

Balloting then took place with the following results: Councillor MacKenzie - nine (9) votes; Councillor Smith - four (4) votes; Councillor Cosman - five (5) votes; Councillor Fader - three (3) votes.

There being no clear majority, a second ballot was taken with the following results: Councillor MacKenzie - eight (8) votes; Councillor Smith - four (4) votes; Councillor Cosman - nine (9) votes.

There being no clear majority, a third ballot was taken with the following results: Councillor MacKenzie - eleven (11) votes; Councillor Cosman - ten (10) votes.

Councillor Arthur C. MacKenzie was duly elected to the position of Deputy Warden.

Councillor MacKenzie thanked the Councillors for their support and stated he felt very humble. He said he disliked running an election with his opposition such a good-looking person. He promised to co-operate with Warden Settle in any way he could and stood ready to serve and if there is anything he could do to assist, he will make himself available at all times, if the Warden has to be absent from the County due to his involvement as President of the Union of Nova Scotia Municipalities.

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

"THAT the Special Session of the November Council be adjourned."
Motion Carried.

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MINUTES OF THE NOVEMBER SESSION OF THE MUNICIPAL COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

The November Session of the Municipal Council, being the First Session of the Thirty-Ninth Council of the Municipality of the County of Halifax, convened at the Municipal Administration Building on Tuesday, November 16th., 1976.

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

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

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

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

"THAT the Minutes of the October 12th., 1976 Council Session be approved as circulated." Motion Carried.

The Municipal Clerk commented on the various letters and communications contained in the agenda, noting particularly a letter from Councillor Silvia F. Hudson resigning her position as a member of the Municipal School Board effective November 18th., 1976.

Councillor Deveaux asked if Mrs. Hudson's place was to be filled at this Session, and the Warden drew Council's attention to the fact that it was effective tomorrow.

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

"THAT the resignation of Mrs. Silvia F. Hudson as a member of the Municipal School Board be accepted with regret." Motion Carried.

Councillor Baker spoke on the resolution sent in from the Herring Cove Ratepayers Association with regard to vandalism, and speeding. He stated that after this letter was sent in the R.C.M.P. stationed a breathalyzer in front of a business which he operates and which is duly licensed, and this is something he does not like. He said that the R.C.M.P. check people on the roads periodically and he goes along with that. He commented that he had had three breaks last summer and he could go along with these checks but felt that the breathalyzer should be put where it is needed.

Councillor Lawrence asked if it would be in order to make a motion that the vacancy caused by the resignation of Mrs. Hudson that the appointment made by the Nominating Committee continue.

The Municipal Solicitor explained that the situation is that we would have to have two appointments - one from now until the Annual Session and one that takes place after the Annual Session, but that there was no reason why the same person could not be appointed to fill both time periods.

Councillor Fader commented that there were two letters of interest to him - one re transit and also the letter from the Herring Cove Ratepayers and he would like to ask the Solicitor what procedure would have to be gone through to set up two new Committees - a Police Committee and a Transit Committee.

Mr. Cox explained that as legislation now stands, the Municipality has little or no authority to deal with transit. He stated that if the Municipal Council wants to become interested in transit it would require special legislation. He said he would have to suggest that we have to have the legislative authority before we could take any action.

Councillor Fader asked what the procedure was to have such a Committee. He commented that Halifax and Dartmouth are carrying out studies and he thought it only proper that the Warden and Clerk and other people should be working on this. He felt that it was only fair that a Committee should be set up.

The Municipal Solicitor advised that if a Committee were to be set up it could probably carry out studies but would not have any authority. He added, if a Committee was desired he did not see why the Planning Advisory Committee, the Finance and Executive Committee or the Public Works Committee could not carry out these duties.

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

"THAT the Police Committee be re-instated and the Planning

Advisory Committee be requested to deal with Regional Transit."
Motion Carried.

The Clerk advised that under the By-laws the Council must decide how the Nominating Committee would be appointed.

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

"THAT Warden Settle be responsible for the appointment of the Nominating Committee." Motion Carried.

A standing vote was taken on this motion with the result sixteen (16) for; five (5) against. The motion was declared carried.

The Municipal Clerk asked how Council wished to consider the appointments to the Municipal School Board. He advised that while the Act does not state that they must be Councillors, they usually have been so that Council would have some control over the Budget. He advised that there was usually a representative from the east, one from the west, one from the Valley and one from the Bedford-Sackville area. He commented that Council may wish to discuss this and decide how they wished to spread out the representation.

Councillor Streach felt that it was important that we have some representation from the various sections.

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

"THAT the appointments to the Municipal School Board be made with a representative from Districts 1 to 5; a representative from Districts 6 to 9; a representative from Districts 10 to 13 and a representative from Districts 14 to 20." Motion Carried.

The Municipal Clerk advised that Council have dealt with nominations rather than the Nominating Committee and Councillor Gaetz advised that he would be glad to do it that way.

Councillor Lawrence felt that the Nominating Committee should look after the nominations, and as in previous years, Councillors could be requested to hand in a list of the Committees in which they were particularly interested. She felt that the Nominating Committee should be responsible to select the School Board Members.

The Municipal Clerk advised that the Nominating Committee will bring in four members and that Council will then select some person to fill in the balance of the term.

It was moved by Councillor Cosman, seconded by Councillor Topple:

"THAT Councillors be given an opportunity to submit to the Nominating Committee a list of preference of Committees and the Nominating Committee be allowed to interview Councillors." Motion Carried.

Councillor Streach commented that it was a really good idea that the Nominating Committee interview any person interested in specific Committees.

At this point, Warden Settle requested Deputy Warden MacKenzie to take the Chair while he prepared the make-up of the Nominating Committee.

The next item on the Agenda was the Report of the Director of Planning and Development.

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

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

The Report of the Planning Advisory Committee was then dealt with. The Municipal Clerk outlined the various items contained in this report.

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

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

Councillor Deveaux spoke on the application of Francis D. Horne of South East Passage. He stated that last year this man had decided to do some renovations and put up a good building to work in. The man wanted to do what was right and it had cost him over \$1,200. It was brought to his attention that the house and garage were on the same lot. He had had a surveyor subdivide and tried to put the garage on a separate lot but now the situation ends up that this lot is too small.

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

"THAT Item No. 2 of the Planning Advisory Committee Report (Francis D. Horne) be deleted from the Report and not dealt with at this Session." Motion Carried.

Councillor Cosman spoke on Item No. 4 (Part 3) - Redden Brothers Development. She commented that there was no sketch accompanying this and she did not know which of the Redden Brothers Development this referred to.

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

"THAT Item No. 4 (3) Redden Brothers Development be deleted from this report and referred back to the Planning Advisory Committee." Motion Carried.

Mr. Gough, Director of Planning and Development was present in the Council Chambers and advised that he could check with the Building Inspection Department on this item, that the application had come through them and he would go up immediately and check on it.

The Municipal Clerk read the Report of the Planning Advisory Committee with regard to the Municipal Development Plan.

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

"THAT the Report of the Planning Advisory Committee re the Municipal Development Plan be approved." Motion Carried.

Councillor Topple asked if this meant that the Councillors would have a look at what was being proposed.

The Municipal Clerk replied in the affirmative, that Council, as a whole, as soon as possible would have a look at what is being carried out and the recommendation that they are making. He advised that it has been suggested that we do this as a Planning Advisory Committee, and the whole Council in one step showing Concepts 1, 2, and 3 so that Council could decide what Concept should be followed.

After this has taken place Council would be in a position to hold seminars in different Districts so that the public will have some input. He stated that we are very anxious for the Consultants to talk with as many people as possible.

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

"THAT Council receive a Briefing from the Consultants with regard to the Municipal Development Plan before the end of the month if possible, at a time convenient to Councillors and the consultants." Motion Carried.

Councillor Smith asked what was the projected time schedule.

The Municipal Clerk advised that it had been hoped that we would complete the final stage of the plan by the end of December. He advised that the biggest reason for the delay was the lack of mapping in the immediate area. He advised that a common mapping of the two cities and the County has not existed. He advised that arrangements were made for mapping to be made available through Provincial Agencies - this was not available and time was lost. He stated that the Consultants are now in the process of receiving this mapping that is most necessary. He said it was rather difficult to pinpoint a date but we are looking hopefully to finishing the plan by the middle of 1977. He added that the Municipality will have control of the mapping being produced.

