-law be amended by adding thereto the provisions establishing an F-1. (Fishing Industry) Zone." Motion carried.

Councillor Dunbar stated that we have received the advice of the Municipal Solicitor in this respect and I most appreciate his advice. I am in a position that I really cannot possibly vote against the advice of the Municipal Solicitor. By the same token I cannot agree with the decision of the Planning Appeal Board, because I do feel that rather than effect a solution to the problem, there will be more problems arise in the future. Therefore, I cannot vote and I would request that I be granted the right to abstain from voting. The Municipal Solicitor stated that Council had the right to grant the Councillor the privilege of abstaining from voting for personal reasons only.

Councillor Dunbar said that he honestly felt that there may be some things that were not brought out at the meeting, therefore he requested permission to abstain from voting.

Councillor Killam said he felt that this was one of the finest pieces of work that the Provincial Planning Appeal Board had done and felt that the majority of the problems were made by our own Planning Advisory Committee. He felt that the Planning Appeal Board had done a good job and his full support was with the citizens who had done that work.

Councillor Dunbar again stated that he requested the Warden to give him the right to abstain from voting.

Warden Settle stated he felt that the Councillor should vote on the matter. He said he felt that the Councillor should have the right to vote for or against the motion, and said he did not see it as a personal matter, and ruled that the Councillor should vote. A standing vote was taken with the result fifteen (15) for, one (1) against. Motion carried.

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

"THAT the Zoning By-law be and the same is hereby amended by re-zoning lands of Victor E. Benedict and Kathleen Benedict at Lower Sackville from R-1 (Residential Single Family Dwelling) Zone to TH (Town House) Zone." Motion carried.

DECEMBER COUNCIL SESSION

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

"THAT the Zoning By-law be and the same is hereby amended by re-zoning lands of Morris T. MacLean, Sackville, from R-1 (Single Family Residential) Zone to C-1 (Commercial Local Business) Zone." Motion carried.

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

"THAT the Zoning By-law be and the same is hereby amended by re-zoning lands of Autoport, Eastern Passage, from R-2 (Residential Two Family Dwelling) Zone and R-4 (Residential General) Zone to I-1 (Industrial) Zone." Motion carried.

The next item considered was the Supplementary Report of the Planning Advisory Committee. It was moved by Councillor Gaetz, seconded by Councillor Anderson:

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

With regard to Application No. 27-74, Metropolitan Area Planning Commission - Proposed Amendment to Appendix "C" to re-zone lands now General Building Area, to "SD" Salvage and Dump Zone, Lands located in the Beaverbank-Windsor Junction Area of Halifax County (Proposed Regional Solid Waste Disposal Project), Councillor Fader commented that the Municipal Solicitor, Mr. Cox, had questioned the Planning Advisory Committee on the Appeal asking if the Committee wanted him to recommend to Council that he should represent the Municipality on this Appeal. He stated he still felt that we were not getting justice and could not see how Mr. Cox and Mr. Gough could represent the Municipality and support this decision. He stated he could not see why the Municipal Solicitor would not allow a Notice of Reconsideration on this decision. He said he got the feeling that there was still a chance of reconsideration. If this is so, he said he would like to make a motion of Reconsideration of Zone change on this decision.

Mr. Cox stated, that it was his opinion that there was no procedure for Notice of Reconsideration, such as we deal with here. He explained that this is a procedure that is laid down in considerable detail in the Planning Act and the only advice he could give is to proceed. He said he would suggest that on the Appeal, that the County was in a position to take whatever stand they wished on the Appeal, and that there might be at that time some change of Council's opinion. It was his understanding that he and Mr. Gough were to represent the "best interests of the County." He stated that the whole matter was governed by the Planning Act.

Councillor Streach commented that he liked the way the Solicitor put his motion "in the best interests of the Municipality" and added that "that is what we are all here for".

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

"THAT the Solicitor and the Director of Planning and Development be and they are hereby instructed to represent the best interests of the Municipality in all proceedings dealing with the appeals to the Provincial Planning Appeal Board concerning the lands at Sackville to be re-zoned to permit the establishment and operation of a solid waste management and disposal scheme, and any further proceedings that may arise therefrom." Motion carried.

Councillor Hudson wondered, who is going to determine what the best interests of the County are, and was advised that it would be the decision of the Municipal Council.

Councillor Streach said that the Solicitor had made it quite clear that it was not appropriate to put in a motion of reconsideration and his interest in moving this motion that he represent the Municipality "in the best interests" is one of serious feeling. He feels that the credibility of the Municipality is very seriously in jeopardy. He felt that the motion should definitely be in the Minutes and he wished to go on records as being in agreement with it.

DECEMBER COUNCIL SESSION
TUESDAY, DECEMBER 17, 1974

Council then dealt with the proposed By-law to amend the Planned Unit Development By-law - "Section 5 of the Planned Unit Development By-law is amended by deleting the word "Ten" in the second line thereof and substituting therefor the word "five"

Mr. Cox explained that the present Planned Unit By-law only applies to areas of ten (10) acres or more. At the 1974 Session of the legislature we asked for an amendment to five (5) acres so that the proposed By-law is consistent with legislation.

Councillor Streach asked for further explanation, and was advised by the Municipal Solicitor that the original legislation as requested by the County, limited the areas to ten (10) acres or more. Planned Unit Development was considered to be more than a small development. From experience and requests that were received, it was felt that it would make for better planning if it were made applicable to five (5) acres or more. Accordingly, we asked for an amendment, and it was approved and is now applicable to five (5) acres or more.

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

"THAT the amendment re Planned Unit Development By-law be approved." Motion carried.

The next item on the Agenda was the Report of the Public Works Committee. It was moved by Councillor McCabe, seconded by Councillor Hudson:

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

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

"WHEREAS the Council of the Municipality of the County of Halifax (the Council) at a Council session held on Tuesday, April 21, 1970, carried out an expropriation for sewer purposes at Sackville, Halifax County, over lands of Eric D. and Mary Craig 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 land at all times by its servants, employees, workmen and agents;

AND WHEREAS the Council is of the opinion that this expropriation is no longer required for sewer purposes;

THEREFORE BE IT RESOLVED that the Council hereby abandon this expropriation carried out at the April 1970 session of County Council of all that land being bounded and more particularly described as follows:

ABANDONMENT OF EASEMENT REQUIRED OVER LANDS OF
ERIC D. AND MARY CRAIG AT LOWER SACKVILLE

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

BEGINNING at a wooden stake marking the northern corner of a lot of land now or formerly owned by one Eric D. and Mary Craig, said lot being lot "B" on a plan entitled "Plan Showing Subdivision of Lands of P. M. Major, Lower Sackville, Halifax County," certified by L. R. Feetham, N.S.L.S., and dated the 24th of September, 1960;

THENCE south thirty-four degrees zero minutes east (S34⁰⁰'E) along the south west boundary of an existing fifteen foot (15') right-of-way a distance of two hundred and fifty-two and two tenths feet (252.2') to the south east boundary of the above mentioned lot B;

THENCE south fifty-six degrees zero minutes west (S56⁰⁰'W) along the south east boundary of the above mentioned lot B a distance of five feet (5');

THENCE north thirty-four degrees zero minutes west (N34⁰⁰'W) a distance of two hundred and fifty-one and nine tenths feet (251.9') or to the south east boundary of an existing right-of-way now or formerly called Pinehill Drive;

THENCE north fifty-two degrees forty minutes east (N52⁴⁰'E) along the south east boundary of the above mentioned right-of-way a distance of five feet (5') or to the Place of Beginning.

ALL the above described lot, piece or parcel of land being more particularly shown outlined in red on a plan drawn by D. V. Purcell, N.S.L.S., dated the 3rd of April, 1970.

