

MINUTES OF THE JANUARY SESSION OF THE MUNICIPAL COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

The January Session of the Municipal Council convened at the Municipal Administration Building at 7:00 P.M., on Tuesday, January 18th., 1977 with Warden Ira S. Settle presiding.

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

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

"THAT Mrs. Janice Coleman be appointed as Recording Secretary."  
Motion Carried.

The Municipal Clerk announced that Councillor Smith was still in hospital and was making good progress. Councillor Gaetz is expected to be released from hospital within the next few days.

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

"THAT Council deal with Item #9 at this time." Motion Carried.

Mr. Blair MacKinnon, resident of Cole Harbour spoke to Council re Trynor Construction Company lands and operation at Cole Harbour. Mr. MacKinnon spoke at great length about the damages apparently caused by Trynor Construction's operations and excessive noise it created. Mr. MacKinnon distributed photographs to Council with respect to the nature and size of this operation. He referred to a copy of Trynor's proposal dated in 1972 as to future operations of the company, and questioned why Trynor does not require a permit. Mr. MacKinnon also asked to see decisions of similar cases in the area and what they could do if an application was made by Trynor for a permit. He also asked the Municipal Solicitor to explain to the residents who were present why Trynor did not require a permit.

Mr. Cox replied by outlining the Zoning in effect at the time of the original operation and since, and the fact that it comes under a non-conforming use.

Councillor Topple questioned whether this was a legal non-conforming use as Trynor did not have a permit.

Mr. Cox explained that Trynor had made application for a permit some years ago for a different operation and under the Building By-law did not require a permit for the present operation as the operation is not considered a permanent structure.

Councillor Topple disagreed with the definition of what a structure is.

Councillor Cosman questioned whether under the non-conforming use the operation could be expanded and if Trynor had expanded since this time. If they had, was it legal.

Councillor Topple enquired as to whether the Nuisance By-law would be valid in this case. He expressed his views that this company is not to be touched by anyone. The Company has not been assessed recently. Taxes are only \$472.00 while similar companies of the same size are paying in the neighbourhood of \$30,000.

Councillor MacKay asked Solicitor Cox if Trynor was prosecuted under the Nuisance By-law would it be forced to shut down. In reply Mr. Cox said no, if convicted, it would only have to pay a maximum fine of \$100.00. Comments were made as to the substance of this By-law.

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

"THAT the Solicitor be instructed to see what action could be taken under the Nuisance By-law re Trynor operation and to draft proposed Legislation which would allow the closing down of this operation and also increased fines." Motion Carried.

After lengthy discussion re the suspension of Council Business at 11:00 P.M., the following resolution was passed.

It was moved by Councillor Streach, seconded by Council'lor Williams:

"BE IT RESOLVED THAT Council suspend its business and adjourn at 11:00 P.M. or on completion of the item of business then being considered, whichever is later unless Council decides otherwise by a two-thirds majority.

AND BE IT FURTHER RESOLVED THAT Council reassemble to complete its business at 7:00 P.M. on some future date unless otherwise resolved by Council.

AND BE IT FURTHER RESOLVED THAT the Solicitor prepare an appropriate By-law to incorporate this in the Council By-law." Motion Carried.

Next on the Agenda were the Public Hearings, the first being Mr. Frances D. Horne, re undersized lot. Mr. Horne spoke on his own behalf and was questioned by Council as to whether he had attempted to purchase additional property and whether it was possible to obtain a permit to change or renovate existing building to conform to regulations.

Mrs. Sylvia Hudson spoke against approval of Mr. Horne's lot arguing that this was not the type of approval the 1966 legislation was to be used for.

Councillor MacKay asked Solicitor Cox to explain the 1966 legislation.

Mr. Cox gave an explanation of this By-law.

Council proceeded to discuss this.

Councillor McCabe does not support the application, saying it is too small.

Councillor Streach supported, he feels that Council represents the people and that the purpose of this legislation is to help people.

Councillor MacKay stated that he was in favour but asked Mr. Cox if Council could legally interpret the By-law to include this. Mr. Cox said that this was a judgement decision and Council had the right to make their own decision.

Councillor Eisenhower enquired as to whether this property will have to be re-zoned and Mr. Gough, Director of Planning and Development, replied that an application has been made to re-zone.

Councillor Cosman asked if it would be legal to construct a breezeway between the two buildings.

Councillor Topple asked about commercial taxes being paid on both Mr. Horne's house and place of business.

Councillor Sutherland stated that he opposed the approval of this.

Councillor Margeson enquired as to whether Mr. Horne's family lived on the lot and if there was any problem with sewers, etc. Councillor Margeson also asked what legislation would be involved if Mr. Horne was to sell this property.

The Warden stated that it could be sold as two separate lots, and Councillor Baker stated that he was in favour of approval and felt that this was a borderline case.

Councillor Fader stated he would support this as Mr. Horne was trying to better himself and improve the situation around him.

Councillor Williams stated that he felt the Councillors did not understand this legislation. In order to improve on houses, in order to obtain money or to obtain deeds, to property, the lots must be approved.

Councillor Fader remarked that if Mr. Horne does not get approval he will not get approval to renovate, thus leaving this problem in the area.

Councillor Streach gave notice of Reconsideration. (See end of Minutes)

The second Public Hearing was that of Mr. Harold G. Pike and Mr. David E. Pike.

Mr. Harold Pike spoke on his own behalf as owner of this property. Mr. Pike stated that when he bought this land he was under the impression that the land was 30,000 square feet which would be large enough to have two houses on it. It seems that when a survey was done it was found out to be only 27,000 square feet. Mr. Pike approached the abutters to see if they were willing to sell him some land but they were not. He applied for a building permit to construct a new house on this property as existing cottages were not fit to live in. Previously this lot, had three buildings on it, two were torn down and the third cottage was left standing, leaving two buildings on the lot. He feels that his new home is a credit to the community. His son is co-owner of this property and neither one can afford to buy the other out.

Councillor MacKay questioned Mr. Pike about the fact that when he obtained his building permit, he signed an agreement that the cottage would be torn down as soon as the new home was finished. Did he intend all along to keep the cottage standing.

Mr. Pike agreed that this was true, it was the only way to obtain a building permit and he was under great financial duress.

Councillor Fader asked if Mr. Pike was occupying the home and if so, had he obtained a permit to do so.

Mr. Pike answered that the Provincial Government urged people to live in shell houses while under construction.

Councillor Fader also questioned Mr. Pike about the septic tank system installation.

Councillor Streach asked what the value of the cottage would be.

Mr. Pike replied approximately \$10,000.

Councillor Cosman asked when the septic system had last been checked.

Mr. Pike replied that it was before he moved in, late in 1974.

Councillor Cosman also asked if his home was finished and Mr. Pike said no, it was not.

David Pike, co-owner of this property spoke next. He felt that the main issue was that there were two septic systems and two homes. They just simply removed one building and replaced it with another. There are less people living on the property now than before.

The Warden asked three times if there was anyone else to speak in favour of this and there was no one.

The Warden then asked if there was anyone present who wished to speak against this application.

Mr. David Jones, a lawyer speaking on behalf of Mrs. M. Henneberry, a neighbour of Mr. Pike's to the south. She has stated that she approached the previous owner of this land to purchase herself and at the time was told the land was only 22,000 or 23,000 square feet. She found that the county regulations were too stringent it was not profitable for her to purchase this land and so abandoned the idea. Mr. Jones also brought up the matter of a letter dated July 10, 1974 from Mr. Vincent to Mr. Pike re a preliminary permit which stated he must remove other buildings in order to build another. It is also Mrs. Henneberry's understanding that the septic system is not good, and she feels that her property is being devaluated, and that at one time, the septic system on Mr. Pike's property was condemned.