Mr. Hefler, Chief Building Inspector, entered the Council Chambers and explained that the reason there was no sketch attached to the application of Redden Brothers was that the application was for a building ten feet from the boundary, however, there were balconies on the second floor extending five feet from the building which were not shown on the plot plan and this is why the sketch was not included.

Councillor Cosman commented that she had had many calls from people feeling that the balconies would interfere with their properties.

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

"THAT the Report of the Planning Advisory Committee be approved as amended." Motion Carried.

Councillor Fader referred to a situation in Sackville where he had noticed that a person has

proceeded with a small development and had not received a building permit for this particular development. On looking over the situation the Councillor noted that there has been excavating done and forms put in. He believed it to be a commercial business, and he was concerned about what could be done to prevent this sort of thing in future. He commented that the County is criticised for poor planning but he did not think that we should be blamed. He felt if there is a prosecution it should be carried out, and he just wondered if the Chief Building Inspector wanted to could he prosecute this person for going ahead with this sort of development.

The Municipal Solicitor advised that the matter had not been referred to him but from the description of what the Councillor had given a prosecution could be carried out. If the man is carrying on without a permit, then this is a violation of the By-laws.

Councillor Fader thought that it might be a lesson to some people and eliminate people from going ahead without permits.

The Municipal Clerk advised that since Mr. Hefler has been Chief Building Inspector the follow-up and items deferred to the Solicitor has become much more rigorous. He advised that two more Building Inspectors have been added to the Staff and it is Mr. Hefler's intention to follow-up these Violations as quickly as possible. He commented that Council can appreciate that quite often with construction today, buildings can be put up almost over night, and we have been most successful with regard to prosecutions on this type of violation.

Councillor Fader said he agreed, but felt that we must let the Press know that we are not following up these prosecutions with false teeth but with real teeth.

Councillor Gaetz commented that he was very pleased to hear that we had two more Building Inspectors - that this was a very good idea.

Councillor Margeson commented that "prevention is much nicer than the cure", and that public relations coming from the County may be the solution - having people informed will cause them to make their plans well in advance - it can be most frustrating when you try and try to get something done and have to wait.

The Municipal Clerk advised that we are continually trying to give people this information.

Councillor Margeson commented that we have the Press here and any advertisement should be in bold print - people may not bother to read the fine print.

Councillor Topple said he agreed with Councillor Fader re violations of our By-laws - that people seem to have the idea that the way to get something done is to go ahead and do it. He said he was also concerned about our permits - that we grant permits for two-car garages and no one builds a two-car garage the size that was put up. He commented on a camp-site which was prosecuted but on the other hand we permit Asphalt Companies to operate without control.

Councillor Sutherland asked what the penalty was for building without a permit.

The Municipal Solicitor advised that the penalty was up to a maximum of \$500.00 but that it varied considerably depending on the Magistrate. He advised that in the past few months we had had more realistic fines imposed than we had years ago.

Councillor Lachance asked for a bit of background as to who was responsible for laying charges.

The Municipal Solicitor advised that inspection is made by the staff of Mr. Hefler's Office and he then consults with the Solicitor's staff and if evidence is available charges are laid. He advised that in most cases there is an attempt to rectify without going to Court, but if we have to go to Court a date is set up with the Magistrate, the case is heard and if the party pleads guilty then a fine is set.

Councillor McCabe spoke about an unsightly building without a permit. He stated that he has been trying for five years to get a building in his District demolished, and asked what the maximum penalty was for ignoring the law stating that a building must be demolished. He said he hated to see the beautiful Musquodoboit Valley marred by this disreputable building.

The Municipal Solicitor advised that if an Order is issued and not acted on, the building could be removed by the Municipality. He advised that the building in question was on so little land there would be very little chance of the Municipality recovering the cost of demolition.

Councillor Benjamin said he had learned that to obtain a building permit one must go through many many departments, and it was a rather cumbersome routine. He felt that surely along the line there must be some way we should be able to fuse these levels of Government that would co-operate so that we would not have to send five highly paid men to inspect a property. He felt that surely a trained person could do this, without sending out five different people, then if a development was seen to be going up without a permit it could be looked into

immediately.

Councillor Fader, referring to Councillor McCabe's problem, asked if it would be proper to have the Solicitor take legal action against the property and have it cleaned up.

The Municipal Clerk advised that this is only one of the phases the Municipality could be facing. If the Municipality demolishes the building the Municipality must be prepared to pay the cost. There would be no hope, he added, in this instance of the Municipality recovering the cost.

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

"THAT the Municipal Solicitor report to the Municipal Council with respect to the Unsightly Property Procedure and, in particular, a property at Middle Musquodoboit." Motion Carried.

Councillor Lachance asked how many violations the Solicitor had been aware of in the last year and how many prosecutions there had been. He felt we should be packing some punch into our By-laws and asked if a person could be put into jail for a legal debt.

The Municipal Solicitor advised that this had been abolished by the Provincial Government.

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

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by rezoning Lots 4 to 8 inclusive, 17 to 19 inclusive, 28 to 37 inclusive, 43 to 45 inclusive and 51 to 56 inclusive of Little River Development, Old Beaverbank Road, Sackville, from R-1 (Residential Single Family Dwelling Zone) to TH (Town House Zone). Application No. 26-76." Motion Carried.

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

"BE IT RESOLVED THAT a Public Hearing be held by Council at ten o'clock in the morning on Tuesday, the 21st of December 1976, on the application by Hector O. Morash to approve Lot "B", West Dover as an undersized lot under the 1966 Legislation and THAT the Clerk be and he is hereby instructed to advertise the said Hearing in the usual manner." Motion Carried.

At this point, Warden Settle resumed the Chair.

It was agreed at this time to deal with the Supplementary Report of the Chief Building Inspector.

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

"THAT the Supplementary Report of the Chief Building Inspector be approved." Motion Carried.

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

"THAT the Report of the Warden re the Nominating Committee be approved." Motion Carried.

Councillor Gaetz requested that the Nominating Committee give consideration to Councillor Lachance with regard to the Municipal School Board and the School Capital Program Committee as he was most interested in these.

Councillor Streach commented that since this will be a lengthy procedure for the Nominating Committee he suggested that they meet immediately and have lunch brought in so they could interview people at the same time.

Councillor Lawrence suggested that the list of priorities be submitted immediately.

Councillor Gaetz said he did not approve of Councillors asking to be put on certain Committees. He commented that there are always a number of requests and they usually pick the best Committees and felt that the Nominating Committee should make up the Committees themselves.

Warden Settle commented that the purpose of the lists was to show the particular interest of the various Councillors.

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

"THAT Council adjourn until 2:00 o'clock." Motion Carried.

AFTERNOON SESSION

Council resumed at 2:00 o'clock with Warden Ira S. Settle presiding.

The Municipal Clerk called the Roll.

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

The Municipal Clerk gave a brief outline of the items contained in this Report.

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

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

Councillor Baker asked for information regarding the Harrietsfield School and was advised by the Municipal Clerk that this would be brought forth when dealing with the School Capital Program Committee.

Councillor Cosman commented on the money re construction and landscaping of outdoor play areas and advised that the Bedford School Trustees had met with the Municipal School Board and requested that they receive some cost sharing. She advised that they had raised the amount of \$35,000.00 on their own towards the project and would appreciate receiving somewhere in the vicinity of \$12,000.00 to implement the amount they had raised.

The Municipal Clerk advised that it was difficult to say what the Department may or may not do. He advised that Council had indicated that a program covering some forty school projects had been forwarded to the Department for cost sharing but to date we had had no official indication from the Department as to whether they will or will not share in these projects. He further advised that under Bill 22 the Finance and Executive Committee are recommending that Council recommend to the Department of Education that they approve cost sharing under this Section. He commented that the County has not had any indication what funds will be available for 1976.

Councillor Cosman said she understood that there were funds that had not been used and asked how she would proceed to have a letter written in this regard. The Municipal Clerk advised that a Resolution could be made when the Finance and Executive Report was dealt with.

Councillor Lachance asked how he would know what funds were available for sports equipment. He was advised by the Municipal Clerk that there were no funds available for this equipment and that this would have to go to the Municipal School Board. He commented that whether the Municipal School Board would want to add that type of equipment in the report that they will submit to Council or not he could not say. He further commented that funds could be voted by the District.

Warden Settle advised that many Districts do this to get equipment over and above what they are allotted.

The Municipal Clerk advised Councillor Lachance that the Department of Education set a ceiling as to the actual amount of dollars they will cost share. The Province only shares in the shareable portion of the budget.