Mr. Bensted stated that also coming out of the Public Works was an agreement with the Department of National Defence. He read the resolution, and stated that the Department of National Defence have now agreed to the payment under the lease of \$50.00 per annum re an easement across the Bedford Rifle Range property.

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

"THAT BE IT RESOLVED that the Warden and the Municipal Clerk be and they are hereby authorized and instructed to execute on behalf of the Municipality an Agreement with the Department of National Defence relative to "the Bedford Rifle Range property", a copy of which is attached to this resolution." Motion carried.

Mr. Bensted announced that we had just received a form of agreement from the Department of National Defence, with regard to the Municipality receiving water from their water system, and paying for the water we use at a given rate.

It was moved by Deputy Warden Nicholson, seconded by Councillor Deveaux:

"THAT BE IT RESOLVED that the Warden and the Municipal Clerk be and they are hereby authorized and instructed to execute on behalf of the Municipality an Agreement with the Department of National Defence relative to "purchase of water from the Shearwater system", a copy of which is attached to this resolution." Motion carried.

The next item considered was the Report of the Municipal School Board. Mr. Bensted advised that there had been a delay with negotiations with the Nova Scotia Teachers' Union, but a settlement had been reached and the Finance and Executive Committee were recommending approval of this agreement.

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

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

Councillor McCabe stated that this was one of the best agreements that we have ever had and wanted to congratulate the representatives of the Nova Scotia Teachers' Union.

Councillor Killam asked what was being done with regard to the up-grading of schools re Fire Protection, and other matters which had been brought up at previous meetings. He stated, that he had attended a meeting of the local Fire Department in his area and parents are expressing some concern that there are some fire hazards, and this brought it to his mind. He wondered who should be hounded, the Municipal School Board or the Fire Marshal, so that there would not be cause for worry.

Mr. Bensted stated that the School Board Maintenance Department would be carrying this out as part of their maintenance program.

The Report of the School Capital Program Committee was then considered.

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

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

Councillor Gaetz asked how negotiations were coming along with regard to land in the East Preston-Lake Echo Area.

Councillor Slauenwhite advised, that considerable time had been spent looking at land and we now have a surveyor looking at one particular piece of land. We hope to have something for the School Capital Program Committee to report to the next meeting of Council.

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

Municipality of the County of Halifax
Temporary Borrowing Resolution
\$550,000.00 - Nine Classroom Addition
Col. John Stuart Elementary School -
Cole Harbour

"WHEREAS by Section 6 of Chapter 193 of the Revised Statutes of Nova Scotia, 1967, the Municipal Affairs Act, it is enacted among other things, in effect, that subject to the provisions of Section 8 of said Act every municipality of a county or district shall have full power and authority to borrow or raise by way of loan from time to time on the credit of the municipality such sum or sums as the Council thereof deems necessary for the purpose of covering the cost of construction of a nine classroom addition at Cole Harbour;

AND WHEREAS by Section 8 of said the Municipal Affairs Act, it is enacted among other things in effect, that no money shall be borrowed under the provisions of the said Act until such proposed borrowing has been approved by the Minister of Municipal Affairs;

AND WHEREAS the Municipal Council of the Municipality of the County of Halifax deems it necessary to borrow a sum not exceeding Five Hundred and Fifty Thousand Dollars (\$550,000.00) for the purpose of covering the cost of construction of a nine classroom addition at Cole Harbour;

AND WHEREAS it is deemed expedient to postpone the issue of debentures and to borrow such sum for the purpose aforesaid from the Royal Bank of Canada the sum so borrowed to be repaid to said Bank from the proceeds of the debentures when sold;

BE IT THEREFORE RESOLVED that under and by virtue of said the Municipal Affairs Act the Municipality of the County of Halifax do, subject to the approval of the Minister of Municipal Affairs, borrow or raise by way of loan on the credit of the Municipality a sum not exceeding Five Hundred and Fifty Thousand (\$550,000.00) for the purpose aforesaid;

THAT under and in accordance with said the Municipal Affairs Act such sum be borrowed or raised by the issue and sale of debentures of the Municipality to such an amount as the Council deems necessary to raise such sum;

THAT the issue of such debentures be postponed and the said Municipality do, under and by virtue of the provisions of Section 147 of the Municipal Act and subject to the approval of the Minister of Municipal Affairs, borrow by way of loan on the credit of the Municipality a sum or sums of money not exceeding Five Hundred and Fifty Thousand Dollars (\$550,000.00) from the Royal Bank of Canada at Halifax.

THAT such sum or sums be borrowed from said Bank for a period not exceeding twelve months from the date on which this resolution shall have been approved by the Minister of Municipal Affairs, with interest thereon to be paid said Bank at such rate as shall be agreed upon and that the amount so borrowed be repaid the said Bank from the proceeds of the debentures when sold" Motion carried.

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

Municipality of the County of Halifax
Temporary Borrowing Resolution
\$1,500,000.00 - Sixteen Classroom Junior
High School - Lower Sackville

WHEREAS by Section 6 of Chapter 193 of the Revised Statutes of Nova Scotia, 1967, the Municipal Affairs Act, it is enacted among other things, in effect, that subject to the provisions of Section 8 of said Act every municipality of a county or district shall have full power and authority to borrow or raise by way of loan from time to time on the credit of the municipality such sum or sums as the Council thereof deems necessary for the purpose of covering the cost of constructing a sixteen classroom junior high school at Lower Sackville;

AND WHEREAS by Section 8 of said the Municipal Affairs Act, it is enacted among other things, in effect, that no money shall be borrowed under the provisions of the said Act until such proposed borrowing has been approved by the Minister of Municipal Affairs;

AND WHEREAS the Municipal Council of the Municipality of the County of Halifax deems it necessary to borrow a sum not exceeding One Million Five Hundred Thousand Dollars (\$1,500,000.00) for the purpose of covering the cost of constructing a sixteen classroom junior high school at Lower Sackville;

AND WHEREAS by the Municipal Affairs Act such sum shall in the discretion of the Municipal Council be borrowed or raised in one sum at one time or in installments at different times and the sum required shall be borrowed or raised by the issue and sale of debentures of the Municipality to such an amount as the Council thereof deems necessary to raise such sum;

AND WHEREAS it is deemed expedient to postpone the issue of debentures and to borrow such sum for the purpose aforesaid from the Royal Bank of Canada the sum so borrowed to be repaid to said Bank from the proceeds of the debentures when sold;

BE IT THEREFORE RESOLVED that under and by virtue of said the Municipal Affairs Act the Municipality of the County of Halifax do, subject to the approval of the Minister of Municipal Affairs, borrow or raise by way of loan on the credit of the Municipality a sum not exceeding One Million Five Hundred Thousand (\$1,500,000.00) Dollars for the purpose aforesaid;

THAT under and in accordance with said the Municipal Affairs Act such sum be borrowed or raised by the issue and sale of debentures of the Municipality to such an amount as the Council deems necessary to raise such sum;

THAT the issue of such debentures be postponed and the said Municipality do, under and by virtue of the provisions of Section 147 of the Municipal Act and subject to the approval of the Minister of Municipal Affairs, borrow by way of loan on the credit of the Municipality a sum or sums of money not exceeding One Million Five Hundred Thousand (\$1,500,000.00) from the Royal Bank of Canada at Halifax;

THAT such sum or sums be borrowed from said Bank for a period not exceeding twelve months from the date on which this resolution shall have been approved by the Minister of Municipal Affairs, with interest thereon to be paid said Bank at such rate as shall be agreed upon and that the amount so borrowed be repaid the said Bank from the proceeds of the debentures when sold." Motion carried.

The next item on the Agenda was the Report of the Finance and Executive Committee.

