

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

of the

S E C O N D - 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

M U N I C I P A L I T Y O F T H E C O U N T Y O F H A L I F A X

S E P T E M B E R C O U N C I L S E S S I O N

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MINUTES OF THE SEPTEMBER SESSION OF THE MUNICIPAL COUNCIL
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, September 16, 1975, with Warden Ira S. Settle presiding.

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

The Warden advised Council of the untimely death of Councillor Moser and that in memory, one minute of silence would be observed.

It was moved by Councillor Williams and seconded by Councillor Anderson:

"THAT Miss Alicia A. Lunn be appointed Recording Secretary for this Session of Council." Motion carried.

The Warden announced that the next item on the agenda to be dealt was the vacant seat of District 3, due to the passing of Councillor Moser. It was moved by Councillor Anderson and seconded by Councillor Slauenwhite:

"THAT WHEREAS the Municipal Clerk has reported that a vacancy in Council exists due to the passing of former Councillor Granville A. Moser on Wednesday, the 10th of September, 1975.
BE IT RESOLVED that the Council declare the seat formerly occupied by Granville A. Moser to be vacant." Motion carried.

The Municipal Clerk announced that in addition to correspondence contained in the agenda, there were two letters; one from the Honourable Gerald A. Regan and another from A. Garnet Brown, acknowledging receipt of resolutions passed at last Council Session. Also, he advised of two letters to Council expressing sympathy for the passing of Granville A. Moser. One from Edmund Morris, Mayor of Halifax, and another from Karen Summers, Chief Librarian for the Province. It was moved by Councillor Gaetz and seconded by Deputy Warden Nicholson;

"THAT the letters of correspondence be received." Motion carried.

The next item on the Agenda was the approval of the Minutes of the August 19th., 1975 Session of Council. It was moved by Councillor Hudson and seconded by Councillor Streach:

"THAT the Minutes of the August 19th, 1975 Session of Council be approved." Motion carried.

The Report of the Warden was following on the Agenda and it was moved by Deputy Warden Nicholson and seconded by Councillor Smith:

"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 Councillor Gaetz and seconded by Deputy Warden Nicholson:

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

Council then considered the Report of the Planning Advisory Committee. It was moved by Councillor Gaetz and seconded by Councillor Hudson:

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

Councillor Dunbar stated at this time, that "he would like to indicate that an application for a zone change on the supplementary report involves land in Bedford, and he would like to speak on this if and when it came to the resolution.

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MINUTES - (Continued)

Councillor McCabe advised that he wished to speak as a member of the Board of Health and his request would involve to some extent the Planning Advisory Committee. He would like to make a request at this time of the Session which would be to invite the Minister of Health, to a Council Session in regards to rejections. He stated that there has been 14 rejections of lots in his district alone. He agreed to wait until the Supplementary Report had been dealt with.

Next, to be considered was the Supplementary Report of the Planning Advisory Committee. It was moved by Councillor Gaetz and seconded by Councillor Dunbar:

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

Councillor Dunbar advised the Council that as previously stated, he would like to speak in objection to item 1 of the Supplementary Report. He stated that this application was before the Planning Advisory Committee as of September 15, 1975, and the subject was given considerable argument and debate after which the Committee was split in its vote of the application.

Councillor Dunbar outlined his objections for the benefit of Council and advised that the property consists of five lots located just slightly beyond Oakmont Drive which the owners are attempting to consolidate and rezone.

He further stated that a letter was tabled at the Planning Advisory Committee meeting from the Bedford Service Commission in objection to this request, based on:

1. The west side of the highway is all commercial, and on the east side of the highway it is entirely residential and this would be a spot zone change development.
2. The purpose is for consolidation of the lots of four individuals directly involved in this, and the only reason which can be seen is for a personal gain.
3. This is going to create a further difficulty as far as the bottleneck at the Sunnyside intersection is concerned, and the community of Bedford is very concerned with the traffic problem out there.

Also, Councillor Dunbar stated that the Commission has a ball field just north of the Canadian Legion Hall and there is a present problem with children getting to the ball field now because of the traffic.

Councillor Dunbar further stated that he did not wish to see this item deferred.

Mr. Cox, Municipal Solicitor advised that there was two ways in which this could be dealt with, there could be a motion made to have this application deleted, from the report or the application could be voted against when the resolution was presented.

Councillor Dunbar inquired what would happen if this was deleted, and was advised that if it was deleted, that was it, it would be finished. It was moved by Councillor Dunbar and seconded by Councillor Anderson:

"THAT Item No. 1 be deleted from the Supplementary Report of the Planning Advisory Committee.

Councillor Anderson stated that he felt that approval of this application for Rezoning would be an example of poor planning.

Councillor Fader took this opportunity to advise Council of his feelings with regard to the zone change request. He stated "that Mr. Dunbar as Councillor mentioned that there was a split in the vote. Is a 5 to 2 vote in favour of an application a split vote?"

Councillor Fader went on to add that about one year ago an application for land adjacent to the legion was purchased by a developer, and the land was zoned. He believed that the Bedford Service Commission sold land to the company in order that they could develop a commercial business there.

Further, Councillor Fader added that with regards to the residents of Cushing Hill and the increased traffic, "there is a possibility Cushing Hill will be closed off, and in turn, one access would be there instead of five.

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MINUTES - (Continued)

He went on to state that Parkwood Real Estate applied for the zone change, and "he must have had cooperation, because the people were at the hearing supporting the zone change; the most probable reason being that these properties have been put up for sale by different companies several times, and none of them have ever changed hands."

Councillor Fader advised. "I think that these people realize in order to sell this property they would have to act together, as these properties could not sell residentially. These people mentioned to me that they have to walk their children to school due to the lack of shoulders on the road, and the heavy traffic."

Councillor Dunbar again spoke, and stated that the Bedford Service Commission sold a parcel of land on the west side of the highway for commercial purposes and this was approved at a ratepayers meeting. Following that, this development came back and wanted more land, but by that time the feelings of the ratepayers became considerably stronger against commercial development, and the request was refused.

Also, Councillor Dunbar stated that it would not be fair to have a whole community suffer for the financial gain of four individuals who would be moving away from the area.

Councillor Hudson stated that she could not figure out how this zone change would affect the access to Cushing Hill, and inquired if Council could be shown the relation of the Cushing Hill drive to the property in question.

The Development Officer, Mr. Gough presented a show card, and outlined this to Council.

Deputy Warden Nicholson next spoke, and stated that he was in favour of this zone change, and the reasoning being that these people are living on what is going to be a four lane highway. If they wish to sell the property after the four lane highway is put in, the property value will further decrease.