Warden Settle advised that the Minister of Municipal Affairs had agreed to have a realistic look at the funds available.

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

"THAT WHEREAS the Municipal School Board has requested that provision be made for certain capital expenditures as set forth in their report to the November Session of Council;

BE IT RESOLVED THAT these requests be referred to the Finance and Executive Committee and the School Capital Program Committee for study and report back to Council." Motion Carried.

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

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

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

Councillor Baker requested some information on the Harrietsfield School.

The Municipal Clerk advised that this was an item that was approved some years ago and was caught up in the Provincial Moratorium and was only released during the early summer of this year. This meant that Council had not been able to deal with it, but it is being dealt with now. He advised that additional land was required and the Architect is preparing a sketch plan which will be coming in shortly. He added that construction would probably be started some time in the Spring.

Councillor Baker spoke about Herring Cove students going to other schools and said he had attended a ratepayers meeting and they were opposed to the children going to Sir John A. MacDonald School. The Municipal Clerk advised that the Municipal School Board are still looking at this problem.

Councillor Lachance said, with regard to the School Capital Program 1974 - East Preston-Lake Echo - he wanted to give notice that there is a lot of dissension as to the location of this school, and wanted to know what mechanism there is to sort out the kind of problems they would be facing where two opposing groups did not want the school. He felt it was really a waste of time to get involved in building a school that would create a problem in the area.

The Municipal Clerk advised that it was his understanding that the location was acceptable to both groups. He said the acquisition of the land had been a long drawn out problem and the Committee had had difficulties in negotiating with land owners, however, he felt they were getting closer to a finalization.

Councillor Lachance advised that there is no agreement on the location, and asked what could be done to stall this matter until we get some report back from the area ratepayers associations as to where this school should go.

The Municipal Clerk advised that this is the responsibility of the School Capital Program Committee - that they had had no indication in recent months that there was any disagreement or concern with the location that the Committee had selected. He advised that the Committee had met with both groups and there had been considerable discussion.

Councillor Lachance advised that having just gone through an election he could assure Council that there is dissension on the location of the site.

The Municipal Clerk commented that the school has to serve the students from both areas and the Committee, in determining the site, did so with the transportation of pupils from both areas in mind. He advised Councillor Lachance that if he wished to speak with the School Capital Program Committee, when that Committee is elected, he may do so. He added that the people were more concerned with the location of the Junior High School than the Elementary School.

Councillor Margeson asked what the plans were for the Beaverbank - Kinsac Consolidated School.

The Municipal Clerk advised that the situation is that this is an item recommended by the Municipal School Board, approved in principle by the Council and submitted to the Department of Education about a year and a half ago. The project has not been released from the moratorium. He advised that the six items listed were previously submitted to the Department of Education. He advised that early this year a meeting had been held with the Minister of Education and our concern was expressed as to the rate at which these items were being released for the County.

Councillor MacKay spoke about the 1976 Program - the Lower Sackville Elementary School asking if this was the elementary school proposed for Smokey Drive. He commented that there was quite a bit of confusion by the people in that area.

The Municipal Clerk advised that there had been another site for the elementary school at First Lake on lands of the Nova Scotia Housing Commission but this has been eliminated. He advised that we are in the position that we have one site to look at and that is Smokey Drive. He stated that the School Board needs the rooms - they are very over-crowded, and this would take care of the over-loading at the present time.

Councillor MacKay asked for information with regard to land for schools.

The Municipal Clerk advised that the Nova Scotia Housing Commission has shown on their plans the proposed area for a school. He advised that the Province has now set a maximum price for the acquisition of school sites. The Government subsidizes the Nova Scotia Housing Commission, and we cannot say to them that we want this or want that.

Councillor MacKay asked if the Nova Scotia Housing Commission had complete jurisdiction in that area. The Municipal Clerk replied no, but they do have the right to make available, lands that they think are suitable.

Councillor MacKay commented then that in effect the Nova Scotia Housing Commission can make the decisions as to what is going where. It would seem that the situation is that our hands are tied, and asked if there were any legal aspects.

The Municipal Clerk advised that there was no legal commitment by the Nova Scotia Housing Commission. If the individuals feel they have been wronged then the individuals can take action against the Nova Scotia Housing Commission.

The Municipal Solicitor advised that there are a couple of things we should keep in mind. The Nova Scotia Housing Commission is an agency of the Provincial Government. They are exempt from County By-laws. It is a matter of good practice that they have conformed to the Zoning and Building By-laws of the County - and they have applied them. He commented that as far as the Housing Commission is concerned, many times people go out and purchase lots and listen to representations re the property. If these representations are not lived up to then it is between the people and those whom they have obtained the property from.

Councillor MacKay asked if that meant that if the people of the area have a problem there is nothing they can do about it.

The Municipal Solicitor confirmed this, commenting that the Housing Commission do not consider themselves bound by our regulations.

Councillor MacKay asked if we had any representatives working hand in hand with these developers and was advised by the Municipal Solicitor only within the fields of jurisdiction which the County has. We have no authority to deal with matters on a consumer affairs basis.

Councillor Streach felt that people have been led astray by statements of the Nova Scotia Housing Commission. He commented that perhaps we cannot legally do anything as to where a school is going to be located but that public opinion does have a great deal to do with what is going on. He commented that he had been led to believe that there are things going on with the Housing Commission that are very much against the beliefs of the people who bought lots.

Councillor Topple asked the Municipal Clerk with regard to zoning in Forest Hills if the developer did not have a right under the Planned Unit Development to override any plan.

The Municipal Clerk advised that if they wished rezoning they have to make application and it must be processed in the usual manner.

The Municipal Solicitor advised that the Housing Commission entered into a Planned Unit Development Agreement under the Planning Act and the effect of the Planned Unit Development is that the Planned Unit Development becomes the zoning of that area. He said it was publicly advertised, hearings were heard and it is in essence the zoning for that particular piece of land. If there is to be a change, then there must be a resolution to change.

Much discussion ensued with regard to this matter.

Councillor Topple commented that some of our By-laws require that developers must set aside a portion for school purposes. Some that has been set aside, is swamp land and not suitable for recreation. He felt strongly that perhaps the County should introduce a By-law whereby a developer of property of certain magnitude should designate school lands. He felt we should be looking to the developer for a donation of some property for this purpose.

The Municipal Solicitor advised that there was no legislation in effect to require a developer to provide lands for school purposes.

Councillor Topple remarked that the Department of Education realizes that we are in a unique position.

Councillor MacKay commented that he found it terrible that we do not have control over planning. He said he would like to see it passed that any developer anywhere in the County should lay out the plans for his development and require him to stay with it, that any land that is approved by us could not be changed. He found it deplorable that we do not have any jurisdiction.

The Municipal Solicitor advised that we have absolutely no authority to regulate or control an agency either of the Provincial or Federal Authority. He added that the Housing Commission cannot put a school anywhere that the County does not agree as the County builds the schools. He added, we can expropriate land from people - pay for it - but we cannot do that with agencies of the Provincial or Federal Governments. They have, in practise, followed our regulations. He added that the only way this could be done would be to change the Government.

Councillor MacKay commented that he still felt it was not unreasonable to expect co-operation.

The Municipal Clerk assured the Councillor that we do have co-operation. He remarked that the co-operation received from the Nova Scotia Housing Commission with regard to school sites in the Sackville Areas and Forest Hills has been very good.

Councillor Lachance said he understood what the Municipal Solicitor meant about Government bodies, however, he added, we are representing the voters and he thought it was not a question of one level of Government trying to out do another. He said he was in support of some kind of dialogue to get some recognition from them that we, at our level, are having our By-laws put aside to suit their own purposes.

Councillor Poirier said that her District was different - that to be a developer in her area they had enough to go through just to get approval without giving pieces of land for schools. She felt this was unreasonable.

Councillor Gaetz commented with the restrictions on developers and asked if we would be hitting the big man or the little man. He added that we cannot touch Central Mortgage and Housing but to make the little fellow give land we could put him out of business. He felt a lot had to be taken into consideration before we did this sort of thing.

Councillor Topple said that when he mentioned this type of restriction he was talking of a certain magnitude. They are designing the schools to accommodate pupils - they assess the different levels of school children, then allot the space.

The Municipal Clerk advised that they are not designing the schools. They are making the school sites available. The Municipal School Board is the one who says what size the school should be. The problem the Municipal School Board is faced with is the increase in school population.

At this point the Council took a five minute adjournment.