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

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

Councillor Killam commented on the recommendations for schools up to 1980. He noted that there was millions of dollars budgeted, but there was not one dollar for District No 1 until 1980. He spoke of the tremendous jump in assessments this year up to thirty percent. Every year people are hit with sizeable increases. He stated, that he had received many telephone calls. He explained to them how education costs are increasing rapidly, but they find it hard to understand when there are no schools going up in their area.

Councillor Killam said he also took a little exception to ratepayers in his District receiving their Notices of Assessment before anyone else. He stated in future he would like to see all assessment notices go out at the same time to all Districts. In this way ratepayers could make comparisons with other ratepayers in the County. He said he would be supporting appeals that would be coming in from people who feel they are being hit too hard in assessment with no services rendered.

The Municipal Clerk stated, that the decision to appeal assessments is the right of the ratepayers, but added that it was physically impossible to sent out all tax assessment notices at the same time. He also stated, that there was a general assessment increase across the County, but that an increase in assessment did not necessarily mean increased taxes.

He stated that unless expenditures increase, taxpayers do not necessarily pay more taxes. However, it was unfortunate that the expenditures have increased. He added that there was a higher demand for property in some areas than others, thus resulting in higher assessments.

Councillor Williams stated, that he knew of two houses in his District of exactly the same design, the same number of rooms, identical - yet one is assessed more than the other.

Mr. Bensted advised that situations like this should be discussed with the Director of Assessment.

Councillor Williams replied that you might as well "bang your head against the wall". The Councillors are expected to answer to the people - not the assessor. He stated that it is the Councillors who "get it in the neck" as they are the group who put the taxes up. He felt that the Director of Assessment should come before Council and explain why we are being hit with such an increase in assessments. He felt he was correct in saying that we are the highest assessment County in the Province, and that if we are going to pay the assessors we should have something to say to them.

Councillor Williams stated that he could go into the Assessment Department and get an answer but it is a very vague answer. He again stated that he would like to have answers from the Director of Assessment as to why the assessment went up in the Municipality with no improvements inside or outside many of the homes. He felt it was unfair and unjust.

Councillor Gaetz questioned if Councillor Killam was suggesting that there are unjust assessments in his District.

Councillor Killam stated that no one knows what assessments are in other Districts - there is nothing to make a comparison with. If people want to appeal their assessment there should be some comparison for them to make.

Councillor Williams asked that, although we had an Appeal Board, how come we never hear as to how many assessments are lowered.

The Municipal Clerk pointed out that the Report of the Appeal Board is submitted to the Annual Session of Council each year.

Councillor MacKenzie stated that he was getting a number of letters in his District with regard to assessments, and proceeded to read one of them. This, he stated, was an indication of what some of the older citizens were faced with. They are finding things difficult.

Mr. Bensted explained that legislation is laid down that the assessor has to assess property at the market value. If assessments increase then the tax rate is usually lowered. We cannot say today what the rate will be - we have to wait until the budgets are made up before the tax rate can be set. An increase in assessment does not necessarily mean increase in taxes, unless our expenditures increase.

Councillor Moser commented that there are lots of properties in his District with "For Sale" signs on them and still the assessor goes in and raises the assessment.

Councillor Deveaux asked why the tax rate could not be set and the properties assessed later.

The Municipal Clerk advised him that assessors must act according to the Provincial Assessment Act, and the rate could not be set until the budgets were made up and assessments completed. Councillor Streach asked how the Assessor sets the values, and was advised by the Municipal Clerk that the Assessment Department has copies of all the Deed Transfers on property, and then they also get information themselves about properties being sold. etc.

Councillor Anderson stated that he had had considerable experience in the field of assessments. He advised the Councillors, that assessment is a science and we have trained men suited to do their work. He stated that there could be two identical properties, and still one could have different inside facilities - such as hot water heating - hot air heating - and in just that case along, there would be \$1,800.00 difference immediately. Variations are part of the science.

Councillor Williams spoke of a gentleman from his area who had come before the Assessment Appeal Court and he was asked if he would sell his property for the amount of the Assessment, to which he replied: "Give me the money".

This man has been trying to sell his house for three years and cannot do so because there is a junk yard next to him, and Councillor Williams stated he himself has been doing his utmost for three years to get it cleaned up, but it seems there is absolutely nothing we can do about it.

Councillor Anderson asked if a decision has been made by the Finance and Executive Committee with regard to Herring Cove. He noted that several members of the Herring Cove Ratepayers Association were in attendance at today's Meeting, and he requested of Council that they be allowed to speak. It was moved by Councillor Anderson, seconded by Councillor MacKenzie:

"THAT a representative of the Herring Cove Ratepayers Association be heard." Motion carried.

Mr. Wallace Mills, Vice-President of the Herring Cove Ratepayers Association, came forward to address Council. He stated that a request to the County had been made very seriously by their Organization. They were very much concerned, as it had been a long struggle over the last two years and had involved quite a sum of money. He stated that the decision of the Planning Appeal Board had some relevance to all Districts in the Municipality. He stated that the information presented to the Planning Appeal Board had much value, and is an indication that Halifax County Planning Advisory Board should be looked into. He felt there was some justification in making a grant towards some of the expenses. He stated that many of their people felt it was unjust that the ratepayers should be put to such an expense, when many of the contentions were sincerely justified and the expenses were formidable, and we therefore request the County to give us some assistance with these expenses.

Councillor Hudson said as much as she sympathized with Mr. Mills and the people of Herring Cove, she still had to agree with the Finance and Executive Committee. Why should we pay someone for taking us to Court. The purpose of the Planning Appeal Board was that private people would not be involved with lawyers and high costs. Obviously this has not worked the way the Province had intended it to, the other side would have lawyers and it is my opinion that the Herring Cove Ratepayers Association should appeal to the Department of Municipal Affairs to pay the costs of the people in this case.

Councillor Smith asked how many paid up members there was in the Association, if it was a duly organized association and what was the cost involved.

Mr. Bensted advised, that the Association was incorporated and that the amount involved was \$6,600.00. The Councillor was advised by Mr. Mills that there were about 180 members.

Councillor Killam stated, that the 180 active people was not relevant. He said he would like to make a motion that this County approach the Department of Municipal Affairs to make a report to the Finance Committee on this matter. It was therefore moved by Councillor Killam, seconded by Councillor Anderson:

"THAT the Department of Municipal Affairs of the Province of Nova Scotia consider assisting the Herring Cove Ratepayers Association with regard to their legal costs in the Appeal to the Provincial Appeal Board re the Herring Cove Rezoning."

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

Councillor Killam also stated that our own legal expenses were up sixty percent this year, and certainly we have to have a look at this. He said he hoped that we had learned a lot from the Herring Cove situation. We should be somewhat guided in future by these changes that take place.

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

"THAT the Council ratify and confirm a proposed Agreement between the Municipal School Board and the Halifax County Locals of the Nova Scotia Teachers' Union which said Agreement was presented to this Session of Council." Motion carried.

It was moved by Councillor Smith, seconded by Councillor Fader;

"THAT Council approve in principle of the new School construction in progress for 1975 as presented to Council in the Report of the Finance and Executive Committee to the December 1974 Session of Council subject to the terms and conditions contained in the said report." Motion carried.

Councillor Hudson asked if it could be reported back to Council when the Province approves the cost-sharing. Mr. Bensted said that this could be done, as approvals were received on any particular item.

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

"THAT Council approve the projected four-year capital school programme subject to the conditions that the actual capital programme for any particular year will be received and subject to approval in detail in that particular year." Motion carried.

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

"THAT Mr. Gerald Fralick of Hackett's Cove be appointed as Constable for the Peggy's Cove Commission." Motion carried.

The Municipal Clerk announced that there would have to be a replacement appointed for the Assessment Appeal Court to take the place of Mr. Samuel Rhuda, who is unable to act due to ill health.