It was moved by Councillor Streach and seconded by Councillor Hudson:

"THAT the resolution be deferred to the October Session of the Council."

Councillor Streach stated he was confused as to how he should vote and needed time and more information. He questioned the Solicitor as to how the matter could be brought back to the October Session. Following advise from the Solicitor - Councillor Streach withdrew his motion.

Following this discussion, the amendment was defeated by a vote of six (6) for ten (10) against.

It was moved by Councillor Fader and seconded by Councillor Johnson:

"THAT BE IT RESOLVED that the Zoning By-law be and the same is hereby amended by rezoning 5 lots at Bedford from R-1, Residential Single Family Dwelling Zone to C-1, Commercial Local Business Zone. Application No. 28-75."

It was moved by Councillor Streach and seconded by Councillor Hudson :

"THAT the matter be deferred to the October Session of the Council." Motion carried.

Councillor Dunbar again spoke, and stated that in reply to a comment raised by Councillor Streach, "when a zone change application comes before the Committee, we are generally given a small description of the area, and a brief of the proposed use.

Councillor Dunbar asked that Council give him its support that this zone change application be rejected.

Following a standing vote, the motion was carried by a vote of ten (10) for and six (6) against.

It was moved by Councillor Gaetz and seconded by Councillor Deveaux:

"THAT BE IT RESOLVED that the Zoning By-law be and the same is hereby amended by rezoning lands of Gilbert Horne at Eastern Passage from I-L, Industrial General Zone, to T, Mobile Home Park Zone. Application No. 31-75." Motion carried.

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

"BE IT RESOLVED that the Zoning By-law be and the same is hereby amended by rezoning lands of Vincent Richardson at Indian Harbour from G, General Building Zone, to T, Mobile Home Park Zone. Application No. 37-75," Motion carried.

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

"BE IT RESOLVED that the Zoning By-law be and the same is hereby amended by rezoning lands of Maple Ridge Realty Limited at Sackville from G, General Building Zone to C-2, Commercial General Building Zone. Application No. 40-75." Motion carried.

At this point, Councillor McCabe again brought forward his request to have the Honourable Minister of Health invited to a Council Session.

A question was raised by Councillor Killam as to whether the Minister should be not invited to a Board of Health meeting first; and it was stated that representatives of the Department of Public Health sit in on the meetings of the Board of Health.

Councillor Williams spoke, and stated that several times the Honourable Ministers have been invited to Council and only too often have not appeared. He felt it should be made clear that they are representing people, and the Minister should be sent a strong letter advising that he is requested to be at a meeting.

Councillor Streach also spoke, and advised that he was in support of this and felt that the inspectors could not be criticized, but their action could be.

Councillor Killam next spoke, and stated that with regard to having a Minister come to a Council Session, whether this would resolve what is being looked for is debatable.

He stated that he felt that Council could send a representative or representatives to the Minister of Health and meet with him at his office.

Councillor Nicholson advised that he felt if the Minister were to be invited to a Council Session, it should be a special session and not a regular session.

Councillor McCabe stated that he would agree to this and would add to his motion that it be a special meeting of the Committee as a Whole. It was moved by Councillor McCabe and seconded by Councillor Williams:

"THAT the Honourable Minister of Health be invited to attend a Committee of the Whole of Council with respect to the recommendation of non-approval of lots in the Musquodoboit Valley Area by the Provincial Public Health inspectors." Motion carried.

Councillor Streach then pointed out to Council "that regulations do not necessarily have to be the same regulations for sparse population to heavy population areas."

It was moved by Councillor Streach and seconded by Councillor Gaetz:

"THAT the Provincial Department of Health consider using a different set of regulations re soil percolation tests in Low Density areas as compared to High Density areas."

After a brief discussion by Council, the motion was Carried.

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MINUTES - (Continued)

The next item on the agenda was the Report of the School Capital Program Committee. It was moved by Deputy Warden Nicholson and seconded by Councillor Gaetz:

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

Councillor Hudson inquired approximately how much time from the time the preliminary plans are completed to the time the Municipality is in a position to call tenders would elapse.

The Municipal Clerk Treasurer, Mr. Bensted explained this procedure and indicated it could be several months.

The next item on the agenda was the Report of the Redistribution Committee. It was moved by Councillor Streach and seconded by Councillor Fader:

"THAT the Report of the Redistribution Committee be approved." Motion carried.

On a standing vote the motion was carried by a vote of fourteen (14) for and two (2) against.

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

"WHEREAS the Redistribution Committee of Council submitted a report to the July Council Session held on the 15th Day of July, 1975 which said report was approved in principle by Council.

"AND WHEREAS the Redistribution Committee has submitted a further report to Council at this Session of Council.

"BE IT RESOLVED that the said report of the Redistribution Committee be and the same is hereby adopted and approved by Council.

"AND BE IT FURTHER RESOLVED that the Council instruct the Warden, Clerk and Municipal Solicitor to take whatever steps are required to make the submission to the Board of Commissioners of Public Utilities under the Municipal Boundaries and Representation Act to give effect to the said reports of the Redistribution Committee, copies of which are attached to this resolution. Motion carried.

It was moved by Councillor McKenzie and seconded by Councillor Anderson"

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

At this point, Councillor Slauenwhite asked if he could be excused from the session in order to attend the funeral of the late Mr. Bev Wade.

Councillor Slauenwhite was excused, and it was moved by Deputy Warden Nicholson and seconded by Councillor Gaetz:

"THAT Council express its sympathy to the family of the late Mr. Beverley Wade of Kentville." Motion carried.

It was moved by Councillor Hudson and seconded by Councillor Streach:

"THAT WHEREAS at the June Session of Council held on the 17th day of June, 1975, Council passed a by-law to amend the Property and Streets By-law.

"AND WHEREAS Council is now desirous of rescinding the said amendment.

"BE IT RESOLVED that the said amendment be and the same is hereby rescinded." Motion carried.

Councillor Deveaux spoke on this motion, and advised that the people in his area would like to see the original by-law go through, as it would be more helpful for that district.

Mr. Cox, the Municipal Solicitor stated that there were some provisions in the original by-law which the Municipality had no authorization over. He suggested that Council approve this by-law and perhaps apply for legislation for more authority.

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MINUTES (Continued)

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

"BE IT RESOLVED THAT the following be and the same is hereby adopted and enacted as a by-law of the Municipality of the County of Halifax when and if the same has received the approval of the Minister of Municipal Affairs, and that the Municipal Clerk be and he is hereby instructed to forward the same to the Minister and request his approval hereof.