Councillor Benjamin questioned Mr. Jones as to Mrs. Henneberry's lot and found that she had had many infractions on her lot as well and her criticism did not seem valid. Councillor Benjamin also questioned Mr. Jones as to why he was disputing the size of the lot and the septic system.

Mr. Allan Ruffman, a property owner, then spoke next. Mr. Ruffman was concerned about the environmental effect on Lake William, this property would have. Lake William is the only fresh water supply in the area and it would be a great expense to the county to have water put in this area.

Mr. Doug Chapman, a resident of Waverley was also concerned about the pollution of Lake William as he himself used the water in the lake. He urged Council not to allow small lots on Lake William.

Mrs. Sylvia Hudson, a resident of the area spoke next. She was concerned about Mr. Pike's apparent dishonesty in regards to the measuring of his property. He stated that there were no markers in which to measure his property when it is clearly seen that there are two markers which have been there since 1954. She feels that Mr. Pike should live up to his agreement made when he signed his building permit. Mrs. Hudson was also concerned about the pollution of the lake and stated that not far from this property, the lake is already polluted.

Mr. Frank Goodman, a resident of the area spoke against this application. He informed Council that 8 years ago, there was also a trailer on this lot besides the three other buildings and Mrs. Hudson was responsible for having the trailer removed and having the cottages condemned. He also heard that the lot size was approximately 22,000 square feet.

Mrs. Marian Walsh, a resident of the area also spoke against the application, being concerned about the pollution of the fresh water supply.

As a result of further lengthy discussions, it was moved by Councillor Fader, seconded by Councillor Cosman:

"THAT this item be deferred to the February Session of Council with a report from the Atlantic Health Unit on this property and a report from the Planning Advisory Committee with the Public Hearing be continued at that time." Motion Carried.

The next Public Hearing was in regards to the lands of Nora Slaunwhite of Terence Bay.

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

There being no reply, it was moved by Councillor Williams, seconded by Councillor Fader:

"BE IT RESOLVED THAT Lots 1 and 2 of the lands of Nora Slaunwhite, Terence Bay, Halifax County, be and they are hereby approved as undersized lots under the 1966 legislation." Motion Carried.

Councillor Williams replied to a question from Councillor Sutherland in regards to the roadway.

The next item on the Agenda, was the approval of the minutes.

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

"THAT the Minutes of the Special Council Session of December 14, 1976 be approved as amended." Motion Carried.

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

"THAT the minutes of the Council Session of December 21, 1976 be approved as amended." Motion Carried.

Re letters and communications, the Municipal Clerk announced that there was a letter re legislation re Nova Scotia Power Corporation and also letters from the School Board.

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

"THAT these communications be received." Motion Carried.

Councillor Cosman introduced a letter which she had received and asked the Municipal Clerk to read it.

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

"THAT a letter as tabled by Councillor Cosman, be received." Motion Carried.

Councillor Eisenhower suggested that when a report was being introduced that the Chairman make the motion and a member of the committee second it to make things move faster. As a result:

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

"THAT when reports are placed before Council that it be moved by the Chairman, if present, or in his absence by a member of the Committee and seconded by a member of the Committee." Motion withdrawn by mover and seconder.

It was agreed by Council to do this whenever possible.

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

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

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

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

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

"THAT the Report of the Planning Advisory Committee be

approved." Motion Carried.

The next item on the Agenda was the resolution re Lands of Harold Burton Hart.

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

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by rezoning lands of Harold Burton Hart at Sambro, Halifax County, from R2, Residential Two Family Dwelling Zone to C1, Commercial Local Business Zone, provided that the said Harold Burton Hart enter into a contract, a copy of which is attached to this resolution. Application #1-76.

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

"THAT this be deferred until the next session of Council or to the adjourned session." Motion Carried.

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

"THAT the resolution re Francis D. Horne be reconsidered." Motion Carried.

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

"BE IT RESOLVED THAT Portion "A" of Lot X1 of the lands of Francis D. Horne, South East Passage, Halifax County, be and the same is hereby approved as an undersized lot under the 1966 legislation." Motion Carried.

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

"THAT Council adjourn to Tuesday, January 25, 1977 at 7:00 P.M." Motion Carried.

The meeting was adjourned at 11:10 P.M.

MINUTES OF THE JANUARY SESSION OF THE MUNICIPAL COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

The second day of the January Session of the Council of the Municipality of the County of Halifax convened at the Municipal Administration Building at 8:00 p.m., Tuesday, January 25, 1977 with Warden Ira S. Settle presiding.

The Municipal Clerk called the Roll.

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

"THAT Mrs. Terri Durling be appointed as Recording Secretary." Motion Carried.

The Solicitor, Mr. Cox, then read the By-law to amend the Municipal Council By-law. It was moved by Councillor Margeson, seconded by Councillor Deveaux:

"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.

1977

FEBRUARY SESSION

A BY-LAW TO AMEND THE MUNICIPAL COUNCIL  
BY-LAW

1. The Municipal Council By-law is amended by adding immediately after Section 4 thereof the following:

4A. (1) At every evening session Council shall suspend its business and adjourn at eleven o'clock in the afternoon or on completion of the item of business then being considered, whichever is later, unless Council by two-thirds vote of the members present decides otherwise.

(2) Council shall reassemble to complete its business at seven o'clock in the afternoon or some future date unless otherwise resolved by Council.

(3) If the business of Council is not completed at that adjourned session, Council shall adjourn to a future meeting or meetings until the business of the session is completed.

(4) The adjourned meetings referred to in subsection (3) shall convene at seven o'clock in the afternoon unless otherwise resolved by Council." Motion Carried.

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

"THAT Council complete its agenda and any new or old business and therefore go beyond the 11:00 p.m. time limit, if necessary." (Motion Defeated)

Following discussion, the Warden called for a vote on the motion which was defeated.

Next on the agenda was the report of the Planning Advisory Committee re the lands of Harold Burton Hart, Sambro, which had been deferred from the January 18th session. A general discussion followed as to the merits of this proposed rezoning, and the legalities of the proposed contract agreement. Following the discussion, the Warden called for a vote on the motion which was carried. This item was discussed at length by Council and Councillor Baker noted that there was a definite need for a store and canteen in the community. The Clerk read the motion as deferred. It was moved by Councillor Baker, seconded by Councillor Walker:

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by rezoning lands of Harold Burton Hart at Sambro, Halifax County, from R2, Residential Two Family Dwelling Zone to C1, Commercial Local Business Zone, provided that the said Harold Burton Hart enter into a contract, a copy of which is attached to this resolution. Application #1-76." Motion Carried.

It was further moved by Councillor Streach, seconded by Councillor Gaetz:

"THAT the Warden and the Clerk be and they are hereby authorized and instructed to execute on behalf of the Municipality, a contract relative to the rezoning of the Hart property, Sambro, a copy of which is attached to this resolution." Motion Carried.

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

"THAT the Reports of the Chief Building Inspector re Lesser Setbacks and Sideyard Clearances be approved as amended." Motion Carried.

Mr. Gallagher, Director of Public Works, answered questions as to the total costs of the projects and outlined general procedure in the report of the Public Works Committee. It was moved by Councillor Fader, seconded by Councillor Cosman:

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

Next on the agenda, were resolutions re temporary borrowings. It was moved by Councillor Baker, seconded by Councillor MacKay:

"THAT an amount of \$266,000.00 be borrowed for the construction of a Water Booster Pumping Station in Sackville, Job #147-W-76(A)." Motion Carried.