Councillor Hudson wanted to know if this appointment could be deferred until the January Session of Council, and it was moved by Councillor Hudson, seconded by Councillor Fader:

"THAT the Appointment to the Assessment Appeal Court be deferred for one month." Motion carried.

A standing vote was taken on this motion with the result ten (10) for; six (6) against. Motion carried.

Mr. Bensted announced that there would have to be an appointment of a non-Council member to the County Board of Health and advised, that Mrs. Peter Freer of Fall River had been acting in that capacity.

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

"THAT Mrs. Peter (Shirley) Freer be re-appointed as a non-Council Member of the County Board of Health."

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

"THAT Mr. Vincent Peach of R. R. #1, Armdale be appointed as the non-Council Member of the County Board of Health."

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

"THAT nominations cease" Motion carried.

A vote was taken by ballot with Councillor Fader and Deputy Warden Nicholson acting as scrutineers. The result of the voting was twelve (12) votes for Mrs. Freer; five (5) votes for Mr. Peach. The Warden then declared Mrs. Peter (Shirley) Freer duly elected non-Council Member of the Halifax County Board of Health.

The Municipal Clerk announced that the term of Mr. Howard Daye of Salmon River Bridge, Jeddore, who had been acting as a non-Council Member on the Halifax County Hospital Management Board, terminated on December 31st., 1974, and it was therefore necessary for an appointment to be made to fill this vacancy.

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

"THAT Mr. Howard Daye of Salmon River Bridge, Jeddore, be re-appointed as a non-Council Member of the Halifax County Hospital Management Board for a three-year period ending December 31st., 1977." Motion carried.

The Warden declared Mr. Daye elected as a non-Council Member of the Halifax County Management Board.

A supplementary Report of the Finance and Executive Committee was presented dealing with Relief from Payment of Taxes.

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

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

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

"THAT WHEREAS the documents and records of the Municipality of the County of Halifax as set out in the affidavit of H. G. Bensted, the Municipal Clerk, sworn to on the 17th day of December, A.D. 1974, are no longer required;

AND WHEREAS according to the said affidavit the said documents and records have been personally examined by the said Clerk and he has determined that there is nothing of value therein and that the said documents and records do not include any documents or records which are exempt from destruction pursuant to Section 4 of the Destruction of Documents By-law;

BE IT THEREFORE RESOLVED that the said documents and records as set out in the said affidavit of the said Clerk be forthwith removed and destroyed." Motion carried.

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

Municipality of the County of Halifax
Renewal of Borrowing
\$1,488,000 - Pumping Station
- Sewer - Bissett Lake

WHEREAS the Municipality of the County of Halifax is authorized by law to borrow or raise by way of loan by the issue and sale of debentures of the Municipality a sum not exceeding One Million Four Hundred and Eighty-eight Thousand Dollars (\$1,488,000) for the purpose of constructing, acquiring, altering, extending or improving public sewers or drains by constructing a pumping station at Bissett Lake and extending sanitary sewers to Hines Road at Eastern Passage in the County of Halifax and acquiring or purchasing materials, machinery, implements and plant deemed requisite or advisable therefor;

AND WHEREAS the said Municipality by resolution passed by the Council thereof on the 16th day of March A.D., 1971, and approved by the Minister of Municipal Affairs on the 16th day of November A.D., 1972, was authorized to postpone the issue of such debentures, and borrow by way of loan on the credit of the Municipality such sum from the Royal Bank of Canada at Halifax for a period not exceeding twelve months;

AND WHEREAS it is deemed expedient that the period of such borrowing from said Bank be further extended;

BE IT THEREFORE RESOLVED that subject to the approval of the Minister of Municipal Affairs the authorized period of such borrowing from said Bank be extended for a further period not exceeding twelve months from the date on which this resolution shall have been approved by the Minister of Municipal Affairs." Motion carried.

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

Municipality of the County of Halifax
Renewal of Borrowing
\$1,330,000 - Sewage Treatment Plant
- Eastern Passage

"WHEREAS the Municipality of the County of Halifax is authorized by law to borrow or raise by way of loan by the issue and sale of debentures of the Municipality a sum not exceeding One Million Three Hundred and Thirty Dollars (\$1,330,000.00) for the purpose of constructing a sewage treatment plant at Eastern Passage in the County of Halifax and acquiring or purchasing materials, machinery, implements or plant deemed requisite or advisable therefor;

AND WHEREAS the said Municipality by resolution passed by the Council thereof on the 16th day of November A.D. 1971, and approved by the Minister of Municipal Affairs on the 5th day of January A.D., 1973, was authorized to postpone the issue of such debentures, and borrow by way of loan on the credit of the Municipality such sum from the Royal Bank of Canada at Halifax for a period not exceeding twelve months;

AND WHEREAS it is deemed expedient that the period of such borrowing from said Bank be further extended;

BE IT THEREFORE RESOLVED that subject to the approval of the Minister of Municipal Affairs the authorized period of such borrowing from said Bank be extended for a further period not exceeding twelve months from the date on which this resolution shall have been approved by the Minister of Municipal Affairs." Motion carried.

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

Municipality of the County of Halifax
Renewal of Borrowing
\$133,000 - Water - Bedford

"WHEREAS the Municipality of the County of Halifax is authorized by law to borrow or raise by way of loan by the issue and sale of debentures of the Municipality a sum not exceeding One Hundred and Thirty-three Thousand Dollars (\$133,000) for the purpose of constructing, acquiring, altering, extending or improving water works or water system for the Municipality and acquiring or purchasing materials, machinery, implements or plant deemed requisite or advisable therefor;

AND WHEREAS the said Municipality by resolution passed by the Council thereof on the 19th day of June A.D., 1973, and approved by the Minister of Municipal Affairs on the 7th day of November A.D., 1973, was authorized to postpone the issue of such debentures, and borrow by way of loan on the credit of the Municipality such sum from the Royal Bank of Canada at Halifax for a period not exceeding twelve months;

AND WHEREAS it is deemed expedient that the period of such borrowing from said Bank be further extended;

BE IT THEREFORE RESOLVED that subject to the approval of the Minister of Municipal Affairs the authorized period of such borrowing from said Bank be extended for a further period not exceeding twelve months from the date on which this resolution shall have been approved by the Minister of Municipal Affairs." Motion carried.

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

Municipality of the County of Halifax
Renewal of Borrowing
\$45,000 - Sewage - Bedford

"WHEREAS the Municipality of the County of Halifax is authorized by law to borrow or raise by way of loan by the issue and sale of debentures of the Municipality a sum not exceeding Forty-five Thousand Dollars (\$45,000) for the purpose of constructing, acquiring, altering, extending or improving public sewers or drains in the Municipality and acquiring or purchasing materials, machinery, implements or plant deemed requisite or advisable therefor;

AND WHEREAS the said Municipality by resolution passed by the Council thereof on the 19th day of June A.D., 1973, and approved by the Minister of Municipal Affairs on the 7th day of November A.D., 1973, was authorized to postpone the issue of such debentures, and borrow by way of loan on the credit of the Municipality such sum from the Royal Bank of Canada at Halifax for a period not exceeding twelve months;

AND WHEREAS it is deemed expedient that the period of such borrowing from said Bank be further extended;

BE IT THEREFORE RESOLVED that subject to the approval of the Minister of Municipal Affairs the authorized period of such borrowing from said Bank be extended for a further period not exceeding twelve months from the date on which this resolution shall have been approved by the Minister of Municipal Affairs." Motion carried.