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

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

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

Councillor MacKay commented on the statement that the program re the fire station at Upper Sackville had been discussed with the new Councillors and agreed upon and said that this was incorrect that he had not agreed to anything.

The Municipal Clerk advised that this was the information that had been received by the Committee.

It was moved by Councillor MacKay, seconded by Councillor Eisenhower:

"THAT the item regarding the Sackville Fire Department be deferred until Councillors Fader and Sutherland returned to the Council Chambers." Motion Carried.

Councillor Poirier suggested that the \$250,000.00 be broken down to show land-cost. This would give land owners an idea of how the cost of land was running.

Councillor Williams commented that the change in the Halifax County Hospital status was just another bit of erosion of Municipal Authority. He stated that, as a member of the Board of Management, he knew full well from his own observation that we are selling a pound of flesh for \$1.00. He commented further that this has been a mental hospital since it was built, that we should get these people out of mental hospital as quickly as possible but not until they were ready. He said he would like to know where this County is going to find itself, and do, because the total cost is being paid by the M.S.I. for patients going there and he did not see where we would be carrying one hundred percent of the load. He asked if they were going to make one price tag for Ocean View Manor and one for the Halifax County Hospital - and were they changing the Act to suit the action. He further stated, we had three buildings and land and asked if this would all go in the package deal.

The Municipal Clerk advised that it was the one lot on which the Hospital is situated.

Councillor Williams felt that there was a Task Force involved and asked if we had anyone who was involved.

The Municipal Solicitor advised that this was not on the Task Force and that he had an appointment with the party who is drawing up the regulations.

Councillor Williams asked how this had been kept so quiet - the Board had heard nothing - that there was absolutely no way that they will eventually state they will take over the cost one hundred percent, unless Mr. MacKinnon has something up his sleeve. He said he would like to go on record as going against the sale of the Halifax County Hospital until we know where we fit.

The Municipal Clerk advised that there had been no negotiations with regard to the land and building. He asked why the Municipality should own it if there is a possibility that the Municipality would have to pay some of the operating cost. It would be better, he felt, to let the Provincial Government own and operate it.

Councillor Williams said that they have not proved that they will pay the Hospital's costs. He felt that the only reason this move is being made is to obtain the fifty-five percent federal funding.

The Municipal Solicitor commented that Councillor Williams was not convinced that there was enough information available and if this is the case a motion should be made to defer it back to the Finance and Executive Committee until more information is brought before Council.

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

"THAT the Item re the Halifax County Hospital be referred to the Finance and Executive Committee for further information." Motion Carried.

Councillor Streach commented that he was astounded to hear that the Government has negotiated this change-over without the knowledge of the Board of Management of the Halifax County Hospital.

The Municipal Clerk advised that this is one of the concerns. He stated there had been very preliminary discussions held between the Board of Management and Administration. He stated that we had written to the Minister some six months ago when preliminary discussions were started and advised him of the concern of the Municipality. We were advised that there was a Task Force and when their report was ready they would get back to us. The next information we received was that the meeting would be held on October 28th and at that time we were advised the change-over would take place November 1st. We indicated our concern that we would have no legal right to house mental patients and that it was impossible to move mental patients at that time, and the date was changed to December 1st. Presumably, by December 1st, there will be no mental patients in the institution and there has been no serious discussion on this matter.

Councillor Gaetz commented that the Department of Social Assistance just walked in and took over. We had been operating there very well. We have already lost the Assessment Department to the Province, the Schools, now this and soon there will be no Municipal Council.

Replying to a question by Councillor Topple, the Municipal Solicitor advised that the Building By-law and Occupancy By-law were originally adopted by certain Districts only. The Occupancy By-law was never in line with the whole County.

Councillor Eisenhauer referred to the Zoning By-law with regard to District 18, and was advised by the Municipal Solicitor that it does not really matter what numbers are used as so far as the By-law is concerned it applies to that particular geographical area when it was passed. If a particular part of your area was included when the By-law was adopted, then it would still stand.

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

"WHEREAS the Yarmouth County Tourist Association has forwarded to the Municipality a resolution dealing with the provision of a second ship to service from Yarmouth to the United States of America with the request that the Council endorse such resolution;

BE IT RESOLVED THAT the Council endorse such resolution and that the Yarmouth County Tourist Association, the Union of the Nova Scotia Municipalities, the Federal Government and the Provincial Government be so advised." Motion Carried.

It was moved by Councillor MacKay, seconded by Councillor Topple:

"THAT WHEREAS the City of Sydney has forwarded to the Municipality a copy of a resolution passed by the Sydney City Council with respect to policy of discontinuation of electrical power to domestic users by the Nova Scotia Power Corporation with the request that Council endorse such resolution;

BE IT RESOLVED THAT the Council endorse such resolution and that the City of Sydney, and the Nova Scotia Power Corporation be so advised." Motion Carried.

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

"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.

1976

NOVEMBER SESSION

A BY-LAW TO AMEND THE TOPSOIL BY-LAW

1. Subsection (2) of Section 1 of the Topsoil By-law is amended by adding immediately after the figure "7" in the second line thereof the following ". 7A" and by striking out the word and figure "and 17" in the last line thereof and substituting therefor the word and figures ", 17, 18, 19, and 20". Motion Carried.

It was moved by Councillor Eisenhauer, seconded by Councillor Topple:

"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.

1976

NOVEMBER SESSION

A BY-LAW TO AMEND THE EXCAVATIONS BY-LAW

1. Subsection (2) of Section 1 of the Excavations By-law is amended by adding immediately after the figure "7" in the second line thereof the following ", 7A" and by adding after the figure "17" the following ", 18, 19, and 20." Motion Carried.

It was moved by Councillor Poirier, seconded by Councillor Benjamin:

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.

1976

NOVEMBER SESSION

A BY-LAW TO AMEND THE BLASTING AND DANGEROUS MATERIALS BY-LAW

1. Subsection (1) of Section 2 of the Blasting and Dangerous Materials By-law is amended by adding immediately after the figure "7" in the second line thereof the following ", 7A" and by striking out the word and figure ", 7A" and by 17" in the last line thereof and substituting therefor the word and figures ", 17, 18, 19, and 20." Motion Carried.

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

"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.

1976

NOVEMBER SESSION

A BY-LAW TO AMEND THE OCCUPANCY BY-LAW

1. The Occupancy By-Law is amended by repealing Section 3 thereof and substituting therefor the following:

3. This By-law shall apply to the whole of the Municipality of the County of Halifax." Motion

Carried.

Councillor Streach commented on the Occupancy By-law. He stated that one and a half years ago his District came under the Building By-law and there has been a great deal of difficulty in the Musquodoboit Valley and some other areas with regard to the soil conditions, they were advised that it was unsuitable for sewage disposal. He said he did not wish to argue with the Inspectors or the way they did their inspecting but, when they bully people, advising them if they do not do exactly as the Inspector says, they will not get a permit. He commented that this goes in hand with the Building By-law but stated that it is one thing for an individual to build a home and be penalized because he did not live up to specifications and then be refused an Occupancy Permit and that individual could not occupy the building he put up. He said he felt that we have far too many people who are filling positions made up by the Government. He said he did not know how the County would deal with this sort of thing but he could quote that this exact thing has happened - an individual was threatened if she did not comply with what he told her to do. He said he found it hard to swallow. In his District they do not have water and sewerage and they had to depend on their sewage being disposed through the ground. He said he did not feel that we should have hardships created.

The Municipal Clerk suggested that this case be brought forth to the County Board of Health and have them look into it.

Councillor Streach said he felt it very likely that this would happen.

Councillor McCabe said that the matter of how many rejections there had been in District No. 12 and 13 had been brought up on various occasions.

Councillor Baker said he was glad to know we still have Councillors who defend the "little guy". He said he had always tried to support the little guy and he was glad to hear the Councillors speak up today. We should try to help those who need help.

Councillor Williams commented that Council is made up of Councillors from areas that have all the luxuries - others from areas that do not have these luxuries. He commented further that we all represent people and he felt that we should get together and ask the Councillors in the rural areas to meet with Dr. Cameron to see if we cannot come up with a suitable solution for these people. They want to live there and something should be done for them.

Councillor Topple felt that there was too much professionalism in the Department of Health. He commented that there were too many asking for engineer's drawings, and felt that we should ask the Department if they require these drawings and if so they should make them themselves.