1975

SEPTEMBER SESSION

A BY-LAW RESPECTING LOITERING

Short Title "1. This by-law shall be known as and may be cited as the Loitering By-law.

No Loitering 2. No person shall stand or loiter on or around the steps or entrances of any building or on any road, street or sidewalk or in any alley or other place in a shopping centre or shopping complex, and any person failing to depart from such place when requested to do so is guilty of an offence under this by-law.

Defence 3. It shall be a defence to any prosecution under this by-law if the accused establishes that he was standing or loitering in a prohibited place for the purpose of obtaining access to such place or for some other purpose of business requiring his presence in that place.

Penalty 4. Any person who violates any provision of this by-law is guilty of an offence and liable to a penalty not exceeding Fifty Dollars (\$50.00) and in default of payment for a period not exceeding thirty (30) days." Motion carried.

A standing vote was taken with 13 for and 1 against, the Warden declared the motion carried.

It was moved by Councillor Deveaux and seconded by Councillor Gaetz:

"THAT the Solicitor be instructed to prepare enabling Legislation to allow the passing of a proper by-law re Loitering." Motion carried.

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

"WHEREAS pursuant to a request received to appoint a representative to the Committee set up to deal with the proposed sports complex recreation centre to be located in the City of Halifax, Council duly appointed Warden Settle to be such representative.

AND WHEREAS Council has been advised that neither of the Mayors of the Cities of Halifax and Dartmouth were officially appointed to this committee and that the representative of the Municipality of the County of Halifax should be some one other than the Warden.

BE IT RESOLVED THAT the appointment of the Warden be and the same is hereby rescinded.

AND BE IT FURTHER RESOLVED THAT Councillor Streach be appointed as the County's representative on the said Committee. Motion carried.

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

"BE IT RESOLVED THAT Mr. Joseph C. Hefler be and is hereby appointed Chief Building Inspector of the Municipality of the County of Halifax. Motion carried.

Councillor Deveaux stated that he was not completely satisfied that Mr. Hefler is the man suited for the job, and asked if Mr. Bensted could elaborate on the applications received for the position.

Mr. Bensted advised that the Chairman of the Finance and Executive Committee received a number of applications and interviewed a number of persons.

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MINUTES (Continued)

He stated that Mr. Hefler's background and education which he outlined to Council was very satisfactory and the Committee had been of the opinion that he was most suitable for this position.

Councillor Deveaux inquired if any of the other applicants interviewed, had more qualifications and was advised that one of the persons interviewed had knowledge of the Building Code, but this qualification was not the only qualification required.

Councillor Anderson commended the Finance and Executive Committee on their recommendation .

Councillor Fader stated that he would like to comment that he is very pleased the Committee has made a decision to promote a member of the staff to this position; as to this point, the Municipality has in the past been deprived of staff who have gone to other areas in order to seek advancement.

It was moved by Councillor Anderson and seconded by Councillor Fader:

"WHEREAS in order to complete the widening of the Cole Harbour Road to a four lane highway, it is necessary for the Department of Highways to acquire a strip of land along the front of the property owned by the Municipality of the County of Halifax on behalf of the District 7 Service Commission on which the local fire station is located.

AND WHEREAS the Department of Highway has offered the sum of \$3,528.00 as compensation covering the land in question.

BE IT RESOLVED that Council accept the said offer from the Department of Highways and that the Warden and Clerk be and they are hereby authorized to execute all necessary documents to effect the said sale of the property for the purchase price of \$3,528.00.

AND BE IT FURTHER RESOLVED that the said purchase price be set up in a special reserve for capital purposes for the District 7 Service Commission with respect to fire fighting operations in that District.

AND BE IT FURTHER RESOLVED that the Warden, Clerk, and Municipal Solicitor be and they are hereby instructed to take steps to obtain all approvals necessary for the said transaction." Motion Carried.

It was moved by Councillor McCabe and seconded by Councillor Gaetz:

"THAT Financial Statements, Re Halifax County Hospital and Ocean View Manor be deferred until the other financial statements are received." Motion carried.

It was moved by Councillor Dunbar and seconded by Councillor Fader:

Municipality of the County of Halifax
Temporary Borrowing Resolution
\$175,000.00 - Water and Sewer Contract
#71327, Shore Drive Bedford

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 installing water and sewer, Shore Drive, Bedford.

AND WHEREAS by Section 8 of said 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 Hundred Seventy-Five Thousand Dollars (\$175,000.00) for the purpose of installing water and sewer, Shore Drive, Bedford.

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 at Halifax 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 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 Hundred Seventy-five Thousand Dollars (\$175,000.00) for the purpose aforesaid.

THAT under and in accordance with said 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 Hundred Seventy-five Thousand Dollars, (\$175,000.00) from the Royal Bank of Canada at Halifax.

THAT such sum or sums be borrowed from the 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 Fader and seconded by Councillor Streach:

122-W-75 B

Municipality of the County of Halifax
Temporary Borrowing Resolution
\$125,000.00, Contract #75136
Trunk sewer - 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 installing trunk sewer - Sackville;

AND WHEREAS by Section 8 of said 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 Hundred Twenty-five Thousand Dollars (\$125,000.00) for the purpose of installing trunk sewer - 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 at Halifax 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 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 Hundred Twenty-five Thousand Dollars (\$125,000.00) for the purpose aforesaid.

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THAT under and in accordance with said Municipal Affairs Act such sum be borrowed or raised by the issue and sale of debentures of the Municipality 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 Hundred Twenty-Five Thousand Dollars (\$125,000.00) from the Royal Bank of Canada at Halifax.

THAT such sum or sums be borrowed from the 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 McCabe and seconded by Deputy Warden Nicholson:

Municipality of the County of Halifax
Temporary Borrowing Resolution
\$120,000.00- Trunk sewer - Sackville
Contract # 155W75

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 the 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 installing trunk sewer - Sackville;

AND WHEREAS by Section 8 of said 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 Hundred Twenty Thousand Dollars (\$120,000.00) for the purpose of installing trunk sewer - 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 at Halifax 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 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 Hundred Twenty Thousand Dollars (\$120,000.00), for the purpose aforesaid;

THAT under and in accordance with said Municipal Affairs Act the sum be borrowed or raised by the issue and sale of debentures of the Municipality 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 Hundred Twenty Thousand Dollars (\$120,000.) from the Royal Bank of Canada at Halifax.

THAT such sum or sums be borrowed from the 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.