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

Municipality of the County of Halifax
Renewal of Borrowing
\$200,000 - Halifax County Hospital

"WHEREAS the Municipality of the County of Halifax is authorized by law to borrow or raise by way of loan by the issue and sale of debentures of the Municipality a sum not exceeding Two Hundred Thousand Dollars (\$200,000) for the purpose of erecting, acquiring, purchasing, altering, adding to, improving, furnishing or equipping buildings for hospitals and acquiring or purchasing or improving land for such buildings;

AND WHEREAS the said Municipality by resolution passed by the Council thereof on the 17th day of July A.D., 1973, and approved by the Minister of Municipal Affairs on the 4th day of December A.D., 1973, was authorized to postpone the issue of such debentures, and borrow by way of loan on the credit of the Municipality such sum from the Royal Bank of Canada at Halifax for a period not exceeding twelve months;

AND WHEREAS it is deemed expedient that the period of such borrowing from said Bank be further extended;

BE IT THEREFORE RESOLVED that subject to the approval of the Minister of Municipal Affairs the authorized period of such borrowing from said Bank be extended for a further period not exceeding twelve months from the date on which this resolution shall have been approved by the Minister of Municipal Affairs." Motion carried.

Councillor McCabe recalled that there had been a motion at the November Session of Council that a letter be sent to the Hon. Glen Bagnell and the Hon. George Doucet with regard to the rejection of claims re crops, animals etc., by farmers in the Musquodoboit Area, and asked if any information had been received.

Mr. Bensted advised, that no reply had been received from either Minister. It was moved by Councillor McCabe, seconded by Councillor Streach:

"THAT a follow-up letter be sent to the Ministers with regard to the flood damage requesting a reply to our previous letters."
Motion carried.

DECEMBER COUNCIL SESSION
TUESDAY, DECEMBER 17, 1974

Councillor Williams asked how much of a problem it would be to get the Act re grants changed, so that we could include groups such as Guides and Brownies. Councillors in the various areas get a lot of demands and most of it comes out of our own pockets. Could the legislation be changed so that we could help out the Brownies and Guides. They need help and the Councillor said it bothered him not to help these children. He stated they got their money, but it came out of his own pocket.

Councillor Streach asked that the matter of grants be explained, and the Municipal Clerk explained that we can only spend within the Municipal Act, and this Act does not allow us to make grants to Girl Guides and Brownies.

Councillor Killam stated, that he did not think there was any doubt that the Municipality had no authority to make outside grants or no authority to make grants to groups such as Brownies and Girl Guides, that would require amendment to legislation. He said he would like to take a look at the recent amendment to the spending of this money. The Municipality has the authority to spend money for recreation purposes. There are problems when you go into the Recreation Act. He stated that clarification will be forthcoming from the Recreation Department and this will be passed on.

Councillor Smith asked with regard to By-law No. 18 - Dangerous and Unightly Premises, just how much authority we had on this. He asked if this Act could be changed, so that the Municipality would not be in debt but enable us to carry out the administration of the By-law more efficiently.

The Municipal Solicitor said he agreed with this, that time after time this Municipality had gone to the Legislature but the Legislature saw fit not to grant this request. We can only sue the person involved.

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

"THAT the Municipality request a change in
Legislation to allow recovery of costs."
Motion carried.

Councillor Killam commented on the letter from the Board of Commissioners of Public Utilities to Mr. Bensted re Salvage yards - copy of which had been sent to all Councillors. The Board stated that licenses are not issued until the required fencing is installed in the proper manner. He stated, that he had some pretty rugged situations in his District and he hoped that the Department concerned in the County would be as aware of this and that they would not hesitate, if necessary, to contact any persons operating an "auto mess" in the County, and do what we can under these regulations and demand that a fence be erected to completely surround the mess.

The Municipal Clerk stated, that if any Councillors would give him the names of any of the operators of such conditions, they would certainly be reported to the Board of Commissioners of Public Utilities.

Deputy Warden Nicholson stated, that they are doing this in the Planning Advisory Office, and asking for names so that they can be reported.

Councillor Hudson stated, that there was a catch to all of this. A Permit is granted to operate Salvage yards, but the Public Utilities do not always check to see if the fence has been erected first.

Councillor Williams thanked Mr. Bensted for acting so quickly. He said he had been in contact with the Board of Public Utilities. I can only say we have a situation that is going to exist for a long time. The crusher was supposed to come and it is to come from Sydney and they say it is not going to come. Councillor Williams asked "how we would find out from the Board of Public Utilities if the crusher is going to be available in the District, and if not what alternative ways are they going to take to prevent cars from building up in this yard." It was therefore moved by Councillor Williams, seconded by Deputy Warden Nicholson:

"THAT the Board of Commissioners of Public Utilities be asked where is the crusher and what is the answer." Motion carried.

Councillor Streach asked, that a list containing the names, addresses and phone numbers of the councillors be made available.

Councillor MacKenzie stated, that he had not received his Agenda Book until Monday and did not get much chance to familiarize himself with what was coming up. He also comments on the excellent change in lighting, and asked when the desks were going to be re-finished and the desks lights put in operation. He also commented that the P.A. System did not seem to be operating very well, and asked if it would be possible for a clock to be installed in the front lobby.

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

"THAT a letter of sympathy be forwarded to the families of the Moncton Policemen who had been recently killed." Motion carried.

Councillor Hudson commented, that there is a great problem with people who are keeping dogs which are vicious. She felt that people should not be allowed to keep these dogs, unless they have a reason for so doing. Is there nothing under our legislation that can prevent them from doing this.

The Solicitor advised, that if a dog is vicious and is kept on the owner's property, and has not harmed anybody, then there is nothing we can do about it.

Councillor Smith and Councillor Streach both advised Council of a change in their telephone numbers.

Councillor Anderson said he wanted to take this opportunity of wishing all Councillors a Happy Christmas.

Mr. Bensted reminded the Councillors of the evening at the Halifax County Hospital on December 17th, and hoped that as many as could would attend.

Councillor Smith said he would like to invite any who could make it to visit people at Ocean View Manor, particularly people from their own Districts.

It was moved by Councillor Hudson: "THAT Council adjourn." Motion carried.

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TUESDAY, JANUARY 21, 1975

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MINUTES OF THE JANUARY COUNCIL SESSION
OF THE SECOND YEAR COUNCIL OF THE THIRTY-EIGHTH COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX

The Monthly Session of the Council of the Municipality of the County of Halifax convened at the Municipal Administration Building at 10:00 a.m. Tuesday, January 21, 1975, with Warden Ira S. Settle presiding.

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

It was moved by Councillor Slauenwhite, seconded by Councillor Killam:

"THAT Miss Doris Leonard be appointed as
Recording Secretary." Motion carried.

It was moved by Councillor Slauenwhite, seconded by Councillor Johnson:

"THAT the Minutes of the Council Session
of December 17, 1974, be approved."
Motion carried.

Mr. Bensted, Municipal Clerk, advised that a letter had been received from Mr. Howard Daye expressing his appreciation at being re-elected as a member of the Board of Management of the Halifax County Hospital. He also drew the attention of Councillors to the letter received from the Department of Municipal Affairs, with regard to the Herring Cove Ratepayers Association which was included in the Agenda Book.

The Report of the Warden was read, and it was moved by Deputy Warden Nicholson, seconded by Councillor Moser:

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

The next item on the Agenda was the Report of the Director of Planning and Development. It was moved by Deputy Warden Nicholson, seconded by Councillor Moser:

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

The Report of the Planning Advisory Committee was next considered by Council. Mr. Bensted noted that Items 1, 2, 3, and 4 were with regard to zone changes. He stated, that Public Hearings had been held on these items and the Committee was recommending approval of these changes.

It was moved by Deputy Warden Nicholson, seconded by Councillor Slauenwhite:

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

Councillor Killam commented on Application No. 11-74 Lands of Gordon T. Eisenor, Cole Harbour, noting that it stated in the report that no one appeared in opposition to and no correspondence was received against this re-zoning. The plan shows this to be an area of ten acres, in which appears to be lands of the Nova Scotia Housing Commission. What is to take place with these ten acres.