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

"WHEREAS by Section 134 (2) of the Municipal Act a municipality may with the consent of the Minister of Municipal Affairs sell real or personal property no longer required for its use and purposes or for the use of the public or of the inhabitants of such municipality;

AND WHEREAS it is deemed expedient to sell the property described as follows:

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

BEGINNING on the western boundary of the reconstruction of Trunk #1 Highway, so-called at Station 44 + 75 as shown on the attached plan and 63 feet perpendicularly distance from the centre line of reconstruction thereof:

THENCE in a northeasterly direction and parallel to said centre line, a distance of 250 feet more or less, to a point at Station 47 + 25 as shown on the attached plan;

THENCE at right angles in a southeasterly direction, a distance of 15 feet more or less, or until it meets the northwestern boundary of existing Trunk #1 Highway, so-called, and 48 feet perpendicularly distance from the centre line of reconstruction thereof;

THENCE in a southwesterly direction and parallel to said centre line, a distance of 250 feet, more or less, to a point at afore-mentioned Station 44 + 75 as shown on the attached plan;

THENCE at right angles in a northwesterly direction, a distance of 15 feet, more or less, to the place of beginning;

The above described parcel of land is shown outlined in red on the attached plan and contains 0.09 acres, more or less.

AND WHEREAS the said property is no longer required for the use and purposes of the Municipality or for the use of the public or for the inhabitants of the Municipality except that it is now required by the Department of Highways of the Province of Nova Scotia for highway improvement purposes;

AND WHEREAS tenders have not been invited for the said property because it was required by the Department of Highways and the said Department agreed to pay the appraised price therefor, namely, three dollars (\$3.00) per square foot;

AND WHEREAS the said price is considered by this Council to be fair and reasonable;

BE IT THEREFORE RESOLVED THAT subject to the consent of the Minister of Municipal Affairs the Municipality of the County of Halifax do sell and convey the property above described to Her Majesty the Queen in the right of Her Province of Nova Scotia as represented by the Honourable Minister of Highways at and for the price of SEVENTEEN THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$17,250.00).

AND BE IT RESOLVED THAT the Warden and the Municipal Clerk be and they are hereby authorized and instructed to execute and deliver on behalf of the Municipality a deed in the usual form and to affix to it the seal of the Municipality conveying the same property in conformity with the terms and conditions of its resolution;

AND BE IT FURTHER RESOLVED THAT the Municipal Clerk be and he is hereby instructed to forward a copy of this said resolution to the Minister of Municipal Affairs and request his approval thereof." Motion Carried.

It was moved by Councillor Eisenhauer, seconded by Councillor Benjamin:

"BE IT RESOLVED THAT the Municipal Offices be closed for regular business on December 27th., and 28th., 1976 and January 3rd., 1977.

AND BE IT FURTHER RESOLVED THAT public notice be given of this and that residents of the Municipality be urged to observe these days as Christmas and New Year's holidays." Motion Carried.

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

"BE IT RESOLVED THAT Council approve in principle entering into an agreement dealing with the proposed Reciprocal Pension Transfer Program with respect to employees either transferring from the Municipality to Provincial Employment or transferring from Provincial employment to employment by the Municipality." Motion Carried.

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

"BE IT RESOLVED THAT the Municipal Clerk be and he is hereby authorized and instructed to make an application on behalf of the Municipality for a grant in the amount of \$100,000.00 with respect to school ground improvements under Regulation No. 22 made under the Education Act."

Councillor Cosman requested that the motion be amended so that the sum of \$12,000.00 to be made available to the Bedford School Trustees.

It was moved by Councillor MacKay, seconded by Councillor Margeson:

"THAT the motion be approved as amended." Motion Carried.

The Municipal Clerk suggested that this recommendation should come through the Municipal School Board.

Councillor Gaetz commented that we all need improvements to our school grounds.

Councillor Cosman commented that it was her understanding that no other school had come forward with any design for plans.

Councillor Williams advised that he had put in an application for some of these funds. He advised that the School Board had received his delegation very kindly.

Councillor Streach said he favoured Councillor Gaetz' point of view and said that every Councillor would like to get part of the sum.

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

"THAT the Form of Agreement with the Department of Indian Affairs re easement be approved." Motion Carried.

The Municipal Solicitor advised that this was simply a license that could be cancelled on the wish of Her Majesty but it is the only type of Agreement we can get.

Councillor Topple asked - under the Zoning By-laws if he wished to put in an Asphalt Plant or a Stone Crushing Plant would he be required to have a Building Permit.

The Municipal Solicitor advised him that he would not and it is permissible under the present Zoning By-law in a general zone. Modern Asphalt Plants are considered a portable plant and no other building permit is required. Portable Asphalt Plants, he advised, are not buildings under our Zoning By-laws but they would be under the Industrial Zone.

It was moved by Councillor MacKay, seconded by Councillor Cosman:

"THAT the Finance and Executive Committee give some consideration to the installation of Coffee and Doughnut Machines." Motion Carried.

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

"THAT Council meet as a Committee of the Whole to discuss the full jurisdiction of the various Committees and Departments." Motion Carried.

It was moved by Councillor MacKay, seconded by Councillor Topple:

"THAT a letter be sent to the Chairman of the Board of Commissioners of Public Utilities stressing the fact that the proposed power rate increases will impose an undue burden on owners of electrically heated homes and people on fixed incomes, and to recommend the current rate be fixed as a base rate for the first 800 KW power month usage for all users of electricity." Motion Carried.

There was considerable discussion on this motion.

Councillor Baker spoke of the fisherman at Sambro. It was moved by Councillor Baker, seconded by Councillor Gaetz:

"THAT the Federal Minister of Fisheries, Mr. LeBlanc, be requested to review the matter of revising the Swordfishing Industry." Motion Carried.

It was moved by Councillor MacKay, seconded by Councillor Cosman:

"THAT the matter of filing cabinets and filing material being supplied to Councillors on a loan basis be referred to the Finance and Executive Committee." Motion Carried.

It was moved by Councillor Baker, seconded by Councillor Walker:

"THAT the Department of Highways be requested to see that the Provincial Highways be salted as soon as possible when road conditions warrant said action." Motion Carried.

Councillor Benjamin spoke of McConnell's Take-Out Restaurant at Waverley. He said this man had received a notice from the Atlantic Health Unit giving him until December 1st or legal action would be taken against him. He said he was not concerned about the list of items in this letter but was concerned that they would close down a business on the grounds of having arsenic in the water. He advised that this man has been bringing potable water in five gallon containers which he has been using. He added that this type of restaurant does not use cutlery but uses paper plates etc. and he felt it was most unfair that he should be closed down, and felt he should be given an extension from the deadline date of December 1st., to ascertain if there will be central water system in the Village of Waverley. In the meantime it would cost him thousands of dollars to find other sources. He stated that the other alternative would mean a trench through the highway with, a pressure type of chlorinated type of service. If this is only for a two-year duration it would be very expensive.

It was moved by Councillor Benjamin, seconded by Councillor Margeson:

"THAT the County Board of Health be asked to review the situation with respect to an Order re the water supply re McConnell's Take-out Service at Waverley." Motion Carried.

The Municipal Solicitor advised that the County can make the recommendation but is in no way binding. This is a Board of Health matter.

The Municipal Clerk suggested that Councillor Benjamin meet with the Board of Health and explain the situation.

Councillor Gaetz was not sure that he approved of the motion as he pointed out that Mr. McConnell had promised to do things year after year and had not done them. He wondered if we would be protecting someone who was breaking the law. After all, he is running an operation where he is serving the public.

Councillor Benjamin said he clearly pointed out that if he cannot meet the Board of Health arrangements that is a different matter but he felt it was unfair that he be closed on account of water. He stated that Mr. McConnell feels it is unwise to spend the money putting in a washroom if he is going to be closed.

Councillor Williams said he would second the motion as he is in the same business. He said he would like to feel that any Committee is flexible enough that if a Councillor comes into these Chambers with a problem that we should give him a fair chance to get the facts and then at the next Session we can make a decision as to whether we are right or wrong. He felt we should accept Councillor Benjamin's wish to extend the time until the matter is looked into.

Councillor Benjamin advised that there was a citizen of Waverley who is the owner of a property who has caused the Board of Health considerable amount of correspondence and still persists in violation of any correspondence and he advised that he wished action to be taken against Mr. Victor Hilchey who is operating a dump in the Village of Waverley. He advised that the Atlantic Health Units have been out and inspected the site, letters have gone back and forth and he felt it was high time some action should be taken. The Village is now having a rat situation - also the effects of this dump are filtering down to Lake William and the citizens of Waverley are really concerned and he felt that the County Board of Health should take immediate steps to have this remedied.