Municipality of the County of Halifax  
Temporary Borrowing Resolution  
\$266,000.00 re Construction of a Water  
Booster Pumping Station in Sackville

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

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

AND WHEREAS the Municipal Council of the Municipality of the County of Halifax deems it necessary to borrow a sum not exceeding Two Hundred, Sixty-six thousand dollars (\$266,000.00) for the purpose of constructing a water booster pumping station in Sackville.

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

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

BE IT THEREFORE RESOLVED that under and by virtue of said the Municipal Affairs Act the Municipality of the County of Halifax do, subject to the approval of the Minister of Municipal Affairs, borrow or raise by way of loan on the credit of the Municipality a sum not exceeding Two Hundred Sixty-six thousand Dollars (\$266,000.00) for the purpose aforesaid;

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

THAT the issue of such debentures be postponed and the said Municipality do, under and by virtue of the provisions of Section 147 of the Municipal Act and subject to the approval of the Minister of Municipal Affairs, borrow by way of loan on the credit of the Municipality a sum or sums not exceeding Two Hundred Sixty-six Thousand Dollars (\$266,000.00) from the Royal Bank of Canada at Halifax;

THAT such sum or sums be borrowed from said Bank for a period not exceeding twelve months from the date on which this resolution shall have been approved by the Minister of Municipal Affairs, with interest thereon to be paid said Bank at such rate as shall be agreed upon

and that the amount so borrowed be repaid the said Bank from the proceeds of the debentures when sold." Motion Carried.

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

"THAT an amount of \$120,000.00 be borrowed for the modification of the Sewage Pumping Station at Bissett Lake, Cole Harbour, Job #156-E-70." Motion Carried.

Municipality of the County of Halifax  
Temporary Borrowing Resolution  
\$120,000.00 re the Modification of the  
Sewage Pumping Station at Bissett Lake

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

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

AND WHEREAS the Municipal Council of the Municipality of the County of Halifax deems it necessary to borrow a sum not exceeding One Hundred Twenty Thousand Dollars (\$120,000.00) for the purpose of the Modification of the Sewage Pumping Station at Bissett Lake;

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

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

BE IT THEREFORE RESOLVED that under and by virtue of said the Municipal Affairs Act, the Municipality of the County of Halifax do, subject to the approval of the Minister of Municipal Affairs, borrow or raise by way of loan on the credit of the Municipality a sum not exceeding One Hundred Twenty Thousand Dollars (\$120,000.00) for the purpose aforesaid;

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

THAT the issue of such debentures be postponed and the said Municipality do, under and by virtue of the provisions of Section 147 of the Municipal Act and subject to the approval of the Minister of Municipal Affairs, borrow by way of loan on the credit of the Municipality a sum or sums of money not exceeding One Hundred Twenty Thousand (\$120,000.00) from the Royal Bank of Canada at Halifax;

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

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

"BE IT RESOLVED THAT the Municipality make application to Central Mortgage and Housing Corporation for a loan of \$177,000.00 with respect to Water Booster Pumping Station at Sackville.

AND BE IT FURTHER RESOLVED THAT the Warden and Clerk be and they are hereby authorized and instructed to enter into all appropriate and required agreements in connection with the said loan on behalf of the Municipality." Motion Carried.

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

"BE IT RESOLVED that the Municipality make application



to Central Mortgage and Housing Corporation for a loan of \$80,000.00 with respect to Water Transmission Mains re portion of Hammonds Plains Road, Bedford;

AND BE IT FURTHER RESOLVED THAT the Warden and Clerk be and they are hereby authorized and instructed to enter into all appropriate and required agreements in connection with the said loan on behalf of the Municipality." Motion Carried.

The Report of the Municipal School Board was then discussed at length. The School Board having approached the Department of Labour to see if there is some sort of a small elevator that could be installed in public schools which could be operated by a key for disabled students. As it presently stands, no provisions are being made for these students and they are being carried up and down staircases. Some schools now being designed will have ramps incorporated in their design to alleviate this problem. Mr. Perry, the Superintendent of the Municipal School Board outlined the background for the report.

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

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

It was further moved by Councillor Sutherland, seconded by Councillor Lawrence:

"THAT the Report of the Municipal School Board be referred to the School Capital for a report to Council re ramps versus elevators." Motion Carried.

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

"THAT Council support the request of the Municipal School Board to the Department of Labour with respect to elevators or other devices for schools." Motion Carried.

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

"THAT a letter be sent to the Minister re design of schools and universities re handicapped people." Motion Carried.

Councillor McCabe asked Mr. Perry for the number of students who would need these facilities and also the number of students in the last few years who were handicapped. Mr. Perry to obtain this information for Council at a later date.

Councillor Cosman expressed concern over the structure of the school buses. In particular, she questioned their safety with regards to the roof, floor and metal hand rails. Mr. Perry assured the Council that the buses were very safe according to the Canadian standards which are revised annually and that all buses must meet the safety requirements.

Deputy Warden MacKenzie, inquired about the removal of the power assist unit from some school buses. He had been informed that their removal has made the navigation of the buses very difficult. Mr. Perry explained that the power assist units were removed because they were not satisfactory. They were removed only after assurance that no problems would occur with regards to the safe driving of the bus.

Councillor Topple brought to Council's attention a matter of great concern in his district. The hot air heating system used in the William Ross School in Westphal has not been operating efficiently for a long time. The problem in the school has become so bad that many children have been off sick with respiratory problems. A doctor in the area treating some of the sick children has confirmed that the heating system is definitely a contributing factor to the health problems that the children have been suffering. Councillor Topple informed Council that the parents of these children are most upset and they want the present heating system replaced with a hot water heating system as soon as possible. If this is not done the children will be taken out of school. Mr. Perry confirmed Councillor Topple's comments and stated that the system will definitely be replaced and that a resolution to that effect was going before the School Board in the morning.

Following this discussion, it was moved by Councillor Topple, seconded by Councillor Lachance:

"THAT Council give consent to suspend 9(3) of the Council By-laws re money matters." Motion Carried.

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

"THAT Council authorize the expenditure of not more than \$20,000.00 to replace the present heating system at William Ross School, provided that such request for the changeover is received by the County from the School Board, and approved by the Department of Education as part of the County's Capital School budget." Motion Carried.

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

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

Councillor Topple asked what was being done about the arsenic problem in the Ross Road School in his district. Mr. Bensted replied that the water system for the drinking fountain and cafeteria in the new addition to this school would have to be separate from the drilled well as the Department of Public Health would not approve otherwise.

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

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

At this time Councillor Cosman brought up the Jack Lake landfill site issue. She suggested that there were alternate sites to the Jack Lake site. It was moved by Councillor Cosman, seconded by Councillor Margeson:

"THAT Council hear a tape as presented by Councillor Cosman." Motion Carried.

After listening to the tape, several of the Councillors questioned why Warden Settle did not respond to Premier Regan's statement that some of the County Councillors were "politicizing". It was noted that there will be a meeting of the three councils around the 20th of February. Councillor Margeson went on to say that he knows of a company where boilers for heat energy can be obtained. Councillor MacKay then asked if the landfill site was a topic of discussion at the recent Regional Authority meeting.

Warden Settle stated that the Regional Authority had been advised that the City of Halifax would consider a resolution to the effect that the amount of County garbage handled at the incinerator was to be reduced to 600 tons per month starting in February, 1977.

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

"THAT this Council defer discussion on the matter of solid waste disposal pending the meeting of the three Councils." Motion Carried.

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

"BE IT RESOLVED THAT the Municipality make a grant in the amount of \$2,000.00 to the Municipal School Board of the Municipality of the County of Halifax to help finance a school band of the Bedford-Sackville-Waverley Sub-System to attend and participate in a music festival to be held in Italy in March 1977." Motion Carried.