Councillor Anderson said, that he would like to make a few comments. He stated that he had now had a year's experience on the Planning Advisory Committee, and was disillusioned about the Committee. The majority of time the Committee is simply rubber stamping what has already been done by the Planning Board and Board of Health.

This is just a waste of time on the part of the Committee and the Ratepayers money. He stated there had been a lot of arguments recently, with regard to spot zoning and items not on the agenda. He felt, as a member of the Planning Committee it was not functioning properly, and decided the best thing for him to do was to leave the Committee and was hereby tendering his resignation as a member of the Planning Advisory Committee as of yesterday.

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

"THAT the Planning Advisory Committee be disbanded as of this date and for a Committee to be appointed under the Planning Act of 1969 to be composed of Committees of the Metropolitan Area.

The Municipal Solicitor noted, that it has always been the practice of Council to appoint the Committees. He stated, that one difficulty with changing the Committee now is that there are Public Hearings scheduled between now and the next Council Session, which have to be heard before the Planning Advisory Committee. He stated, that the Committee is a perfectly legal Committee.

Councillor Johnson asked, if he understood that the Committee would constitute a Committee of the Metropolitan Area. He stated, that he was in the Metropolitan Area, but thought that the Committee should come from all areas, not just a particular segment.

Councillor Streach felt, that we should not rush over this, that Councillor Anderson had taken a very negative step. He felt that when any Councillor put himself on the line by resigning, Council should be prepared to discuss the matter and come up with a solution.

Councillor McCabe stated, that he did not like to see a separation of the Urban and Rural areas.

Councillor Deveaux stated, that he was not on the Planning Advisory Committee, but if Councillor Anderson is agreeable, that he would like to see every Councillor on the Planning Advisory Committee. He stated that Councillors were asked to come to the Session to vote on something that in most cases they did not know what it was all about.

Deputy Warden Nicholson stated, that under the Planning Act we were told to form a Planning Advisory Committee and the Development Officer was given the authority to pass on all subdivision plans. The Committee can object to them. Some have gone before Council. He felt it was not right to say that the Planning Advisory Committee was not acting as they are supposed to act. This particular matter was a "clash of personalities" at the last meeting of the Committee. He did not agree with Councillor Anderson's resignation, but felt that it was his choice. He also said he did not believe in separating the urban and rural areas. He did not feel that this motion at this time, was in order, but since it had a mover and seconder, if Council wanted to vote on it, that it is their privilege.

Councillor Slauenwhite felt that it was Councillor Andersons' right to resign if he wished. He did not feel that the whole Council should be put on the line. He said he, himself, was disappointed in Planning, and stated that there were a considerable number of problems in his area, and he would like to see someone spending their whole time on these problems.

The Municipal Solicitor read a Section from the Planning Act and stated that it was his opinion that the Committee had been appointed for one year, and could not be changed. The Warden declared the motion out of order.

Councillor Hudson commented on some motions that have been made over the last seven years. She asked for a good look to be taken at the Mobile Home By-law, but still there were no changes. She also had asked that a look be taken at the Sprinkler System in buildings over thirty feet, but nothing has come back on that. She also commented, that we have had approval to appoint a Planning Co-Ordinator but nothing has been done. She wondered what the problem is. She stated, that to her mind, Planning Advisory does not advise, and said she would like to discourage Councillor Anderson from resigning. She said she had resigned from the Municipal School Board some years ago, and her resignation made no impression at all. She said there still had been no action on the recommendations over which she had resigned.

Councillor Killam wondered, if it would be possible for this County to request proper legislation for the appointment of a Planning Advisory Board, and if it were possible, that we had such a Board that the Advisory Committee would be responsible to that Committee. He commented, that it is with great concern that this type of thing takes place - that Councillor Anderson is apparently quite disturbed. He said he could assure Councillor Anderson, that on other Committees some of the members felt like doing the same thing, however, if people are concerned about the County and desire to make a contribution, then they must stay on the Committees. Things cannot be corrected by people getting off Committees.

Councillor Killam stated, that ever since he has been in Council he has been concerned about Planning in the County of Halifax. Planning is the most important thing that should be taking place in this County, and not much has happened. The Committee seems to act after something has happened. He felt there had been no planning, as such, in the last year and a half. He said he was very disappointed when the Nominating Committee brought in the identical Committees as the year before - particularly the Planning Committee. He stated we are basically concerned about the planning that is not taking place, and felt there should have been some changes in this Committee. He felt we should be looking to what is best for this County - that there is nothing more important at this time than to get on top of planning. He said he would concur with Councillor Hudson in encouraging Councillor Anderson not to resign from that Committee.

Councillor Killam questioned as to whether we could have a Planning Advisory Board, and was advised by the Municipal Solicitor that we could not have such a Board. Councillor Killam asked, if we could ask the Province for this. Mr. Cox stated that we could, but it was not contemplated in the Planning Act.

Councillor Williams said he felt that Councillor Anderson would give this Committee some background. Councillor Anderson was an assessor and a real assessor - he did his job well and served the County well; and I am sure if he is on the Planning Committee, that he is doing the job well, and I would like to see him retract his resignation. We need more men like him on the Committee.

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

"THAT Council not accept the resignation of Councillor Anderson from the Planning Advisory Committee." Motion carried.

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

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by rezoning lands of Gordon T. Eisener, Cole Harbour, from General Building Area to C-2 (Commercial General Building) Zone. Application No. 11-74." Motion carried.

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

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by rezoning lands of the Royal Canadian Legion, Waverley, from R-2 (Residential Two Family Dwelling) Zone to R-4 (Residential General) Zone. Application No. 31-74." Motion carried.

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

"THAT BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by rezoning lands of Phillip H. Craig, Sackville, from R-1 (Residential Single Family Dwelling) Zone to T (Mobile Home Park) Zone. Application No. 32-74." Motion carried.

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

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by rezoning lands of J. J. Investments Limited, Lower Sackville, from T (Mobile Home Park) Zone and R-1 (Residential Single Family Dwelling) Zone to C-1 (Commercial Local Business) Zone. Application No. 24-74." Motion carried.

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

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

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

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by rezoning lands of Hugh M. Walker, Sackville, from R-1 (Residential Single Family Dwelling) Zone to C-2 (Commercial General Business) Zone. Application No. 34-74." Motion carried.

Councillor Hudson commented, that this does not fit into the over-all planning in that area. She felt that we were going ahead with over-all planning, defeating the very thing that the Housing Commission tried to do. She said it seemed to her that planning should be looked into very seriously.

Councillor Slauenwhite commented, that this part had been set aside for a smaller development, and if the Housing Commission want a Medical Centre and/or Hospital there - all well and good.

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

"BE IT RESOLVED THAT the Council give notice in the usual manner of its intention to approve a Planned Unit Development Agreement with the Nova Scotia Housing Commission relative to its lands known as Forest Hills in Cole Harbour under which the said lands will be developed in accordance with the said Agreement and the Master Plan of the Nova Scotia Housing Commission for the lands;

AND BE IT FURTHER RESOLVED THAT the Municipal Clerk be and he is hereby instructed to insert the necessary advertisements in this regard." Motion carried.

Councillor Hudson asked what had been done about the Sprinkler By-law, also what had been done about the Planning Co-Ordinator.

Councillor Fader stated, that the Sprinkler System had been discussed at some length. The matter of Sprinkler System had been discussed, also the Building Code which is about to be published. The matter of a Planning Consultant had been looked into - applications in answer to advertisements had been very disappointing - but to get back to the Minutes, he felt that the secretary was not giving detailed minutes, that there were things discussed at meetings that were not covered in the minutes. He stated, that Sprinkler systems were being installed in the new Junior High and Elementary Schools in Sackville. He also stated that the Minister of Housing, Mr. Fitzgerald, had announced that they are bringing out a new Sprinkler By-law, which is to be introduced at the next Session of the Legislature.