It was moved by Councillor Benjamin, seconded by Councillor Cosman:

"THAT the County Board of Health be asked to review the property of Mr. Victor Hilchey of Waverley and take any action necessary to correct the situation." Motion Carried.

Councillor Margeson asked about street lighting in a new location and asked what the situation was with regard to maintenance.

The Municipal Clerk advised that this was an item that he wanted to discuss with the Councillors from the Sackville Area. Street Lighting, he commented was paid for by means of an area rate. This has to be recommended by the Councillors. He advised that he would like to get an early date for a meeting with the Councillors from the Sackville Area with regard to fire fighting, dog catching, etc., by means of an area rate. He advised that street lighting is installed by the Nova Scotia Power Commission and they charge a certain amount per year per light and continuing maintenance of lights that have been installed - except in the case of excessive breakage by vandalism where the District bears the cost.

Councillor Margeson spoke of the disposal of trash etc., and commented that at a meeting the previous night, Bedford had decided to raise \$25,000.00 to appeal the Jack Lake decision. Councillor Margeson felt that there should be a \$0.02 area rate added to the whole Municipality which could be set aside to assist any area in which such a situation arises.

It was moved by Councillor Margeson, seconded by Councillor Cosman:

"THAT the matter of a rate being established in the Municipality as a whole with respect to setting up funds to assist Bedford or any other area objecting to a program being established in that particular area be referred to Finance and Executive Committee." Motion Defeated.

A standing vote was taken on the motion with the result six (6) for, fourteen (14) against. Warden Settle declared the motion defeated.

Councillor Streach said he disagreed with his fellow Councillors. He could not see how this could be implemented and would hope that Councillors would not recommend this motion. He said it seemed to him that Bedford have taken the initiative of protecting their own area, and he did not feel that the whole Municipality should set up a fund, then we would have to decide the disposition of these funds and every time something happened, in one of the other Districts we would feel we could call on these funds. He felt that the disposition of such funds would cause too many problems.

The Municipal Clerk said he was not at all sure that the Municipality would have the authority to set a rate for such purposes.

Councillor Gaetz said he could not go along with anything that imposed further tax on his people without first going to the people.

Councillor Deveaux commented that the motion only stated that it be referred to the Finance and Executive Committee.

Councillor Lachance agreed with Councillor Deveaux commenting that the Finance and Executive Committee had only been asked to have a look at it. He felt that on top of all that the other Councillors had said it would set up a very dangerous precedent.

The Municipal Solicitor advised that Council had no authority to set up such a fund. There has to be a very definite project for an area to be set. He said he would be glad to research it further but he was of the opinion that Council had no authority to set up such a fund.

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

"THAT a Committee be appointed of interested Councillors together with the Municipal Clerk and Solicitor to draw up proposed guide lines or regulations with regard to requirements re Septic Tank Installations, and to submit a Brief through the Department of Health to the Provincial Government, these regulations to be part and parcel to fit in with our Municipal Development Plan." Motion Carried.

Councillor Streach added that in his opinion we had a system that is far too unfair to the people of the County and he personally felt that we needed more flexibility in the way in which laws are approved.

Councillor Deveaux said he agreed with Councillor Streach stating that we have reached a stage today where we did not have a place to put an outhouse.

Councillor Poirier advised that in her area they did not have to worry about getting approvals, that everything was frozen. People cannot sell their homes because there is no sewer and water. She asked if there was some way they could get some flexibility in the Municipal Development Plan. She stated that people were getting poor. She realized that the answer was water and sewer but they were not getting it - that they were at the mercy of the whole system and it was very unfair to the people of the area. She said it was a very good community but was in very bad state just now.

Councillor Gaetz spoke as a member of the Board of Health and Planning and stated that the Committee did not go out enough to look at the problems.

Councillor MacKay spoke with regard to the Fire Hall at Upper Sackville and advised that no one had approached him with regard to this agreement.

Councillor Fader said that this was a proposal that was put before the community in 1971 and that at the present day needs he would support the proposal and support the Community.

Councillor Margeson felt that the paragraph contained in the Finance and Executive Committee stating that the matter had been discussed with the new Councillor should be deleted.

The Municipal Clerk said he would have to disagree with this because it was on that basis that the Finance and Executive Committee made their decision to recommend to Council. If such was the case, he added, the Finance and Executive Committee were misinformed.

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

"WHEREAS it is proposed to construct a fire station at Upper Sackville,

AND WHEREAS a tentative agreement has been arrived at with respect to a purchase of a lot of land on which to locate said fire station,

BE IT RESOLVED THAT Council approve in principal of the purchase of said lot subject to:

- (a) satisfactory report on title by the solicitor
- (b) obtaining all necessary permits and permissions, and
- (c) referral back to Council for final approval of all details including price." Motion Carried.

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

Municipality of the County of Halifax
 Temporary Borrowing Resolution - \$250,000.00
 For the purpose of Purchasing Land and
Equipping a Fire Station at Upper Sackville

WHEREAS the Municipal Affairs Act provides that every municipality of a county of district may, subject to the approval of the Minister of Municipal Affairs, borrow for the purpose of equipping a fire department for the whole or any portion of the municipality or acquiring or purchasing apparatus, machinery and implements for use in extinguishing fires in the municipality or any part thereof and for acquiring, purchasing or improving land or buildings for any such equipment;

BE IT THEREFORE RESOLVED THAT under the authority of the Municipal Affairs Act the Municipality of the County of Halifax borrow a sum not exceeding Two Hundred Fifty Thousand Dollars (\$250,000) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs:

THAT this sum be borrowed by the issue and sale of debentures of the Municipality to such an amount as Council deems it necessary;

THAT the issue of the debentures be postponed pursuant to Section 147 of the Municipal Act and that the Municipality borrow a sum not exceeding Two Hundred Fifty Thousand Dollars (\$250,000) from the Royal Bank of Canada at Halifax;

THAT the sum be borrowed from the Bank for a period not exceeding twelve months from the date of the approval of the Minister of Municipal Affairs of this resolution;

THAT the interest payable on the borrowing be paid to the Bank at a rate to be agreed upon, and

THAT the amount borrowed be repaid to the Bank from the proceeds of the debentures when sold." Motion Carried.

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

"THAT the item re Relief from Payment of Taxes in the Finance and Executive Committee Report re Mr. Edmund Best, 15 Lynn Court, Lower Sackville, be deleted and referred back to the Finance and Executive Committee." Motion Carried.

A great deal of discussion ensued with regard to holding the Council Session at 7:00 o'clock in the evenings. Pros and cons were voiced by many of the Councillors.

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

"THAT the Solicitor be instructed to prepare an amendment to the By-law in order for Council Sessions commencing January 1977 to be held at 7:00 p.m." Motion Carried.

Following more discussion, an amendment was moved by Councillor Fader, seconded by Councillor Smith:

"THAT Sessions be held November to April in the daytime hours and May to October in the evening hours." Amendment Defeated.

A standing vote was taken on this amendment with the result four (4) for; fifteen (15) against. Warden Settle declared the amendment defeated.

A standing vote was taken on the original motion for permanent evening sessions with the result thirteen (13) for; eight (8) against. Warden Settle declared the motion carried.

Councillor Cosman stated that Halifax County is faced with a crisis of the first dimension, with the cut off of garbage by the City of Halifax as of December 31st. She stated that it had been agreed that this subject would be brought back to Council for agreement and ratification. It was moved by Councillor Cosman, seconded by Councillor Fader:

"THAT the Warden proceed with all due haste to purchase portable incinerators." Not in Order.

The Municipal Clerk advised that this is a motion to spend money and cannot be dealt with at this Session. He advised that no word had been received from the City of Halifax that we would be cut off, there were no trucks being turned away.

Councillor Cosman said she did not like to see the County with a gun to its head - that we have not kept the faith.

Councillor Fader asked if anyone could bring Council up to date on where we stand and mentioned that the Honourable Mr. Bagnell had announced the evening before that he was going to call for tenders.

The Municipal Clerk advised that the situation is that the Municipality of the County of Halifax some time ago along with the Cities of Halifax and Dartmouth passed a By-law giving the Halifax-Dartmouth Regional Authority the authority to deal with Solid Waste Disposal and to proceed with the construction of a solid waste disposal system. It is my opinion, he added, that the Municipality of the County of Halifax have given their full authority for carrying out the solid waste disposal system to the Halifax-Dartmouth Regional Authority. This is the position that the Municipality is in. He further commented that the Halifax-Dartmouth Regional Authority, having received this authority from the two Cities and the County have acted on the authority given them by the three municipalities.