Councillor MacKenzie advised that he wished to point out to Council that in reference to the last page of the Social Assistance Report, he has noted that there is a considerable sum of money being spent in his district. He stated that he wished a study made, to have some money spent to bring employment into his area.

After a brief discussion, it was moved by Councillor MacKenzie and seconded by Councillor Fader:

"THAT the Social Assistance Committee look at the amount of dollars being spent in District 11, with the possibility of steps being taken to establish employment within the district." Motion carried.

Councillor Hudson next spoke, and advised that she had noted that a large number of the recipients on the roles were females, and she questioned if perhaps the Director could prepare a report for submission to the Task Force on the Status of Women.

It was moved by Councillor Hudson and seconded by Councillor McCabe:

"THAT the Director of Social Assistance prepare a brief on the status of women with respect to Social Assistance to be presented to the Task Force on the Status of Women." Motion carried.

Next, Councillor Dunbar asked that changes be made for the fire wards of Bedford. It was moved by Councillor Dunbar and seconded by Deputy Warden Nicholson:

"THAT Fire Wards Everett Dorey and Ralph Hefler be deleted, and Jack Holdsworth, David Selig, Eric Sheppard and Lewis Turner be added." Motion carried.

It was moved by Councillor Johnson and seconded by Councillor Gaetz:

"THAT the following names be appointed fire Wards for District 8:
George Boutilier, Lake Echo, Halifax County, N.S.
Donald Fox, Lake Echo, Halifax County, N.S.
Stan Betts, Porters Lake, Halifax County, N.S.
Gordon Patterson, Lake Echo, Halifax County, N.S.
George Ross, East Preston, Halifax County, N.S.
Howard Ellis, Little Salmon River, Halifax County, N.S.
Wilfred Simmonds, North Preston, Halifax County, N.S." Motion carried.

Councillor Deveaux advised that some time ago, he asked that a survey be taken of the various departments in the Municipal Building to see if they were under-manned or over-manned. He stated that he would like to see some report brought back.

As there was no further business, it was moved by Deputy Warden Nicholson:

"THAT the September Session of Council be adjourned." Motion carried.

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

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OCTOBER COUNCIL SESSION
TUESDAY, OCTOBER 21, 1975

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MINUTES OF THE OCTOBER SESSION OF THE MUNICIPAL COUNCIL
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, October 21st., 1975, with Warden Ira S. Settle presiding.

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

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

"THAT Miss Doris Leonard be appointed
Recording Secretary for this Session
of Council." Motion carried.

The Warden announced that we had Mr. Murphy of Information Canada for the Federal Government in the gallery today and invited him to say a few words to the Councillors.

Mr. Murphy thanked the Warden for the opportunity of speaking to the Councillors. He emphasized that the main objective of Information Canada is to provide information re Federal Services to Councils., Firms, and businesses, etc. He stated that they had a lot of facts and ideas and that they worked through representatives of areas so that you can have the information and provide this to people in your areas. He stated that they intended to go out on the Bookmobiles and meet with people, also to leave information with Post Offices for people to obtain. If we are able to help, people will know that help is there - maybe we can help each other to participate. He stressed that any time he could be of service to anyone or any of the constituents he hoped they would feel free to call on him at any time - he would be at their service. He left two telephone numbers where he could be reached - (Home) 424/9038 and (Office) 426/6100.

Warden Settle thanked Mr. Murphy for his remarks and assured him that we would take further advantage of his services.

The first item on the Agenda was the Correspondence. Mr. Bensted read a letter from Mrs. Lillian Moser thanking the Councillors for their kindness and services at the funeral of her late husband, Granville Moser. He also read a letter from Mrs. Mary Wade of Kentville expressing thanks for the sympathy extended at the passing of her husband.

Mr. Bensted announced that two letters had been received addressed to the Warden and Members of Council with regard to the re-zoning application No. 28-75. He stated that where these two letters expressed an opinion with regard to the application he felt that they should not be read to Council as Council is not conducting a Public Hearing, he continued, and recommended that these letters not be read this morning.

Councillor Anderson asked if Council would have no communication on these letters at all and was advised by Mr. Bensted that this was so.

Council agreed that these letters not be read.

Councillor Anderson stated that there was a resolution with regard to the rezoning at Bedford made by him left out of the September Minutes. He also stated that he was the prime mover complimenting the elevation of one of our Staff Members, and this, too, was omitted from the September Minutes.

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

"THAT the Minutes of September 16th., 1975
Council Session be approved as amended."
Motion carried.

Council then dealt with the following Resolution which had been deferred from the September Council Session:

"BE IT RESOLVED THAT the Zoning By-law be and the
same is hereby amended by rezoning lands at Bedford
from R-1 (Residential Single Family Dwelling
Zone) to C-1 (Commercial Local Business Zone).
Application No. 28-75.

TUESDAY- OCTOBER 21st., 1975

MINUTES - Continued)

Councillor Dunbar stated he wished to raise one point before any discussion took place with regard to this motion. He stated that at the time this matter was being discussed by the Planning Advisory Committee, no opinion was asked of our Development Officer in any way as far as this approach to planning was concerned; no member of the Committee asked the question of the Development Officer with relation to this problem - so he wondered whether or not Council could hear what the Development Officer had to say with regard to this particular application.

Mr. Cox, Municipal Solicitor, advised that it was actually up to Council whether they heard from the Development Officer, that the Development Officer expressing an opinion was very much in line with the opinion expressed with regard to the correspondence which the Council had just dealt with. He stated that Council should not hear additional evidence.

Councillor Killam asked the Solicitor if he were suggesting that he could not ask a direct question and Mr. Cox explained that Council cannot deal with submissions when there is no one to express an opinion for the other side. He said that Council could debate the issue.

Councillor Dunbar stated that the same thing is accomplished and he would accept the ruling as long as any Councillor could ask questions of the Development Officer.

The Municipal Clerk reminded the Councillors that there was a Resolution on the floor that should be dealt with and read the Resolution to council.

Deputy Warden Nicholson said that the Planning Advisory Committee had been requested to visit the site.

Councillor Killam asked why the full Council had not been invited to view the area so that they would have a clear idea of the situation. He stated that on making two visits, on his own, he felt that those lots should remain R-1. He felt they were beautiful R-1 properties. If the properties were re-zoned to commercial - anything goes in under commercial, and he felt that certainly those properties should not be re-zoned.

Councillor Streach stated that he did not often disagree with Councillor Killam, but that he had visited the site to have a first-hand look. He felt that the properties that would remain as R-1 did not seem to have much conflict with those properties that would be re-zoned. He stated he had to disagree with Councillor Killam on that basis. He stated that those people, with the new highway going through, cannot sell their properties as individuals.