Resolutions re grants to hospitals were then discussed. Councillor Topple wanted to know what effect the grants would have on taxes.

Councillor Streach commented that the Finance and Executive Committee had given a great deal of consideration to these grants before approving them.

Councillor Walker questioned the wisdom of making such grants. He stated his concern as to future requests.

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

"BE IT RESOLVED THAT Council approves of a grant of \$72,000.00 to the Grace Maternity Hospital at Halifax to be payable over a period of six years in instalments of \$12,000.00 per year." Motion Carried.

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

"BE IT RESOLVED THAT Council approve of a grant of \$30,000.00 to the Dartmouth General Hospital at Dartmouth to be payable over a period of three years in instalments of \$10,000.00 per year." Motion Carried.

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

"BE IT RESOLVED THAT Council approve of a grant of \$9,000.00 to Middle Musquodoboit General Hospital at

Middle Musquodoboit to be payable over a period of three years in instalments of \$3,000.00 per year." Motion Carried.

It was moved by Deputy Warden MacKenize, seconded by Councillor Eisenhauer:

"BE IT RESOLVED THAT Council approve of a grant of \$2,250.00 to Twin Oaks Memorial Hospital at Musquodoboit Harbour to be payable over a period of three years in instalments of \$750.00. per year." Motion Carried.

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

"BE IT RESOLVED THAT Council approve of a grant of \$4,500.00 to Eastern Shore Memorial Hospital at Sheet Harbour to be payable over a period of three years in instalments of \$1,500.00 per year." Motion Carried.

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

"WHEREAS the documents and records of the Municipality of the County of Halifax as set out in the affidavit of H.G. Bensted, the Municipal Clerk, sworn to the 17th day of August, A.D., 1976 are no longer required;

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

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

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

"THAT the Solicitor be instructed to draw an appropriate amendment to the Council By-laws to provide that additions to the agenda be considered after the meeting is properly convened and that after receipt of such additions the agenda be closed." Motion Carried.

Councillor Lawrence stated she felt this would give Council advance information as to items to be discussed. Following considerable discussion the Warden called for a vote on the motion.

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

"THAT the Industrial Committee be requested to arrange a meeting with the Honourable Sandy Cameron re Industrial and Commercial Development and particularly the Eastern Shore area." Motion Carried.

Councillor MacKay noted that the evening sessions of Council were not too successful thus far in attracting the public. It was his feeling that the monthly Council meeting should go back to day hours. It was moved by Councillor MacKay, seconded by Councillor Walker:

"THAT Council rescind Sub-section 1 and replace it with the former Sub-section 1 and 2." Motion deferred to the February session of Council by Councillor Lawrence, seconded by Councillor Deveaux.

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

"THAT Mrs. Valerie Oram, Wonderland Trailer Court, Lake Echo, be appointed as a Dog Constable for the purpose of selling dog licenses." Motion carried.

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

"THAT Council be provided with a report on the results of

the resolution by the Union of Nova Scotia Municipalities Report to the Minister of Education re level of education." Motion Carried.

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

"THAT there be a private line installed for the night sessions." Motion Carried.

Councillor Fader stated this was necessary in order for Councillors to be contacted by phone during the evening sessions.

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

"THAT Richard MacFarlane as Dog Constable for the purpose of selling licenses." Motion Carried.

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

"THAT Joseph Hefler's appointment as Chief Building Inspector be and the same is hereby ratified and confirmed as of 16 March 1976." Motion Carried.

The Solicitor advised that Mr. Hefler had been appointed in September 1975. The Building By-law stated that the appointment should be made annually.

Councillor Deveaux informed Council there was an old water line along Cow Bay Road in his district and that several residents would like to hook into this line. He stated that he had requested the Public Works Committee, some months ago, to have this line tested. The Committee had not approved the request due to the fact that Council had not approved funds for this purpose and due to the fact that the line was not of the proper size and also outside the Planned Service Area Boundary.

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

"THAT Council consider testing a water line in the Cow Bay area." Motion referred by Councillor Streach, seconded by Councillor Margeson to the Public Works Committee."

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

"THAT Council adjourn." Motion Carried.

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MINUTES OF THE FEBRUARY SESSION OF THE MUNICIPAL COUNCIL  
OF THE  
MUNICIPALITY OF THE COUNTY OF HALIFAX

The February Session of the Municipal Council convened at the Municipal Administration Building at 7:00 p.m. on Tuesday, February 15, 1977 with Warden Ira S. Settle presiding.

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

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

"THAT Mrs. Terri Durling be appointed as Recording Secretary."  
Motion Carried.

The Municipal Clerk noted some minor changes in the Agenda.

Councillor Smith thanked the rest of Council for their thoughtfulness and consideration while he was a patient in the hospital.

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

"THAT the letter of withdrawal of the request for subdivision of the Pike land at Waverley be accepted and that the matter not be dealt with further." Motion Carried.

Next on the Agenda was a resolution deferred from the January Council Session regarding Council Sessions reverting back to 10:00 a.m. from 7:00 p.m. This resolution was discussed at great length. Some Councillors were of the opinion that should this change take place, the Council would be left open to ridicule for having changed their minds again so quickly, taxpayers would once again be unable to attend Council Sessions and many Councillors are inconvenienced by daytime sessions because of their employment. Other Councillors felt that daytime sessions were more constructive as there was more time to go over items, and it was more convenient for some Councillors to meet in the daytime because of the distances they have to travel. It was also noted that two of the Councillors have health conditions and that daytime sessions would be better suited to them.

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

"THAT the Council By-law be amended by deleting the present Subsection 1 and replacing it with the former Subsections 1 and 2." (Motion Carried.)

(Deferred from the January 25th Session of Council by motion of Councillor Lawrence and Councillor Deveaux.)

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

"THAT the matter of daytime versus nighttime sessions of Council be deferred for a period of two months."  
Motion Defeated.

Councillor Topple gave a notice of reconsideration.

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

"THAT Councillors give notice of their intention to add items to the agenda and that new business to be considered at this Session of Council be limited to items of which such notice is given." Motion Carried.

It was at this time that Councillors added new items of business to the Agenda.

Councillor Smith	- Sable Island
Councillor MacKay	- Tape Recorder, Council Sessions - Revision or Updating By-laws
Councillor Topple	- Trynor Construction, Municipal Building Board
Councillor Lawrence	- Notices from Provincial Planning Appeal Board - Term of appointment of Solicitor and Auditors



- Councillor Poirier - Intersection Beechville-Lakeside Road and Highway # 103
- Councillor Cosman - Letters to be Sent  
- Minutes of Special Council Session  
- Dog Catcher  
- Mini Computer  
- Report from Warden re Meeting with Mr. Gauthier  
- Roads and Crosswalks, Bedford
- Councillor Streach - Motion re Building By-law
- Councillor Deveaux - Garbage  
- Approved Lots
- Deputy Warden MacKenzie - Tax Sale Procedures  
- Unsightly Premises
- Councillor Fader - E.M.O. Appointment
- Councillor Baker - Letter to Halifax Transit Corporation
- Councillor Margeson - Trash Disposal

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

"THAT the agenda be closed." Motion Carried.

At this time, Council dealt with the request from the Nova Scotia Housing Commission for a representative at the Nominating Committee, which will be formed to select four members to the newly formed Halifax County West Housing Authority.

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

"THAT Councillor Fader be nominated to the Nominating Committee of the Nova Scotia Housing Commission."

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

"THAT Councillor Poirier be nominated to the Nominating Committee of the Nova Scotia Housing Commission."

A vote was taken and Councillor Poirier was duly elected.