The next item to be considered was the Report of the School Capital Program Committee. It was moved by Councillor Gaetz, seconded by Councillor Moser:

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

Councillor Hudson asked what the situation was with regard to the Ashe-Lee School.

The Municipal Clerk advised, that the title search had been completed and in the hands of the Solicitors. He stated, that it appears there are some problems in the title and we are not sure at the present time if these problems can be overcome. He stated that Mr. Moreash would be speaking about this at the next School Capital Program Committee meeting. The Municipal Solicitor said we should certainly know within a week or ten days whether we can certify the title or not. We may have to expropriate, but we want to avoid this if we can.

Councillor Gaetz asked where they were looking for a site for the school in his area, and was advised by Councillor Slauenwhite, that it was in the vicinity of the Graham Creighton High School. Councillor Gaetz said he understood it was going to be in the Chezzetcook area. Councillor Slauenwhite stated, that in 1974 the Municipal School Board requested that the Graham Creighton School be kept as a High School and the new school to be constructed to be a Junior High School.

Councillor Deveaux asked if Sprinkler Systems could be installed in the Tallahassee School, when the repairs are being made.

The Municipal Clerk advised, that this matter would be in the hands of the Municipal School Board, who are negotiating with the Insurance adjusters. He advised, that if the school is replaced as covered by the Insurance Policy, no change can be made in the school. If changes are taken into consideration, it would then be a capital project under the Provincial Department of Education. If the Municipal School Board can proceed with replacement under the Insurance Policy, there should be no loss of time.

Mr. Bensted, the Municipal Clerk, then read a letter from Mrs. Constance Glube, City Manager, City of Halifax, with regard to the Halifax City Incinerator. He stated he had had discussions with Mrs. Glube, with regard to the recommendation she plans to submit to the City Council, and he suggested that we have a Resolution of Council asking the City to consider this very seriously, and extend the use of the incinerator until such time as the solid waste disposal goes into operation, which, in his opinion, would be early in 1976.

Deputy Warden Nicholson commented, that this was a very serious situation. It was moved by Deputy Warden Nicholson, seconded by Councillor Anderson:

"THAT the City of Halifax be requested to extend the use of the City of Halifax facilities re solid waste be extended to the time of the opening of the Solid Waste Disposal site or some other facilities are available." Motion carried.

Councillor Killam felt that it should be indicated that two months did not give us enough time to find a new site.

Councillor Streach thought it was a "little unreal" to receive such a letter as this. He was under the impression that this matter had been discussed some time ago, and that our contract would be extended. He felt this was a "pressure letter."

Councillor Slauenwhite took exception to the letter. He stated, that the matter had been discussed at all levels and we were assured that we would be able to use the facilities of the City of Halifax until permanent disposal lands were ready.

Mr. Bensted said he felt that all Mrs. Glube wanted to do was to present to the City Council the estimated cost of repairs to the incinerator.

Councillor Fader said that the land fill situation had always been a sore point with him, and that the money that was once so important did not seem to be so important any more. He said it seemed to him that the County of Halifax was standing on a trap door. He did not see why we had to look to Halifax and Dartmouth, and said he had asked for a resolution of reconsideration but no one had given him any information as to why we are denied Notice of Reconsideration. He questioned the letter that had been written by the Warden to the Premier, and felt that the County had been put in a serious position. He wondered if the Mayors of the two cities had written such a letter, and felt that the County was being laughed at. He felt it was no wonder that we had someone getting up saying that we had poor planning, and felt that we were entitled to a Notice of Reconsideration and felt that this should be voted on.

The motion asking the City to extend the time of operation was carried.

Councillor Fader stated to the Municipal Solicitor, that he felt we were entitled to a Notice of Reconsideration. This would have something to do with the appeal, and moved:

"THAT a Notice of Reconsideration re the rezoning of Solid Waste Disposal Lands be reconsidered."

The Municipal Solicitor ruled this motion out of order. He said he did not think that reconsideration was available on this. He stated that anyone who disagrees with the decision of the Council has the right to go before the Appeal Board. He said that this is the procedure that should be followed, and that the motion of Reconsideration is not applicable to this situation. He stated that the matter is now in the hands of the Planning Appeal Board.

It was moved by Deputy Warden Nicholson:

"THAT the Solicitor and Officials be instructed to support the Municipality's motion to rezone the Sanitary Waste Disposal Site."

Mr. Bensted stated, that the situation is still as he had outlined it before - funding of this project is part of the Special Areas Agreement between the Province of Nova Scotia and the Government of Canada. Tenders must be awarded prior to March 31, 1975, or else the money will not be available. It has been very definitely stated by the representative of DREE that if the monies are not used under the existing agreement, that the Federal Government will not consider any other arrangements.

The Municipal Clerk stated, that at the present time the Regional Authority are proceeding with placing of an advertisement covering Transfer Stations etc., on the basis that the tender will not be accepted unless the project is proceeded with. He stated, that there is no doubt in the minds of the three municipalities that this is a project of the three municipalities. He felt that the City Manager was only stating facts, this was not an ultimatum, and that there was no question of lack of co-operation of the City. He felt that with regard to the location, that this is a matter for the Planning Appeal Board. There has been no lack of homework on the part of MAPC.

Deputy Warden Nicholson stated, that on the basis of the statement by the Municipal Clerk he would withdraw his motion.

The Municipal Solicitor advised, that there had been preliminary meetings with the Solicitor for all parties, and the Chairman of the Planning Appeal Board. These were informal meetings, and there had been no attempt to conceal any information. It was available to all parties.

Councillor Streach said he was very much in opposition to the Landfill site, and was most disturbed on reading the letter from the City Manager and wished to make the following Motion:

"In light of the dissatisfaction of the people of the Sackville Area with respect to the Sanitary Landfill Operation and in light of the letter from the Halifax City Manager regarding cutting off our use of the Halifax City Incinerator as of April 1, 1975, that we give due consideration, as a Committee of the Whole of reducing the size of the proposed Sanitary Landfill Operation as recommended by MAPC."

This motion was seconded by Councillor Fader.

Councillor Gaetz asked if this would be in the same area, but reduced.

Councillor Streach recommended not the same place, because of the dissatisfaction of the people of Sackville. He thought that we, as residents of Halifax County, have to resolve this situation as of April 1. He felt we might be able to get the City to postpone their deadline - it depends on how sincere they are on going into the whole project.

Mr. Bensted reiterated, that this is only a recommendation to the City Council on the part of the City Manager.

Councillor Anderson commented, that we may be getting into the position where each District would have to look after their own garbage. He said he could not see the City of Halifax spending this amount of money without raising the fees for the County.

Mr. Cox said he would like to point out that the reports that have been prepared, with regard to Garbage Disposal, indicate that there is going to be a great increase in the amount of garbage, and these reports indicate that the Halifax Incinerator is not capable of handling this amount of garbage. There has to be some alternative to handling the increase in garbage - the Halifax Incinerator cannot do it.

Councillor Hudson recalled, that Halifax County had built an incinerator approximately fifteen years ago with the intention that it would last for twenty years. They do not last as long as they are supposed to, and this was phased out about ten years ago. When we complain about the City's incinerator, we should remember that ours lasted only about ten years.

Deputy Warden Nicholson stated, that the Department of Environment would not allow an incinerator.

Mr. Cox inquired, if it was the intention of the motion to change his instructions in any way.

Councillor Streach stated, that this motion does not in any way change the instructions to the Municipal Solicitor.

Councillor Killam asked, what would take place if the Planning Appeal Board threw the case out. He did not think it would do any harm for us to look at alternatives just in case.

Mr. Bensted advised him, that he had been looking at the situation as a stop-gap measure, and would be prepared to recommend something if this should happen.