Councillor Fader stated that he drives by there every day and also visits some people in the area and on talking with some of them confirmed what he stated, that they did want to make a road out of Oakmount to make better access, also that the Department of Highways had indicated that they would entertain this kind of development. He stated he also found out that there is an option on all of this property and apparently this option is more or less taken out with the result of today's hearing. He stated that it was his understanding that this development did not include taverns. He said he did not seem to find anyone in the area against this type of zoning and he said he had to agree with Councillor Streach that this type of zoning would blend in with the type of development. He said his views were that he would go along with the rezoning.

Councillor Dunbar said he felt that the veracity of some of his statements had been challenged, also that his integrity had been questioned in that there was no opposition to a request for this zoning change. He stated that the people submitted a petition to the Planning Advisory Committee. He stated he was not quite satisfied that the people in the area were not in objection to this so he made inquiries and had an individual volunteer to take a petition around which he stated he had with him at this Council Session and which contains twenty-four (24) names - twice the number of those in favour of the zoning. He felt this should answer the question as to how the people feel in close proximity to the area. Traffic at times in that area is completely bogged down.

Councillor Dunbar stated that on Monday certain members went out on an "on-site" inspection and speaking with some of the individuals involved brought forth various comments - some were "not going to worry about it" - one individual stated he "did not care whether the zone change went through or not". He said a letter had been received from the Bedford Service Commission. He asked how much more proof did he have to bring in that this application is undesirable - also undesired by the Community of Bedford. He asked how much more he could possibly say in opposition to this. He said, personally, he felt that this was bad planning and said he would like to ask Mr. Gough's opinion, as a Planner, on this particular change.

OCTOBER COUNCIL SESSION - 1975

TUESDAY - OCTOBER 21st., 1975

MINUTES - (Continued)

Mr. Gough, the Development Officer, stated he was not in favour of the rezoning, stating that it was contrary to the Regional Development Plan. He stated that since there was no Municipal Development Plan, then we must adhere to the Regional Development Plan. He also stated that commercial business would generate more traffic and he felt there was sufficient commercial planning in the Bedford area now.

Mr. Cox, Municipal Solicitor, said there was a question in his mind as to whether or not this type of commercial zoning is permitted in Urban Residential mix.

Mr. Gough, Development Officer, stated that it was not defined in the Regional Development Plan.

Deputy Warden Nicholson stated that they were doing spot rezoning every day in the Sackville Area. He also stated that he would not buy the properties in the area in question for half their value as conditions now stand.

Mr. Cox stated that he did not think there should be spot rezoning under the Regional Development Plan as designed.

Councillor Anderson commented that a number of Councillors, exclusive of the Committee, have visited the site and he felt that this was now a decision of Council as a whole. He said this was a situation of spot rezoning which he did not agree with. He felt that putting a commercial venture in this area was poor zoning. It was one thing, he said, to look at a map of the area and a different matter to go and see it on the ground in detail. He commented that at this moment there is a survey line in from the present highway which will cut off Cushing Hill and there would be no access from Cushing Hill except for one person who is at the other end. He stated he would not choose to live in that area. He stated that on his knowledge of assessment of properties he would not expect any business man to acquire that property to put in a business venture. He felt that this was the wrong application for zoning and stated that if this goes through, then spot rezoning should come before Council, then a Planning Advisory Committee was not needed.

Councillor Gaetz said he did not see why we should deny these people the right to sell their properties. He felt we were telling the people that they have to put up with this situation. He asked if we were going to have to sit back for months for the Municipal Development Plan to be developed. He said he apologized to Councillor Dunbar, but felt that this was a nasty situation and would have to go along with the re-zoning.

Councillor Streach felt that that stretch of highway was one of the worst in Nova Scotia. He said he agreed with Deputy Warden Nicholson that if he were going to offer for the homes there he would not offer more than half the value. He said he could not go against the wishes of the people for wanting rezoning.

Councillor Dunbar asked when you get twice as many people objecting as people in favour, where is the rationale. He asked how much evidence the Council needed to prove that this was bad planning.

Councillor Williams said he had not visited the site - that he had enough problems in his own District. He thought a motion should be made that Council, as a whole, visit the site - then we would understand what is going on and what is involved, and Councillors could come away with more logic than we have today. It was moved by Councillor Williams, seconded by Councillor Anderson:

"THAT Council defer the decision with regard to the Rezoning of Application No. 28-75 until the November Session of Council to allow the Council, as a whole, to visit the site." (Motion defeated).

Councillor Slauenwhite commented that if the Councillors did not do their "home work" he could not see why the matter should be deferred again.

Councillor Fader commented that there are five properties concerned - four are occupied, one vacant. the four all have young families and all have indicated that they wish to re-locate and attempts

to sell have been un-successful. He stated they had more or less agreed to sell their properties as one group. He stated all they were asking is to re-locate their families in a much better area in Bedford to get away from traffic. They want to stay in Bedford and asked why we should put four families through this type of agony. He felt they deserved to be re-located as they want to stay in the Bedford area.

Councillor Dunbar asked if it was good planning to have the private interests of four individuals for personal gain as compared to what constitutes good planning in the long run.

Councillor Dunbar asked what the proposed rezoning was according to the Regional Development Plan and was advised by Mr. Gough, Development Officer, that it was Urban Residential Mix which would include commercial ventures, such as banks, etc.

Councillor Hudson said she had mixed feeling about the situation. She stated no way would she buy a house there for any amount of money, but on the other hand, commercial development is going to run into traffic problems. She commented that no one would want to put, say a restaurant, on any of the sites as it would be almost impossible to get out on the four-lane highway. She stated that the traffic problem is going to exist and did not think we could wait until the Municipal Development Plan comes in unless we agree that there will be no re-zoning interfering with the Regional Development Plan. She said she felt she must make a decision in favour of the people.

A standing vote was taken on the Motion by Councillor Williams with the result four (4) for; twelve (12) against. Warden Settle declared the motion defeated.

Mr. Bensted read again the original Resolution with regard to Application No. 28-75. A standing vote was taken with the result ten (10) for; six (6) against. Warden Settle declared the motion carried.

The next item on the Agenda was the Report of the Warden. It was moved by Councillor MacKenzie, seconded by Councillor Smith:

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

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

"THAT WHEREAS a By-election is to be held in Municipal District No. 3 on the 28th of October, 1975;

AND WHEREAS it is desirous to establish an Advance Poll in the said District;

BE IT RESOLVED THAT the Clerk be and he is hereby directed to establish an Advance Poll in the said Municipal District No. 3 for the said By-election." Motion carried.