Councillor Topple noted that Premier Regan should be commended for his decision on the budworm spraying issue. He also went on to say that there should be more control on pesticides coming into Nova Scotia and their use in this province. Some sort of legislation should be passed to this effect as is done in other provinces.

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

"THAT the Premier be commended (via letter) for his action re budworm spraying and request that his government set up a provincial control for the regulation of pesticides in Nova Scotia." Motion Carried.

A letter from the City of Winnipeg concerning Canada converting to the metric system was then discussed. Councillor Deveaux was of the opinion this conversion was a waste of the taxpayers' money during this time of inflation. Such a conversion would be better suited to a time when the Country was better off financially. Councillor Lawrence felt that it would be financially unwise to stop the program midstream. Councillors Gaetz and Benjamin stated that the Federal Government had made the decision to convert and there should not be any interference with their decision.

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

"THAT Council support a resolution of the City of Winnipeg re metric conversion until inflation is controlled." Motion Carried.

It was at this time that Council gave Warden Ira S. Settle an applause for his twenty-five years as a County Councillor.

At the request of Councillor Fader, two resolutions dealing with the Sackville Fire Department were then discussed. Councillor Fader advising that the Fire Chief was in the Audience and had to attend a meeting of the Fire Department this evening.

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

"BE IT RESOLVED THAT the Warden and Clerk be and they are hereby authorized and instructed to execute on behalf of the Municipality, a Collective Agreement concerning the Sackville and District Fire Department Employees Association, a copy of which is attached to this resolution." Motion Carried.

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

"BE IT RESOLVED THAT the Warden and Clerk be and they are hereby authorized to execute on behalf of the Municipality an agreement of purchase concerning a fire station lot in Upper Sackville, a copy of which is attached to this resolution." Motion Carried.

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

"THAT the Minutes of the January 18th and January 25th Session of the Municipal Council be approved as amended." Motion Carried.

Both Councillors Topple and MacKay noted that there were errors and omissions in the minutes and Councillor MacKay was especially concerned about an omission regarding comments by Mrs. Silvia Hudson with respect to the Public Hearing re Mr. Pike.

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

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

It was further moved by Councillor Streach, seconded by Councillor Gaetz:

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

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

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

Councillor Lachance asked if the questionnaires of the Municipal Development Plan as contained in Item #6 of the Report of the Planning Advisory Committee would be available to the Bookmobiles. He was advised that they would be.

Deputy Warden MacKenzie questioned the dates for the planned Public Participation Seminars re the Municipal Development Plan, stating that all the councillors should be advised well in advance of the dates and locations of these meetings.

Councillor MacKay then referred to the January 7th Minutes of the Planning Advisory Committee and one paragraph in particular, saying that there was a discussion on whether the Committee should have some say in that the Building Inspector makes all the decisions re Building Applications. It was realized that little could be done. Solicitor Cox, referred Councillor MacKay to the Building By-law which state that the Building Inspector has this right.

Councillor Lawrence said the Committee was concerned about this and wondered what could be done. Solicitor Cox replied that where there was a Municipal Development Plan presently in the works, it was hoped that this plan would include some changes in the present Building By-law.

Councillor Poirier commented that her district is very unique in that much of it is without servicing. Something must be done about this situation as her district appears to be the only one with this problem.

Councillor Streach agreed that indeed, something must be done about the Building Inspector making all the decisions as this gives too much power to just a few people.

Councillor Deveaux asked if the consultants could go to his district for a meeting and the Municipal Clerk replied that this could be arranged.

Warden Settle explained the situation further re servicing in District #2 saying that he has taken the matter up with the Department of Public Works. With regards to Councillor Poirier's problem, servicing could not be extended to this district until the Pockwock water system opened. It will be very expensive then, however, because DREE grants were no longer available. There may be some assistance forthcoming through Central Mortgage and Housing Corporation. A report on the progress being made on this problem will be given to Councillor Poirier.

The Municipal Clerk, Mr. Bensted, went on to say that the Regional Development boundaries had been set and once this boundary was established, no development could take place within until servicing was available. Not only is Councillor Poirier's district affected but also some parts of the Bedford - Sackville area. A projected cost for servicing Councillor Poirier's district should be put before the people. Councillor Poirier added that her people could not pay a great deal for water and sewer and if it were very expensive, she would bring the financing before Council.

Councillor Streach was disappointed that the Garfield Drake application was not on the agenda. He was informed that it would be on the agenda for the next session of Council.

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

"THAT Council as a Committee of the Whole meet with the consultants before the seminars were held." Motion Carried.

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

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

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

"THAT approval be given to Application No. 38-76, F. LeGay Plastics Ltd., Old Cobequid Road, Waverley, to rezone from C2 - Commercial General Business Zone to I-L, Industrial General Zone. District 14." Motion Carried.

Councillor Streach felt that the Supplementary Report of the Planning Advisory Committee should be reconsidered, especially with regards to Item No. 2. There was not enough time to read the Supplementary and give it ample consideration before the motion was passed. It was agreed by Council that this would be dealt with at the end of the Session.

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

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

Several of the Councillors questioned why there were so many applications for lesser setbacks. Councillor Topple felt that these should be referred to the Planning Advisory Committee. Mr. Bensted replied that the lesser setbacks are the responsibility of the Building Inspector as set out in the Building By-law.

Councillor Lachance felt there should be some perusal of these lesser set backs. Mr. Cox explained that these were recommendations only from the Building Inspector. Council can get further reports on them from the Building Inspector.

Councillor Streach commented that the Councillors should be advised as to whether these lesser set backs are in his district or not.

Mr. Hefler, the Building Inspector then took the floor to answer some of Council's questions. He explained that often errors were made by contractors in placing footings, but that he had noted that lesser set backs were on the decrease. They do not detract from the appearance of the areas in question as this is carefully checked. The field inspector inspects the property before the recommendation is made.

Councillor Deveaux noted that the Housing Commission had made applications for a lot of these lesser set backs.

Mr. Hefler explained that they do this for a saving of 10' to the sewer line. In turn, this saving is passed on to the purchaser of the home. This was questioned by Council as it was felt that in most cases the homeowner did not save anything.

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

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

Councillor Deveaux wanted to know if there would be any lengthy delay in the construction of the Suburban Dartmouth High School. Mr. Bensted felt there would be a delay of approximately three months. It was noted that the Suburban Dartmouth High School is the school being built in Forest Hills.

It was also noted that the new heating system for the William Ross Elementary School was to be installed by the maintenance personnel at the school instead of contractors.

Councillor Sutherland wanted to know if the access roads to schools were considered part of the capital project, to which Mr. Bensted replied that they were.

The centralizing of the present two garages in Sheet Harbour and Musquodoboit Harbour were questioned by Councillor Smith. He felt the area of Tangier - Pope's Harbour was not central to the area. Councillor McCabe answered that the present two garage premises were getting too high in rental costs and it was felt that one garage midway between these two would work out much better financially. Councillor MacKay confirmed the former's statements.

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

"THAT the Capital items contained in the Municipal School Board Report be referred to the Finance and Executive Committee."  
Motion Carried.

Councillor MacKay wanted to know where the report on the elevators versus ramps for schools was. Mr. Bensted said the figures were being obtained from the architects for the Committee.

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

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

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

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

Next on the agenda was a resolution re proposed legislation re pollution control charge area rate. This was discussed at great length by Council Members. Some Councillors questioned as to whose method was the better - a capital charge or an area rate.

Councillor Deveaux stated that sewer service will be made available to everyone but many will not use it, however, everyone is expected to pay the same price.