Mr. Cox asked, in view of this, would it be acceptable if there was a re-affirmation of instructions and include that the County look at alternatives.

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

"THAT the motion be deferred to the February Session of Council."

A standing vote was taken with the result eleven (11) for; five (5) against. The motion was carried.

Councillor Streach asked if it would be appropriate for this motion to be included as part of the reply to the City Manager's Letter.

The next item to be considered was the Report of the Finance and Executive Committee. It was moved by Deputy Warden Nicholson, seconded by Councillor Streach:

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

Councillor Fader commented, with regard to the remuneration for members of the Assessment Appeal Court. He felt these people were well worth their money if they qualified for the job. He concurred with Councillor Hudson, that we need people who have background in this field and stated, that it is a difficult position today with the cost of land and the re-assessment that is taking place. He felt that the increase should be more than ten dollars per day.

Councillor Smith asked if the members of the Assessment Appeal Court received mileage, and was advised by the Municipal Clerk that this was not the case.

Councillor Deveaux stated, that he agreed with Councillor Fader that he would like to see consideration given to more qualified people sitting on the Assessment Appeal Court - an architect, contractor, or someone with knowledge. He asked if these people were otherwise employed.

Councillor Killam commented, that this fee increase was only a recommendation by the Finance and Executive Committee - not a law - that Council made the decisions.

Councillor Deveaux stated, that some of these people are people in business, and the only way they can give of their time is to absent themselves from their work. He agreed, that these people have to receive remuneration to a greater degree in order to attract the kind of people who should sit on such a Court.

Councillor Hudson said, that her understanding was that some Assessment Appeal Courts consisted of a judge and qualified people.

Mr. Cox, Municipal Solicitor, advised that there were provisions under the Assessment Act for Assessment Tribunal only in effect, if this area is an Assessment Region. This matter had been discussed before, but it was Council's decision not to declare the County as an Assessment Region.

Councillor Streach spoke of the qualifications necessary to sit on such a Court and stated in his opinion, good judgment is one of the best qualifications. He took exception to the fact that lawyers always have good judgment stating, that many people in the field of other positions have better judgment.

Deputy Warden Nicholson said, that he had been a contractor and builder and now places that he had built were being assessed for three times for what they had been built for. He stated, that in no way could he consider himself an expert on judging properties now. He felt that the Assessment Appeal Court was prone to be more sympathetic to the homeowner.

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

WHEREAS the Honourable J. Fraser Mooney, Minister of Municipal Affairs, has forwarded to the Warden a letter dated the 10th of January, 1975 concerning the Provincial programme for the takeover of the cost of education from municipalities.

AND WHEREAS the Municipal Council has considered a memorandum from the Municipal Clerk to the Finance and Executive Committee concerning the said announcement by Minister of Municipal Affairs.

AND WHEREAS it appears that it is necessary for the Municipality of the County of Halifax to apply to the Minister of Municipal Affairs under item (3) of his said letter for additional discretionary assistance in special circumstances in order to alleviate any inequities created by the programme when applies to the Municipality of the County of Halifax.

AND WHEREAS it is not now possible to determine the exact amount of assistance that will be received by the Municipality of the County of Halifax for the year 1975 under the said programme.

AND WHEREAS it is the opinion of the Finance and Executive Committee of the Municipality that Council should advise the Premier and the Minister of Municipal Affairs that the programme as announced will not result in the assumption by the Province of one-third of the education costs of the Municipality for 1975 and that the Municipality hopefully expects to receive additional assistance because of the special circumstances that exist in the Municipality.

BE IT RESOLVED that Council advise the Premier and the Minister of Municipal Affairs that a submission will be made to the Government of the Province of Nova Scotia for such additional discretionary assistance as is required to achieve the announced objectives of the Provincial programme to take over one-third of the cost of education and that the Finance and Executive Committee be authorized and instructed to arrange for a meeting with the Premier and the Minister of Municipal Affairs as soon as the budgets for 1975, including the Municipal School Board budget, have been finalized." Motion carried.

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

"THAT BE IT RESOLVED THAT the remuneration for the Assessment Appeal Court be fixed at \$35.00 per day for members plus an additional \$10.00 per day for the Chairman." Motion carried.

It was moved by Deputy Warden Nicholson, seconded by Councillor Williams:

"BE IT RESOLVED THAT the Municipal Solicitor be and he is hereby authorized and instructed to take all appropriate and necessary steps to have the attached legislation introduced at the forthcoming Session of the Legislature." Motion carried.

An Act Respecting the Municipality of the
County of Halifax

BE IT ENACTED by the Governor and Assembly as follows:

1 In this Act unless the context otherwise requires:

- (a) "Board of Health" means the Board of Health of the Municipality;
- (b) "Council" means the Council of the Municipality;
- (c) "Municipality" means the Municipality of the County of Halifax.

2 Notwithstanding the provisions of the Public Health Act or any other Act when the Board of Health pursuant to the Public Health Act or the regulations made thereunder has directed that any matter or thing be done by any person, and where the person so directed has been in default and where the matter or thing so directed to be done, has been done by the Board of Health at the expense of that person and where that person has not, after demand having been made, reimbursed the Municipality for the expense incurred, the cost of doing such thing shall become a first charge upon the lands of such person on which the thing was to be done and may be collected and recovered by the Municipality in the same manner as municipal taxes are recovered.

3 Notwithstanding the provisions of the Sheep Protection and Dog Regulation Act, Chapter 281, Revised Statutes of Nova Scotia 1967, or any other Act, Council may make by-laws:

- (a) imposing penalties for violations of the Dog By-law of the Municipality and fixing the amounts of such penalties with-

out regard for the restrictions contained in the Sheep Protection and Dog Regulation Act;

(b) providing that in any prosecution under the said Dog By-law it shall not be necessary for the Municipality to prove that:

(i) the dog previously attacked or injured any person or property; or

(ii) the dog had a propensity to injure any person or property or to do damage thereto; or

(iii) the defendant knew that the dog had such propensity or was or is of a vicious or mischievous nature or was or is accustomed to do acts causing injury;

(c) providing for the destruction of any dog that has been picked up or impounded more than twice.

4 (1) Clause (a) of subsection (1) of Section 13 of Chapter 95 of the Acts of 1972 as amended by Chapter 80 of the Acts of 1974, is deleted and the following substituted therefor:

(a) providing for the approval by Council of development schemes which conform to the Official Plan of the Municipality and which cover an area owned by the applicant of not less than five acres;

(2) Clause (b) of subsection (1) of Section 13 of Chapter 95 of the Acts of 1972 as amended by Chapter 80 of the Acts of 1974 is deleted and the following substituted therefor:

(b) providing for the approval by Council of development schemes which cover not less than five acres for the purpose of making such schemes a part of the Official Plan of the Municipality;

(3) Clause (a) of Section 14 of Chapter 95 of the Acts of 1972 is amended by deleting the word "ten" in the second line thereof and substituting the word "five".

5 Subsection (1) of Section 24 of Chapter 100 of the Acts of 1954 as amended by Chapter 91 of the Acts of 1968 and Chapter 120 of the Acts of 1970 is further amended by deleting the word "ten" where it appears in the fifth and fourteenth lines thereof and substituting therefor the word "fifteen".

6 (1) Section 9 of Chapter 72 of the Acts of 1953 is amended by deleting the words "Sanitary Inspector for the District" wherever they occur therein and substituting therefor the words "Development Officer of the Municipality".

(2) The said Section 9 is further amended by deleting the words "Halifax County Planning Board" wherever they occur therein and substituting therefor the words "Planning Advisory Committee of the Municipality".

7 The provisions of the Municipal Act, Chapter 192, Revised Statutes of Nova Scotia 1967, shall apply mutatis mutandis to any by-law enacted under this Act.