Councillor Hudson spoke at some length with regard to the manner in which nominations were made for the Executive of the Union of Nova Scotia Municipalities, and it was therefore moved by Councillor Hudson, seconded by Councillor Killam:

"THAT this Council go on record of recommending a change in the Constitution of the Union of Nova Scotia Municipalities whereby a Nominating Committee be appointed at the Annual Meeting to act for the following year with a call for nominations in writing being made at least three months prior to the Annual Meeting, with such nominations to be submitted at least one month prior to the Annual Meeting and also for a Report of the Nominating Committee be so circulated." Motion carried.

The Report of the Director of Planning and Development was then considered. It was moved by Deputy Warden Nicholson, seconded by Councillor Gaetz:

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

The Report of the Planning Advisory Committee was then considered. It was moved by Councillor Gaetz, seconded by Councillor MacKenzie:

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

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

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by re-zoning lands of Earle D. Ernst, Westphal, from G (General Building Zone) and R-2 (Residential Two Family Dwelling Zone) to G (General Building Zone). Application No. 33-75." Motion carried.

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

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by re-zoning lands of Raymond J. Myers, Eastern Passage, from R-4 (Residential General Zone) to T (Mobile Home Park Zone). Application No. 32-75." Motion carried.

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

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by re-zoning lands of Rocca Cinemas Limited, Sackville, from R-1 (Residential Single Family Dwelling Zone) and G (General Building Zone) to C-2 (Commercial General Building Zone). Application No. 21-75." (See motion to defer).

Councillor Killam stated that he was concerned about this particular zoning in this area. He said he had been out there, and had seen some of the people in the area. He stated that about one thousand feet away from this proposed out-door cinema is about forty (40) homes. He said he was wondering where there is so much residential area why we would consider zoning commercial in a residential area. He asked that Council take into consideration that within a mile and a half radius there were four (4) theatres. He said he understood that business at the Sackville Drive-in Theatre was going down because of the theatres in the Mall. He felt that if this were approved as commercial and something happened, changes were made and something else were to go there, we could not do anything about it. He also felt that this land was ideal for homes and schools and the School Capital Program Committee is finding it more and more difficult to find ideal sites for schools.

Councillor Slauenwhite said he wondered whether we should be considering any zoning. He stated that he very rarely missed any advertising but missed this one re the re-zoning of this particular area. He also commented that he did not receive an invitation to attend the Public Hearing by the Planning Advisory Committee. He said he was greatly concerned about it as he has had problems for years with the Sackville Drive-in Theatre at Sackville. He stated that he would not want to see anyone go through what the people in the area of the Sackville Drive-in Theatre had gone through. He also felt that this particular area would make a real problem for installation of water and sewer. He said he hesitated to say that this was good planning for a Drive-in Theatre if this is their intention.

Councillor Anderson asked that Mr. Gough, Director of Planning and Development, bring in the plan. Mr. Gough brought in the plan and explained it in detail to Council.

Mr. Bensted said that a petition had been received from a number of the occupants around the present Sackville Drive-in Theatre. He stated there appears to be very little the Municipality can do about the problem they have with regard to nuisance - blowing of car horns, etc.

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

"THAT the motion to amend the Zoning By-law re Rocca Cinemas Ltd. (Application No. 21-75) be deferred to the November Session of Council with a Staff report being prepared." Motion carried.

Councillor Killam said he was a little disturbed with the situation and would rather like to see a decision made immediately.

Councillor Hudson said she got the impression from Mr. Gough that it would not be possible to put a road through residential area.

Mr. Cox advised that one cannot take residential land and build access for commercial use.

Councillor Hudson commented that this brings up the point of contract rezoning and asked if there was not some way contract zoning could be dealt with.

Mr. Bensted advised that this would be an item that would have to be part of the Municipal Development Plan.

A standing vote was taken on Deputy Warden Nicholson's motion to defer with the result fourteen (14) for and two (2) against. Motion carried.

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

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

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

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

"THAT Council give Notice of Intention in the usual manner to approve under the 1966 Legislation, Lot "D" of the Guy S. Hall Subdivision, Sheet Harbour, by holding a Public Hearing on Tuesday, November 18th., 1975 at 10:00 a.m." Motion carried.

The Report of the Municipal School Board was the next item on the Agenda. It was moved by Councillor McCabe, seconded by Councillor Hudson:

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

With regard to the water services connections for the William Ross School at Westphal and the Wellington School at Eastern Passage Councillor McCabe asked if it were possible to make a motion today that these two schools be serviced.

Mr. Bensted advised that he would suggest that we establish the cost figure first, that this could be referred to the Public Works Department and the Finance and Executive Committee to make a recommendation for the amount involved.

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

"THAT the portion of the Municipal School Board Report dealing with water services connections be referred to the Public Works Committee and the Finance and Executive Committee for recommendation to the Municipal Council." Motion carried.

Some discussion ensued with regard to the Professional Staff in our schools and it was requested by Councillor Deveaux that Council receive a report from the Municipal School Board with regard to the number of Professional Staff in the various Schools. Councillor McCabe agreed that he would endeavour to have this information made available.

Some discussion took place with regard to the use of busses for extra-curricular purposes. Councillor Deveaux stated they were only allowed so many runs (11) and as the busses were being paid for by the ratepayers he felt they should be allowed more use of the busses even if it meant they had to be replaced more often. It was moved by Councillor Deveaux, seconded by Councillor MacKenzie:

"THAT the Municipal School Board be requested to reconsider the use of school busses for other school activity uses with a report to the Council as to actual restrictions with respect to such uses." Motion carried.

Councillor Johnson commented with regard to the extra use of the school busses that overtime for the bus drivers, also gas consumption would have to be taken into consideration.

Councillor Hudson stated that they were under certain regulations of the Board of Commissioners of Public Utilities - that they were not allowed to run the busse to interfere with public transport system.

Councillor Killam remarked that if a group of children wished to visit, for example, a museum, and the trip originated at the school he could not see where this would conflict with public transport system and wondered how far the Districts could go in this regard.

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

"THAT Council adjourn for lunch" (Motion defeated)

A vote was taken on this motion with the result four (4) for, eleven (11) against. Warden Settle declared the motion defeated and the business of Council resumed.