Solicitor Cox painted the legal picture saying that at the present time they do not have the authority to levy an area rate but the proposed legislation for an area rate gives Council more of an option.

Mr. Bensted gave the background history of the proposed legislation. He explained that a figure for a flat lot charge would only be a guess estimate and not a satisfactory method. An area rate charge was the only way the matter could be dealt with so that the Council could recover the actual dollars in a proper manner. This would be calculated each and every year.

Councillor Lachance wanted to know if the North Preston area was serviced. Mr. Bensted said that Central Mortgage and Housing Corporation and Nova Scotia Housing Corporation did put some servicing in this area. He also explained that the area rate there, was for maintenance costs only.

Councillor Topple was concerned that residents would be paying an area rate but would not get on the trunk sewer for five to ten years.

Mr. Gallagher, Director of Public Works, then came forward and gave a description of the entire program while Mr. Wilson, Comptroller, gave some financial information.

Councillor Deveaux wanted to know if a fixed figure could be arrived at so that Council would have something to compare with. Mr. Wilson replied that because there were so many unknown factors, it would be just about impossible to do this.

Mr. Bensted mentioned that this charge would be written on the tax bill as a pollution control charge.

Several Councillors were of the opinion that it was unfair to charge people a rate over 15 to 20 years, that many would want to pay it off in a lump sum, however, Mr. Gallagher explained that it would be impossible to calculate this way as there were so many costs that could not be projected that far into the future.

It was Councillor Gaetz's opinion that balances of unpaid debts should not be imposed on the taxpayers generally.

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

"BE IT RESOLVED THAT the Solicitor be and he is hereby authorized and instructed to take all appropriate steps to place the attached Bill before the current session of the Legislature and request its approval and passage."  
Motion Carried.

Councillor Cosman requested that it be recorded that she voted against this resolution.

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

"THAT Council adjourn to Tuesday, March 1, 1977 at 7:00 p.m." (Motion Defeated)

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

"THAT Council adjourn to Wednesday, February 16, 1977 at 7:00 p.m." Motion Carried.

MINUTES OF THE FEBRUARY SESSION OF THE MUNICIPAL COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

The second day of the February Session of the Council of the Municipality of the County of Halifax convened at the Municipal Administration Building at 7:00 p.m., Wednesday, February 16, 1977 with Warden S. Settle presiding.

The Municipal Clerk called the Roll. Councillor Fader was not present.

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

"THAT Mrs. Terri Durling be appointed as Recording Secretary."  
Motion Carried.

The Solicitor, Mr. Cox then read the resolution concerning the proposed By-law to amend the Municipal Council By-law re adding new items of business to the agenda at the beginning of Council Sessions.

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

"THAT the proposed By-law to Amend the Municipal Council By-law be accepted." Motion Carried.

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

"BE IT RESOLVED THAT the Council approve and it hereby approves of the operating budget for the Senior Citizens' Project at Sheet Harbour submitted by the Halifax County Housing Authority to the February Session of Council." Motion Carried.

Deputy Warden MacKenzie felt that a letter should go to the Halifax County Housing Authority congratulating them on their budget and the fact that it broke even.

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

"WHEREAS the Harrietsfield Fire Department has applied for a loan in the amount of \$21,000.00 for the purpose of purchasing new equipment for the Harrietsfield Fire Department, said loan principal and interest to be repaid over a maximum period of ten years,

BE IT RESOLVED THAT the Council approve said loan subject to the Harrietsfield Fire Department entering into the usual agreement with the Municipality providing for the yearly payments of principal and interest and that if such payments are not made as required, that the Municipal Council has a right to levy an area rate to recover such outstanding payments." Motion Carried.

Councillor Baker thanked Council for passing this resolution and said it would greatly improve the fire service in his district.

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

"WHEREAS District No. 8 Fire Department has requested a loan in the amount of \$35,000.00 for the purpose of purchasing equipment for the District No. 8 Fire Department, said loan principal and interest to be repaid over a maximum period of eight years,

BE IT RESOLVED THAT Council approve said loan subject to the District No. 8 Fire Department entering into the usual agreement with the Municipality providing for the yearly payment of principal and interest and that if such payments are not made as required that the Council have the right to levy an area rate on the district to recover the outstanding payments." Motion Carried.

Nominations were called for a representative of the Municipality to the Board of Directors of the United Way, Halifax-Dartmouth Metro Area. It was moved by Councillor Gaetz, seconded by Councillor Smith:

"BE IT RESOLVED THAT Mr. J.F.R. McMahon be and he is hereby

appointed as a representative of the Municipality to the Board of Directors of the United Way, Halifax-Dartmouth Metro Area." Motion Carried.

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

"THAT Nominations cease." Motion Carried.

Solicitor Cox explained that the Dartmouth Hospital Commission wanted the names of five nominees from the County, two of which would be appointed to the Commission by decision of that Commission.

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

"THAT Mr. Kenneth Rob, Caldwell Road be nominated."

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

"THAT Councillor Deveaux be nominated."

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

"THAT Warden Ira S. Settle be nominated."

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

"THAT Councillor Fader be nominated."

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

"THAT Councillor Lachance be nominated."

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

"THAT nomination cease." Motion Carried.

Councillor Lawrence questioned the item in the Finance and Executive Committee re allowance for councillors having to stay overnight for Council Sessions.

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

"THAT the motion of reconsideration be considered now."  
Motion Defeated.

The Municipal Clerk, Mr. Bensted suggested that in future all additions to the agenda submitted by Councillors at the beginning of Council Sessions, be submitted in writing.

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

"THAT the Municipality of the County of Halifax study the matter of establishing a claim for Sable Island as part of Halifax County." Motion Carried.

It was noted that the Regional Library presently serves this area, but that the Federal Government presently pays for schooling. Also, the Municipality of the County of Guysborough is applying for a claim using the Municipal Boundaries Act. Solicitor Cox is to look into this and bring a report back to Council.

Councillor Lawrence suggested that an "exploration party" be sent to the island to get all the facts if Council is serious in their claim. Councillor Lachance wanted to know the advantages and disadvantages to the County should they claim it. Solicitor Cox will do a study on this and report back.

Councillor MacKay feels that the minutes of Council Sessions should be recorded as there are errors and omissions being made. Mr. Bensted explained that an entire P.A. system for Council Sessions is being looked at. A report will be going to the Finance and Executive Committee regarding the cost of this project.

Councillor MacKay also noted a recent article in "Open Line" by William Scott of Stellerton about getting a standard set of By-laws set up. This could be done on a cost-sharing basis.

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

"THAT an interest be indicated in a model set of By-laws as outlined in Open Line." Motion Carried.

Councillor Topple felt that the Building Inspector should get permission from homeowners on R1 Zoning area for blasting. Mr. Cox will look into this and see if there is any protection for the homeowner against this sort of thing.

Councillor Lawrence brought to Council's attention a matter concerning notices from the Provincial Planning Appeal Board. A notice for rezoning is advertised in the paper advising that appeals be made within 30 days. The applicant is quite confident when after 30 days he has not heard of any appeals being made that he can go ahead and make financial commitments. Suddenly two or three weeks later he receives notice that an appeal is being made. Councillor Lawrence cited two cases where this happened - Arnold Drive and Better Water Industries. Mr. Cox agreed with Councillor Lawrence that this should be taken up with the Planning Appeal Board and also the Department of Municipal Affairs.

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

"THAT letters go to the Department of Municipal Affairs and the Planning Appeal Board with respect to notification on receipt of appeals by the Planning Appeal Board." Motion Carried.

Councillor Lawrence also felt that it should be formalized in order that the Solicitor be appointed on a three year basis.