Councillor Fader commented that Premier Regan said he was going to make dollars available, and that he also said a study would be made.

The Municipal Clerk advised that the Province of Nova Scotia agreed to make funds available for certain stop gap methods until Jack Lake was ready. The Province was to proceed with studies which would involve the burning of garbage from this program and this long range program would be the program that would follow Jack Lake. Following this advertisement some thirty or forty replies were received and meetings were held with Provincial people with persons showing interest and proposals were eventually called with the closing date of November 23rd and it would appear that there will be at least in the order of five such proposals submitted on the heat energy disposal system and one of heat energy proposals will be accepted. Once a proposal is accepted it could be in line in the order of four years.

The Municipal Clerk added that in the meantime the Province of Nova Scotia did proceed with an agreement between the Minister of Municipal Affairs and Central Mortgage and Housing Corporation

with respect to certain lands at Jack Lake for a short term program and the program is being proceeded with, and as you indicated, the Minister has advised that the first tenders re clearing the site are to be called within a few days. The Halifax-Dartmouth Regional Authority, he added, will operate the operation on behalf of the Minister. The present schedule is set up by the Consulting Engineers and the Jack Lake operation would come on stream.

Councillor Fader said he was not quite happy about it. He felt the County of Halifax had been "sold down the drain", and it was time we stood up and be counted.

The Municipal Clerk commented that in his opinion, the County had not been sold down the stream, that the Councillors had passed the By-law of their own free will to hand the authority to the Halifax-Dartmouth Regional Authority.

Councillor Cosman felt that there should be some clarification that the site may come on stream in June. She felt that it was indecent to proceed with something when the case goes to Supreme Court. She added, we are talking about a year and a half down the road, and felt that we are still in a crisis operation. She commented that we could not expect the City of Halifax to carry us on their back, that we have been taking charity for a long time and we should be looking after ourselves. She also felt that Mr. Cox should not give an opinion on the situation since he was acting as Solicitor for the Halifax-Dartmouth Regional Authority.

The Municipal Clerk commented that he could not see any reason why Jack Lake would not be operating by June or July of 1977.

Councillor Margeson commented that the area has not been rezoned for a dump. He felt that if we are going to let some Government put something over on us we should stand up and be counted. He felt that our image as Councillors was going down the drain. He also felt that the land should be properly zoned if it is going to be used and that we were ducking the issue.

The Municipal Solicitor, Mr. Cox, stated that he considered it is his obligation and his duty as long as he is acting as Solicitor for this County to give his opinions from a legal point of view. He advised that he had tried to restrict his opinions to the legal aspect and whether the Municipality accepted his opinions or not, he would continue to do so. He said that was the way he saw his duty. He said he had been looking at Jack Lake not from the point of view of any District or group of ratepayers but from the interest of the Municipality as a whole.

Councillor Streach said he was in sympathy with Bedford being imposed upon in this manner. The decision had been made, and made by this Council, a decision we did not all agree with, and it was unfortunate that we could not resolve it at this time. He said he could support the motion if it were to go to the Finance and Executive Committee, and it could be discussed at that time.

Councillor Cosman said she would be prepared to agree that the matter go to the Finance and Executive Committee.

Councillor Topple said that while he was a representative of District No. 7A he tended to think he represented people of the whole County and he sympathized with the problem that Councillor Cosman has. He felt that we should not be deciding on a place to put the garbage of Halifax and Dartmouth.

Councillor Margeson asked if it were within the power of the Municipality to ask the Provincial Government to hold off any development at Jack Lake until such time as we have a ruling from the Supreme Court of Canada re the Bedford Service Commission.

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

"THAT the Municipal Council ask the Provincial Government to hold off action on Jack Lake until a decision of the Supreme Court has been made." Motion Defeated.

At this point, the Municipal Clerk gave a lengthy review and explanation of the landfill situation and the possible results if such a resolution were passed.

A standing vote was taken on this motion with the result nine (9) for; twelve (12) against. Warden Settle declared the motion defeated.

Councillor Margeson commented that when the Sackville Area was turned down that another site was to have been found.

The Municipal Clerk advised that the Premier had made the statement that there would be another site and another method of disposal.

Councillor Cosman commented that the DREE funding was only effective for Transfer Stations and she still maintained that we are in a crisis situation.

The Municipal Clerk felt that the resolution was a good one only if the Municipality wants to find itself in the position of disposing of its own garbage.

Councillor Margeson commented that we have been talking about this for five years and that we could have had a thermal plant by this time. He felt we should be prepared to handle our trash if necessary.

Councillor Lachance asked what is now the best way to handle the problem that we have on hand, that the motion on the floor would have very little effect. He urged Councillors not to jeopardize our situation.

Councillor Streach commented that after sitting in Council for the past three years he knew that Mr. Bensted, Municipal Clerk, had accumulated a great deal of knowledge, and from what he read, he felt this was not the method to use. He felt that if we are going to jeopardize further negotiations, then we are defeating our own purpose.

Mr. Cox, Municipal Solicitor, stated that he is first of all Solicitor for this Municipality and there was no question in his mind as to his loyalty - that his loyalty is to the Municipality. He stated that, with the full knowledge of this Council, he had been acting as Solicitor for the Halifax-Dartmouth Regional Authority. He had acted as Solicitor on the Beaverbank and Jack Lake applications, and he had not had any complaints from any Councillor. He stated that he felt, quite frankly, that there was no conflict of interest, and he considered it very important that there should be no conflict. He said he could see in the days ahead that he would be asked questions and he would give opinions as impartial as he could. He said he wanted to put it before Council that if they requested he would, with reluctance, retire from the Halifax-Dartmouth Regional Authority retainer. He said he did not want the County to feel that his opinions were effected by the Regional Authority. He reiterated there was no conflict of interests and, in fact, if it was brought to his attention that there was any feeling of conflict he would be willing to withdraw from the Regional Authority retainer. He stated he would always do his best for the Municipality which is his prime interest. He stated that he valued his reputation and integrity too much to let it be damaged by a conflict of interest. Mr. Cox advised that he also acted for the Union of Nova Scotia Municipalities, Halifax-Dartmouth Court House Commission and some other municipalities. Councillor MacKay commented that he did not think Mr. Cox' integrity was in question but, as a new Councillor, he felt there was a question of interests.

Councillor Williams said he was completely amazed to listen to the discussion. He stated that Mr. Cox was a very capable person and he felt it must be very embarrassing for him to have to make such a speech. He said he knew that Mr. Cox would not in any way hurt this Municipality. Mr. Cox, he added, is so well known in Municipal law, that it would be a very hard job to replace him and he asked that a vote of confidence be taken for Mr. Cox.

A standing vote of confidence was taken and was unanimous with those Councillors present in the Councillor Chambers at the time. Councillor Cosman was absent when the vote was taken.

The Municipal Clerk, Mr. Bensted, stated he acted as Secretary-Treasurer for the Halifax-Dartmouth Regional Authority and had done so since he assumed the position of Municipal Clerk. He stated that he had indicated to the Halifax-Dartmouth Regional Authority when he first inherited the position that he would like them to find some other person to do this work. He added that he has since on two occasions advised them, in writing, and the last time they did go on record as stating they would find someone else to carry on these duties. He stated that he had, at all times, acted in the best interests of the Municipality as a whole. He added, that it may not appear so to some particular Councillors or Districts but any action he had taken had been in the best interests of the Municipality, as his first responsibility is to the Municipality. He added that if there is any indication that he had not done so he would like to know.

Councillor Streach said he could not understand this Council. He could not understand them putting two people on the "hot seat". He added, we have two good people, and if one cannot trust them to discharge their duties it is a very sad day. He said he could not sit in Council and listen to Councillors, before the Press, criticizing these people.

Councillor Topple stated that he might not agree on everything with Mr. Cox but that he would never question his integrity.

Councillor Margeson felt that he must point out that the Halifax-Dartmouth Regional Authority must be hard of hearing and sight when they cannot read the letters that Mr. Bensted has sent them.

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

"THAT the Warden take steps to arrange a meeting of the three Councils (City of Halifax, City of Dartmouth and the Municipality of the County of Halifax) for discussion purposes."
Motion Carried.

The Report of the Nominating Committee was presented by Councillor Fader:

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

"THAT the Report of the Nominating Committee be approved."
Motion Carried.