The next item was the Report of the School Capital Program Committee. It was moved by Councillor Slauenwhite seconded by Councillor Fader:

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

Councillor Fader commented on Item (b) - the New Junior High School at Lower Sackville and stated he wanted to extend his thanks to the Chairman and Members of the School Capital Program Committee on the completion and take-over of this school. He commented that it was a beautiful school and expressed the wish that the Councillors would drop in and see it. He also commented that the day it was opened it was over-crowded and they had to take the audio-visual room and the library for extra classrooms.

Mr. Bensted, replying to Councillor Gaetz re a school site at East Preston-Lake Echo, stated that the Committee is now very hopeful that they have a site that can be approved by all the various Departments.

Report of the Finance and Executive Committee was then dealt with by Council. It was moved by Deputy Warden Nicholson, seconded by Councillor Streach:

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

Councillor Williams commented on the Wage and Price Restrictions and stated that he was firmly convinced that something had to be done as far as this Council was concerned. He also felt very strongly that some of our employees were underpaid. He said he was in sympathy with the school teachers, although he knew that they dealt directly with the Provincial Government - and he drew a comparison with the teachers and the janitors. He wondered, in view of such facts, just how far our Finance and Executive Committee was willing to recommend the wage restrictions.

Councillor Killam commented that Premier Regan had agreed that the case of the teachers was a "different ball game".

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

"THAT WHEREAS the Federal Government has announced a policy of Wage and Price Restrictions;

AND WHEREAS it appears that the Provincial Government will co-operate with the Federal Government in such a program;

BE IT RESOLVED THAT the Municipality of the County of Halifax hereby indicates its willingness to co-operate with the Provincial and Federal Governments with respect to Wage and Price Restrictions in an effort to bring under control the increasing pressures caused by inflation." Motion carried.

Mr. Bensted then introduced the memorandum that had been circulated to all Council Members with regard to the proposed change of boundary lines between the City of Dartmouth and the Municipality of the County of Halifax.

Councillor Hudson asked how this would effect school planning.

Mr. Bensted advised that the school planning was only in the planning stage, that an elementary school was being planned which would be on the edge of the boundary, and this would be the responsibility of the City of Dartmouth.

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

"THAT this Council go on record of having no objection to the proposed boundary change between the City of Dartmouth Resolution No. 52 with regard to the Nova Scotia Housing Commission Lands re Forest Hills." Motion carried.

Some discussion took place with regard to the amount of representation on the Environment Control Committee. It was moved by Councillor Killam seconded by Deputy Warden Nicholson:

"THAT a letter go to the Minister of Environment requesting that the Municipality of the County of Halifax be allowed to submit two nominations with regard to Members of the Environment Council and requesting a reply for the November Session of the Municipal Council to be held November 18th., 1975." Motion carried.

Councillor Slauenwhite extended an invitation to all Councillors to attend the Official Opening of the Volunteer Fire Department Training Facilities on Saturday, October 25th., 1975 at 7:00 p.m.

Councillor Williams commented on the news item in Monday's paper with regard to the 95% fuel charge, which he charged as being outrageous. He commented that he represented a District where power was generated by water. He stated that according to those figures his energy costs would be doubled. He said he felt every Councillor here should be very concerned, and stated that the Premier of the Province who is also Chairman of the Power Corporation should be written a very strong letter of objection. He said he would like to have the real story on the oil situation - that we are entitled to know if the Government is "doing right" by the people. He said a question he would like answered is "Is the Governemnt doing this legally?"

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

"THAT a letter go forward to the Chairman of the Nova Scotia Power Corporation expressing the objection of the Municipal Council of the Municipality of the County of Halifax to the increase in surcharge re oil costs." Motion carried.

Councillor Fader commented that it was a desperate thing not to see anything done about an Unsightly Premises Officer. He also asked that Mr. Cox, Municipal Solicitor, review the Municipal By-laws regarding taxis and dogs. He felt the time had come when we had to review the Dog By-law. He stated that Districts 15/16 had a man but that he could not do the job because he was hampered by the By-laws. He also said they were gradually being over-run by taxis and could not see why people should have to travel in some of these taxis in the condition they were in.

Councillor Deveaux stated that he had the same problem in his District.

Mr. Cox advised the Council that the Municipality cannot enforce the By-laws unless it gets the support of the citizens. Citizens will not appear and give evidence. He stated that we still had a system of justice and people have to be proven guilty. He stated there were only two ways to get convictions - have complainants appear, or supply a Police Force and have them go out and get evidence. He stated that we are only kidding ourselves that we can get legislation through the Government if we cannot produce evidence. He said that either the citizens of the County would have to come forward or the Municipality would have to hire a Police Force to enforce the By-laws.

Councillor Smith asked if it were necessary to have a permanent force or would our own special constable be sufficient.

Mr. Cox advised that there is not sufficient staff in the County to undertake the job of inquiry and producing the job for prosecution. He stated we have to rely on the citizens and in many cases they are not willing to give evidence.

Councillor Fader remarked that under certain circumstances a constable could shoot a dog but the R.C.M.P. advise that they are not allowed to carry a gun. This was why he felt the By-laws should be updated. He said also that the Constable was asking for a tranquilizer gun, but so far he has not been able to get this permission. He felt that the By-laws should be adjusted to today's living.

Mr. Cox advised that tranquilizer guns were a question of Provincial-Federal Legislation. This is an Enforcement Act. He stated that the only way to get around carrying a gun was to have a Police Force. This is an enforcement operation.

Mr. Bensted commented that Council would have to realize what responsibility they would be giving if they permitted people to carry firearms.

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

"THAT the Finance and Executive Committee review the Dog By-law and the Taxi By-law with the Municipal Clerk and the Solicitor." Motion carried.

Councillor Streach commented on the reporting by the news media of the affairs of the Municipal Council. He stated that meetings are well reported in the Halifax Mail-Star but that nothing ever appears in the Chronicle-Herald which is the paper most people in the rural areas receive, and he wondered if it might not be brought to the attention of the Management Staff of the Herald to give some coverage in the morning paper. It was moved by Councillor Streach, seconded by Councillor Fader:

"THAT a letter to the Management of the Halifax Herald Limited go forward requesting serious consideration of proper news coverage of the Municipality of the County of Halifax by the Provincial Morning Paper as well as the Local Evening Paper." Motion carried.

Councillor McCabe brought up about the unsightly problem that he had had for about five years. He stated that the whole front of the store is now out. He said the owner had received several letters from the man that we had had employed all summer but the owner had chosen to ignore them.

Councillor McCabe was advised that the Planning Advisory Committee was issuing an Order on this man to have the building demolished.

Mr. Bensted advised Councillor McCabe that if this Order is ignored, then the other alternative is to take the owner to Court.