Councillor Topple wanted to know if there were a job description written up for the Solicitor. Solicitor Cox replied that there is nothing specific written in the By-laws and that his original orders were to follow the instruction of the Municipal Clerk, Council as well as various Committees.

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

"THAT By-laws be amended to allow for the appointment of Solicitor for a period of three years at the Second Session of Council commencing in 1977." Motion Carried.

Councillor Poirier withdrew the item regarding the intersection at Beechville, Lakeside Road and Highway #103 stating that action was taking place on it now.

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

"THAT a follow-up letter, re Senior Citizens Program in Halifax County and, in particular, the Musquodoboit Area be written to the Minister." Motion Carried.

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

"THAT a letter go to the Premier, Chairman and General Manager of the Nova Scotia Power Corporation requesting information re the Heat Energy Recovery Program re garbage disposal." Motion Carried.

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

"THAT a letter go to the Premier re the need for a Freedom of Information Act in the Province of Nova Scotia." Motion Carried.

Councillor Cosman also noted that several aldermen of the City of Dartmouth had not received the minutes of the Special Council Session. Mr. Bensted will look into this immediately.

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

"THAT Mr. Roy Giles and Mrs. Fréida Giles be appointed as Dog Catchers in District #17 and part of District #18." Motion Carried.

Councillor Cosman asked about the progress of the mini-computer. Mr. Bensted advised that the Finance and Executive Committee have authorized Thorne Riddell & Associates to carry out an analysis of our requirements re a computer system and also, advertise for a systems analyst.



Warden Settle reported that his meeting with the Honourable Mr. Gauthier had been a nice meeting. He mentioned that Mr. Gauthier was careful to say that he was on a fact finding mission only, and he was not making any decisions.

Councillor Cosman added that ten people from her district had presented petitions to Mr. Gauthier on his visit to her community.

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

"THAT a letter go to the Department of Highways requesting information re surveying being carried out in the area and the need for lowering of the speed limit on the Bedford Highway." Motion Carried.

Councillor Streach, gave notice of intention:

"A notice of motion for next Council Session re the Building By-law being amended so that District #13 be exempted." Motion Carried.

Councillor Deveaux stated that with regards to approved lots, he feels that something should be done to make it illegal to sell lots unless they are approved by all the necessary departments, especially the Department of Public Health. Councillor Smith said that it was his impression from the Honourable Allan Sullivan that something was going to be done about this.

Solicitor Cox said this matter is of great concern to everybody.

Councillor MacKenzie wanted to know if there was a way to streamline the procedure so that a taxpayer can get a title at a tax sale without having to bid against others. Solicitor Cox explained that there was a quitting of title legislation and that this is the right way to go about it, as getting clear title by tax sale is a misuse of the tax sale procedure. He will provide information on the proper method and this will be in turn given to each of the Councillors.

With regard to unsightly premises, Deputy Warden MacKenzie noted that sometimes two and three letters go to a resident complaining about the condition of his property but still nothing is done. He was advised that the Planning Advisory Committee has been looking at this problem and that legal action is sometimes the only recourse after three letters.

Councillor Williams brought up the tax sale procedure issue again stating that most people he represents cannot afford the \$3,000.00 to \$4,000.00 fee to obtain clear title the proper way. Their only alternative is going at it from the tax sale angle. Solicitor Cox reiterated that it was his opinion that this was the wrong way to do it.

Councillor Baker stated that he has a petition containing 360 names from residents in Harrietsfield who would like the Halifax Transit to extend service to this area.

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

"THAT a letter be sent requesting the Halifax Transit Corporation to consider extending the Transit in to Harrietsfield." Motion Carried.

Councillor Margeson then took the floor and brought up the controversial solid waste disposal problem. Council should take a united stand against Jack Lake and also MAPC should have nothing more to do with the trash issue. He suggested that SWAG (Solid Waste Advisory Group), a group of technicians in an advisory capacity of the three municipalities, be asked to look into the matter. Solicitor Cox replied that MAPC has nothing to do with the issue anyway and only MAPC staff are available for consultation.

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

"THAT the Council recommend to the Regional Authority that Regional Authority discontinue the service that MAPC are carrying for Regional Authority with regard to solid waste."  
(Motion Withdrawn)

It was at this time, that Councillor MacKay quoted a resolution from the January 25th Minutes stating that there was to be no more talking about solid waste until after the meeting of the three Councils.

Councillor Cosman mentioned that there was a site available with ample space and the owner was more than willing to take the garbage. The problem with the area is trucking the garbage there.

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

"THAT motion of previous Council Session re solid waste disposal be rescinded." (Motion Defeated)

Council then dealt with the motion of reconsideration re Hours of Council. Motion Defeated.

Councillor Sutherland stated he would bring the matter of nighttime sessions versus daytime sessions to the floor again at another meeting of Council.

Council then dealt with the motion of reconsideration re Item #2 of the Supplementary Report of the Planning Advisory Committee.

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

"THAT Council reconsider Section 2 of the Supplementary Report of the Planning Advisory Committee." Motion Carried.

The matter of registered letters being sent to residents asking whether they approved of the rezoning after it was done, was discussed. Whatever action Council takes will serve as a precedent.

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

"THAT Section #2 of the Supplementary Report be approved."

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

"THAT the motion be referred back to the Planning Advisory Committee." Motion Carried.

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

"THAT Council go into a Committee of the Whole in camera." (Motion Defeated)

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

"THAT Council go into the Committee of the Whole." (Motion Defeated)

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

"THAT Council adjourn." Motion Carried.

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A N N U A L C O U N C I L S E S S I O N

Tuesday, March 15., 1977  
Tuesday, March 29., 1977  
Tuesday, April 19., 1977  
Tuesday, May 3., 1977  
Tuesday, May 17., 1977  
Tuesday, June 21., 1977

S P E C I A L M A R C H C O U N C I L S E S S I O N

Friday, March 25., 1977

MINUTES OF A SPECIAL SESSION OF THE THIRTY-NINTH COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

A Special Session of the Thirty-ninth Council of the Municipality of the County of Halifax convened at the Municipal Administration Building at 10:00 a.m., on Friday, March 25th., 1977 with Warden Ira S. Settle presiding.

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

Councillor Smith was not present due to the fact that he was in the hospital.

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

"THAT Percy Fawson be appointed as Recording Secretary."  
Motion Carried.

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

"THAT the Council go into a Committee of the Whole Session and that it be an in-camera session." Motion Defeated.

A vote was taken with the results six (6) for, fourteen (14) against. The Warden declared the Motion Defeated.

Mr. Bensted read the Resolution as a request for the Special Session and the Resolution read:

"To discuss the position of Municipal Solicitor for the Municipality of the County of Halifax."

Councillor Streach stated that he had placed his name on the petition for the Special Session of Council. He said that he had been in Council since 1973 and that he was young when he had first started and at first was frustrated because of the way County functions. He stated that he had previously been with the Agricultural Board and had experienced bureaucracy with that Board and that when he first arrived at the County Council he had been confronted with what seemed the same type of bureaucracy.

Councillor Streach went on to say that he learned to appreciate the staff and the help which they gave to him.

He stated that he was not concerned with Mr. Robert Cragg or for Mr. William Cox personally, but for the Municipality of the County of Halifax and if the Councillors for the various districts were to function properly, they must have the best legal advise available.

He stated that he was pleased with the Councillors who had assumed their positions in November of 1976, with their backgrounds and their eagerness to perform the duties of a councillor, and that this Council must take advantage of the resources of the individuals which had been elected.

Councillor Streach stated that Halifax County was one of the largest municipalities in the Province of Nova Scotia and it certainly is in the multi-million dollar business and this was reflected in the ability of the Municipality to go to the money market for funds to operate.