The Municipal Clerk then asked Council to deal with the vacancy on the Municipal School Board caused by the resignation of Ex-Councillor Silvia Hudson.

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

"THAT Councillor Malcolm A. MacKay be a member of the Municipal School Board replacing Mrs. Silvia Hudson effective November 18, 1976." Motion Carried.

The Municipal Clerk asked for nominations for a non-Council member of the Halifax County Board of Health.

Councillor Fader nominated Mrs. Shirley Freer of Waverley as the non-Council Member of the Halifax County Board of Health. This nomination was seconded by Councillor MacKay.

Councillor Lawrence nominated Mrs. Charles Jones of Tantallon to be the non-Council member of the County Board of Health. This nomination was seconded by Councillor Walker.

Councillor Gaetz nominated Mr. Gordon Nicholson of Lakeside to be the non-council member of the County Board of Health. This nomination was seconded by Councillor Baker.

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

"THAT nominations cease." Motion Carried.

Two ballots were taken, the results of the first ballot were:- Mrs. Freer - 8; Mrs. Jones - 7; Mr. Nicholson - 4. the results of the second ballot were: Mrs. Freer - 12; Mrs. Jones - 9. Warden Settle declared Mrs. Shirley Freer duly elected as the non-Council Member of the Halifax County Board of Health effective January 1, 1977.

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

"THAT Mrs. Shirley Freer be appointed as the Non-Council Member of the Halifax County Board of Health to December 31, 1976." Motion Carried.

Deputy Warden MacKenzie spoke of the mileage paid to spare bus drivers before January 1st., 1977. He commented that the Board had notified them that they will not be paid mileage from their place of residence to the place where they pick up their bus.

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

"THAT the Municipal School Board be asked to reconsider their policy with respect to mileage paid to spare bus drivers."
Motion Carried.

Councillor McCabe, who is Chairman of the Municipal School Board, said he took the same position, on the Board, but the Board, in its wisdom, decided not to pay this mileage - the decision was based on the fact that they obtain a fair wage now.

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

"THAT the Solicitor be instructed to proceed with legislation re Regional Transit." Motion Carried.

Councillor Gaetz commented that some time ago we had a resignation on the Halifax-East Veterinary Assistance Board and that Mr. Topplemire had been appointed to fill that vacancy but he has never received word of his appointment.

The Municipal Clerk assured Councillor Gaetz, that the gentleman had been written but that he would follow it up.

The Municipal Clerk commented that some time ago this Council had passed a resolution with respect to a meeting with Honourable Walter Fitzgerald, Minister in Charge of Housing asking that the Minister meet with the Council as a whole, to discuss Senior Citizens projects, and he had been advised by telephone that day that the Minister could be available on the 22nd, 24th or 25th. The Municipal Clerk added, that with the Planning Advisory Meeting in Session in the morning of November 22nd., 1976, he wondered if it would be convenient to have Mr. Fitzgerald in the afternoon.

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

"THAT the Honourable Walter Fitzgerald be invited to attend a meeting of the Council Session, as a whole, to discuss Senior Citizens Projects on Monday, November 22, 1976 at 2:00 p.m." Motion Carried.

The Municipal Clerk announced that there would be a meeting of the Finance and Executive Committee on Thursday, November 18th., 1976 at 10:00 a.m., as there were some items to be dealt with coming out of today's Session.

The Municipal Clerk announced that there would be a meeting of the Public Works Committee on Friday, November 19th., at 2:00 p.m.

The Municipal Clerk announced that the School Capital Program Committee have been meeting on Tuesdays and as there are some items that should be dealt with, there would be a meeting on Tuesday, November 23rd., 1976 at 2:00 p.m.

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

"THAT the November Session of the Municipal Council adjourn." Motion Carried.

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Mr Campbell

MINUTES OF THE DECEMBER SESSION OF THE MUNICIPAL COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

The December Session of the Municipal Council convened at the Municipal Administration Building at 10:00 a.m. on Tuesday, December 21st., 1976 with Warden Ira S. Settle presiding.

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

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

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

The Municipal Clerk announced that neither Councillor Gaetz nor Councillor Smith would be present at today's Session as Councillor Gaetz was in the Halifax Infirmary and Councillor Smith was in the Victoria General Hospital.

Warden Settle announced that there was a Public Hearing with regard to Application No. 491-76 - Hector O. Morash, of West Dover - Lot "B", an undersized lot - Legislation 1966. It was agreed that Council would deal with this item at this time.

Warden Settle asked three times if there was anyone present to speak in favour of this application. He then asked three times if there was anyone present to speak against this application.

There being no reply to either call, it was moved by Councillor Williams, seconded by Councillor Baker:

"BE IT RESOLVED THAT Lot "B" of Hector O. Morash, West Dover, be and the same is hereby approved as an undersized lot under the 1966 legislation. Application No. 491-76." Motion Carried.

The next item was the approval of the Minutes.

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

"THAT the Minutes of the Special Session of the Municipal Council held November 16th., 1976 be approved." Motion Carried.

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

"THAT the Minutes of the regular November Session of the Municipal Council held November 16th., 1976 be approved as amended." Motion Carried.

RE letters and communications, the Municipal Clerk announced that a letter had been received from Mrs. Silvia Hudson submitting her resignation from the Board of Directors of the North Preston Housing Demonstration Fund.

The Municipal Clerk also read a letter from Mr. Robert Parker resigning from the Planning Advisory Committee due to an extended absence from the Province.

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

"THAT the letter from Mr. Parker be received." Motion Carried.

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

"THAT Council appoint a second non-Council Member to the Planning Advisory Committee and that Mr. Parker's resignation not be accepted and he be granted a leave of absence while out of the Province." Motion Carried.

Councillor Streach asked if this meant that we would have to change the By-law in order to have two non-council members and he was advised by the Municipal Solicitor that Council can appoint non-council members as long as the majority is Councillors.

After some discussion, it was moved by Councillor MacKenzie, seconded by Councillor Fader:

"THAT the appointment of a second non-council member to the Planning Advisory Committee be deferred until later in the Session." Motion Carried.

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

"WHEREAS Mrs. Silvia Hudson has tendered her resignation as a municipal appointee to the North Preston Housing Demonstration Fund.

BE IT RESOLVED THAT the said resignation be and the same is hereby accepted." Motion Carried.

Councillor Deveaux asked what the appointment to the Board of the North Preston Housing Demonstration Fund entailed, and was advised by the Municipal Clerk that this was a fund set up to deal with housing in the North Preston area - that Halifax County could appoint one member to the Board of Directors of that fund. He commented that there was no active construction at the present time but that there is the matter of dealing with occupancy and the rental of existing units. He added that this was a special Provincial project for this area.

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

"THAT Councillor Lachance be nominated as an appointee to the North Preston Housing Demonstration Fund."

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

"THAT nominations cease." Motion Carried

Warden Settle declared Councillor Lachance duly elected as a Member of the Board of Directors of the North Preston Housing Demonstration Fund.

The Municipal Clerk read a letter from Miss Doris Leonard expressing thanks for the recognition of her years of service. It was moved by Councillor Eisenhauer, seconded by Councillor McCabe:

"THAT the letter from Miss Leonard be received." Motion Carried.

Councillor Cosman asked how it was decided what letters go into the agenda - did they have to be addressed to the Warden and Councillors. Councillor Cosman was advised by Warden Settle that anything addressed to the Warden and Council has to go into the agenda.

Councillor Topple asked if there was a time limit, and stated that he has a copy of a letter from Mr. Blair MacKinnon with regard to the operation of the Trynor Construction Company at Cole Harbour.

The Municipal Clerk advised that this letter would be placed on the agenda for the January Session of Council but if the Councillor wished to bring the matter before Council at this Session that was his privilege.

Councillor Topple explained that this was quite a sizeable operation - that there had been a petition circulated with regard to this operation - and he said the people in the area were concerned that this was fringing on an R-1 zone and the property surrounding this operation is all R-1, and this is why the people would like something done.

It was moved by Councillor Topple, seconded by Councillor Lachance:

"THAT Mr. Blair MacKinnon be granted a hearing at the January Session of Council re Trynor Construction Company operation at Cole Harbour." Motion Carried.

After further discussion, an amendment was moved by Councillor Eisenhauer, seconded by Councillor Deveaux:

"THAT Council be provided with a Staff Report on this operation for the January Session of Council." Motion Carried.

The next item on the Agenda was the Report of the Warden.