Councillor Anderson made the following motion:

"THAT as of a final week in November prior to the next Council Session the present, existing Planning Advisory Committee be abolished; that it is futile and a waste of time; and that Council, as a whole, should look after these spot re-zonings or any other matters that come before them, as does the City of Halifax." Motion withdrawn.

Mr. Bensted advised that Council, by resolution, had given this matter to the Planning Advisory Committee and he did not think that we could do away with the Committee.

It was then moved by Councillor Anderson, seconded by Councillor Dunbar:

"THAT Notice of Motion be given at the November Session of Council to have Council deal with Public Hearings re re-zoning applications in the future instead of the Planning Advisory Committee." Motion carried.

Councillor Dunbar commented that as a Member of the Planning Advisory Committee for the past five years he felt that the function of this Committee was a waste of money.

Councillor Killam made the suggestion that Councillors submit, in writing, the Committee (or Committees) in which they have interest in or would be interested in serving on, and forward this to the Nominating Committee that would be set up at the November Session of Council.

Councillor MacKenzie commented that this could create a problem for the Nominating Committee.

Councillor Streach commented that he thought Councillor Killam's suggestion was a very sound one. He stated that when he came in to Council his time was very filled up so he requested, at that time, that he not be put on too many Committees. Now, due to circumstances beyond his control, he had more time to devote to Council matters.

Councillor Hudson also felt that Councillor Killam's suggestion was an excellent one, and had merit. She felt that every member of Council should have knowledge of all the Committees.

There being no further business, it was moved by Councillor Gaetz, seconded by Deputy Warden Nicholson:

"THAT Council adjourn."
Motion carried.

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MINUTES OF THE NOVEMBER SESSION OF THE MUNICIPAL COUNCIL
OF THE THIRD 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, November 18th., 1975 with Warden Ira S. Settle presiding.

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

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

"THAT Miss Doris Leonard be appointed Recording Secretary for this Session of Council." Motion carried.

Warden Settle welcomed Councillor-Elect Elizabeth A. Lawrence to Council and wished her every success in her endeavours.

Mr. Bensted, Municipal Clerk, reported the results of the By-Election in District No. 3 and administered the oath and swearing-in of Councillor Lawrence.

It was agreed by Council to proceed first with Item No. 12 - the Public Hearing re an undersized lot of Guy S. Hall - Application No. F920-75-Sheet Harbour - Lot "D" under the 1966 Legislation for undersized lots.

Mr. Bensted advised that this application had been duly advertised and no written objections had been received with regard to this application.

Warden Settle asked three times if there was any person present who wished to speak for or against this application. There being no response, it was moved by Councillor Anderson, seconded by Councillor MacKenzie:

"BE IT RESOLVED THAT Lot "D" of the Guy S. Hall (K.Publicover) property at Sheet Harbour be and the same is hereby approved under the 1966 Legislation for undersized lots. Application No. F 920-75." Motion carried.

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

"THAT the Minutes of the October Council Session held on October 21st., 1975, be approved." Motion carried.

Council then proceeded to deal with the election of the Deputy Warden, and Warden Settle called for nominations.

Councillor Ralph McCabe was nominated by Councillor Hudson. This nomination was seconded by Councillor Dunbar.

Councillor Kenneth Streach was nominated by Councillor Williams. This nomination was seconded by Councillor Smith.

Councillor Glen Slauenwhite was nominated by Councillor Nicholson. This nomination was seconded by Councillor Anderson.

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

"THAT nominations cease." Motion carried.

The Municipal Solicitor explained that when there are more than two nominations for the position, that there must be a clear majority on the first ballot, if not the low candidate would drop off and a second ballot taken.

Balloting took place - and the Municipal Clerk counted the ballots with the scrutineers, with the following result: Councillor Streach ten (10) votes, Councillor Slauenwhite four (4) votes, and Councillor McCabe three (3) votes.

The Municipal Clerk declared Councillor Kenneth Streach duly elected as Deputy Warden. Councillor Streach thanked the Councillors for having faith in him and said he would do everything he possibly could to live up to their expectations.

The Municipal Clerk advised that the next item of business was the appointment of the Nomination Committee to make up the Committees and Boards for the ensuing year.

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

"THAT the Nominating Committee be appointed from the floor."
Motion defeated.

It was moved by Councillor Slauenwhite seconded by Councillor MacKenzie:

"THAT the Nominating Committee be appointed by the Warden."
Motion carried.

A standing vote was taken on this latter motion with the result - twelve (12) for, five (5) against. The Warden declared the motion carried.

Councillor Hudson brought up the fact that Members of Council rise and speak at random without first being recognized by the Chair.

The Municipal Solicitor, Mr. Cox, stated that Councillor Hudson was perfectly correct - that the right to speak follows by recognition from the Chair.

Councillor Anderson commented that last month it was suggested by Councillor Killam that Councillors submit suggestions as to their wishes for committee appointments, and he was desirous of knowing how many Councillors had complied with this suggestion, and also if these lists would be destroyed after the meeting.

Warden Settle advised that every effort would be made to see that this information stayed with the Committee.

It was agreed that the Warden would name the Nominating Committee and that they would meet at a later time during the Session.

Mr. Bensted outlined the correspondence that had been received.

Councillor Hudson asked if it were possible to receive a list of the Environment Members and the District that they represented. She was advised by Councillor Dunbar that he would supply her with this information.

The Municipal Clerk read a letter from Mr. George Cooper, Solicitor, with regard to Rocca Cinemas Limited, Application for rezoning - requesting a postponement of consideration of this rezoning until the December Session of Council.

Councillor Dunbar advised that there is a staff report on this particular application of which Mr. Cooper had no knowledge of or has not received a copy and he could not see where there was any urgency in this rezoning request. It was moved by Councillor Dunbar, seconded by Councillor MacKenzie:

"THAT the matter of the rezoning re Rocca Cinemas Ltd. -
Application No. 21-75 - be deferred to the December Session
of Council." Motion carried.

Deputy Warden Streach asked if it were permissible for the Rocca Group to appear before Council. He was advised by the Municipal Solicitor that anyone who wished to speak before Council could do so with the full consent of Council. He said that the practise has been not to hear anyone after the Public Hearing had been held.

Dealing with Councillor Anderson's Notice of Motion from the October Session, it was moved by Councillor Anderson, seconded by Councillor Dunbar:

"THAT the Municipal Council hear Public Hearings re Zoning
Applications in future and the previous motion delegating this
to the Planning Advisory Committee be rescinded." Motion carried.

(See notice to reconsider and second vote at the end of the minutes.)