Councillor Streach said that he was concerned with the change of the Municipal Solicitor in that many people have approached him expressing their concern and questioned the reason for the change. It was his opinion that this was a change for the sake of change and not one which would benefit the Municipality of the County of Halifax. It was his opinion, that the Council Members had made a serious error as the appointee apparently did not have the qualifications to handle the appointment.

He stated that it was human to error however, the Municipal Council was not acting responsibly if it did not correct the error it had created.

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

"THAT the Municipal Council for the Municipality of the County of Halifax terminate the appointment of Mr. Robert Cragg as Municipal Solicitor."

Deputy Warden MacKenzie indicated that it had been approximately a week and a half since the appointment as the Municipal Solicitor and he was concerned with Mr. Cragg's recent statement which indicated that he had limited experience with municipal law.

Deputy Warden MacKenzie indicated that the decision of the Municipal Council with respect to the Municipal Solicitor's appointment had seriously shaken the morale of the staff and he hoped that the Municipal Council did not vote in favour of the appointment of Mr. Cragg just for the sake of change. He indicated that the County had been blessed with Mr. Cox's experience in municipal law and with the quality of solicitors which had been provided through his firm. It was his opinion, that there was no really good reason for the change in the municipal solicitor and the action taken must be reversed. He advised that it was with everyone's consideration to deal with the matter properly today.

Councillor Williams stated that there was much youth in the Municipal Council and that he was older and with his years as Municipal Councillor had gained much experience. He advised that he had given the matter of Municipal Solicitor, much thought and the qualities which would be necessary for a solicitor to act properly on behalf of the Municipality.

He indicated to the Councillors that their responsibilities were not to the individual districts but to the Municipality of the County of Halifax as a whole. Their appointments as councillors in 1976 made them responsible to the full Council.

He advised that we must act as responsible individuals as the positions carried a great deal of weight, and that councillors should realize that Municipal Administration has become very complicated and it deals with all levels of government. He stated that the next ten years would see very many changes as responsibilities would grow as would inter-action between the three governments.

He advised that the Councillors must be level headed and reap the benefits of the other two levels of government. He stated that it was very important that we have the best advice available and it was his opinion that experience was the key word. He indicated that experience is the best teacher.

He advised that he would speak later in the meeting with regards to the abilities of Mr. Cragg and his lack of experience as the Municipal Solicitor.

Councillor MacKay stated that he was a new councillor and there were others which had a great deal more experience than he and he admitted that the manner in which the selection of the Municipal Solicitor was not the best however, it was his opinion that he was dissatisfied with the present solicitor and this was the only means available to him for a change.

He advised that the Municipal Finance and Executive Committee had recommended Mr. William Cox, however, he expressed concern with that Committee concerning Mr. Cox's income and also his work with the Regional Authority.

He indicated that the vote taken on Tuesday past, indicated a vote eleven (11) for, seven (7) against. This decision was fair and honest. He also pointed out that a motion of reconsideration was also defeated.

He stated that he had heard many statements with respect to Mr. Cragg's ability and it was his opinion that some of these statements could be slanderous, and in light of these statements, he had checked with the Nova Scotia Bar Society who had indicated to him that there were no complaints or any actions pending or past, against Mr. Cragg as a solicitor and that he had also checked with the Deputy Minister of Social Services and he had indicated that Mr. Cragg's character was exemplary and had no fault with Mr. Cragg during Mr. Cragg's period as a Judge in the Family Court.

Therefore, he based his comments on the fact that there was not one derogatory remark which could cause the Municipal Council to replace Mr. Robert Cragg as Solicitor for "cause". He expressed his concern with what he felt was the petition and it was his opinion that this had been spearheaded by the Finance and Executive Committee.

He stated that the Finance and Executive Committee had been given the authority to deal with matters in Mr. Cox's hands, in a transition period and it was Mr. Cragg's opinion that he had not been given the co-operation which he deserved.

He indicated that he was disappointed with the Warden as he did not take any action with respect to slanderous remarks against Mr. Cragg. He indicated that he felt no disrespect but he was seeking an honest and just solution to the problem.

Councillor MacKay indicated that Mr. Cragg had associated himself with Mr. Howard Crosbie, Q.C., who had some legal experience with respect to municipal matters.

Councillor MacKay indicated that he felt there was a split in the Municipal Council and it was his desire to co-operate with all concerned and work with them and respect their decisions. He indicated that he questioned whether or not the motion was legal and it was his opinion that the motion placed, was not legal.

Councillor Cosman indicated that Mr. Cragg is now the Municipal Solicitor and we should rely on him to give an opinion as to whether or not the motion is in order.

Mr. Bensted advised the Council that it was his opinion that the motion was a legal one.

Mr. Cragg said he wished to comment on the motion and that it was his opinion that the motion as previously passed by the Council was in order and was in fact, now binding.

Councillor MacKay insisted that the motion as proposed today, was out of order.

Warden Settle indicated that it was his opinion that the motion was in order, however if the Municipal Council so desired, a legal opinion can be sought.

Councillor Streach indicated a point of order, it was the policy of Council that the Chairman had the authority to rule on the decision. Mr. Cragg had only stated an opinion.

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

"THAT the Municipal Council adjourn to seek the advise of the Department of Municipal Affairs." Motion Defeated.

A vote was taken with the result; ten (10) afor, ten (10) against. The Motion was declared a tie vote and therefore, was defeated.

Councillor Deveaux stated that he hoped that the small speech which he was about to give did not reflect on Mr. Robert Cragg or the Municipal Council as a Whole. It was his opinion that the Municipal Council had been mislead at the time of the appointment and he doubted if Mr. Cragg's qualifications had been questioned at the time, he would not have been appointed.

His application as reviewed, would appear to be the same type of qualification as Mr. Cox had but after discussion, later, this did not turn out to be, that in fact, Mr. Cragg had no staff to work with. He expressed concern that the haste of the decision as made by the Municipal Council as there was no investigation into the qualifications of Mr. Cragg. It was his opinion all of the Municipal Councillors were to blame in this situation, and that they have learned a lesson with respect to future appointments.

He advised that he was open-minded with respect to changes which would benefit the Municipality however, this apparently was a change for the sake of change. It was his opinion that this decision was most unfavourable and Council must re-assess the situation properly.

Councillor Lawrence questioned the explanation of the wording of the resolution and wished to have an explanation from one of the Councillors who had signed the petition with respect to the wording of the resolution, and in particular, the word "cause".

Deputy Warden MacKenzie referred the Council to the letter as presented today from the Chairman of the Halifax County Board of Health and the resolution as recently passed at a meeting of Board. He also advised that the Municipal School Board had seen fit to retain the services of Mr. Cox. He also emphasized the statement made by Mr. Cragg with respect to his inexperience in the municipal law. Deputy Warden MacKenzie also indicated that he was expressing concern for the staff of the Municipality and for this reason had signed the resolution for the meeting.

Councillor Benjamin explained to the Council that the motion as proposed by the Board of Health was instigated by a non-council member who was concerned with the future legal advise for that Board. The vote in fact at the Board meeting at that time, was a tie vote, with the vote of the Chairman breaking the tie.

It was his opinion that the letter as presented today, from the Board of Health was not necessary as the Board of Health could in fact, retain David Hooley, the present solicitor.

Councillor Cosman indicated that competition, for the position of Municipal Solicitor was good and that Mr. Cragg's letter had indicated that he would accept the position with conditions as agreed upon.

She indicated that Mr. Cragg had seven years experience after law school and won the vote of the Municipal Council and the motion for reconsideration. She questioned the legality of the resolution as proposed today, she expressed great concern with respect to the