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THE MUNICIPALITY OF THE COUNTY OF HALIFAX

COUNCIL MINUTES

Tuesday, August 7, 1979

Warden Settle opened the Session at 2:00 p.m. with the Lord's Prayer and Mr. Meech called the roll.

It was moved by Councillor Walker and seconded by Councillor Poirier:

"THAT Mrs. Eileen Morres be appointed recording secretary."  
Motion Carried.

It was moved by Councillor Sutherland and seconded by Councillor Walker:

"THAT the Minutes of May 14 Council Session be approved."  
Motion Carried.

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

"THAT the Minutes of June 5 Council Session be approved."  
Motion Carried.

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

"THAT the Minutes of June 5 Public Hearing be approved."  
Motion Carried.

It was moved by Councillor Wiseman and seconded by Councillor Benjamin:

"THAT the Minutes of June 12 Annual Council Session be approved."  
Motion Carried.

Councillor Margeson introduced the matter of possibly licensing contractors for installation of septic systems.

It was moved by Councillor Margeson and seconded by Councillor Baker:

"THAT the subject of installation of septic systems be referred to the Board of Health and that contractors and subcontractors sit down with the Board of Health and the Atlantic Health Unit to discuss the subject."  
Motion Carried.

There was considerable discussion between Councillors.

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

"THAT a letter be written to the Health Department re: the effect of lighting in schools on the children."  
Motion Carried.

At this time Mr. Irvine Conrod and Mr. Thompson came before Council to answer questions of Councillors and explain the program of Weed Control in Halifax County. Mr. Conrod, the Weed Inspector, read his report of August 7, 1979. Mr. Thompson produced several weeds which he displayed to Councillors and both Mr. Conrod and Mr. Thompson answered many questions put to them by Council members.

Mr. Marston, formerly of the S.P.C., appeared before Council to discuss their animal control contract with the County of Halifax and answered many questions put to him by Councillors.

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

"THAT Council authorize the Municipal Clerk to enter into a finalized agreement with the S.P.C. regarding the contract for animal control."  
Motion Carried.

Mr. Meech noted the letters and correspondence received by Council and explained each in turn. There was a good deal of discussion regarding the letter received from the Forest Hills Residents Association with respect to the Municipal School System and the Busing of children.

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

"THAT copies of the letter be forwarded to the School Board, the Housing Commission and the Department of Education and a reply be forwarded to the Forest Hills Residents Association



saying that Council will, in fact, provide the facilities when the Department of Education and the School Board give authorization to do so."  
Motion Defeated.

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

"THAT the Solicitor together with the Municipal Clerk, draft a letter to the Forest Hills Residents Association explaining the situation with the PUD Agreement, the Master Plan and the responsibilities that Council has for the issue of redistribution."  
Motion Carried.

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

"THAT Council support the Town of Wolfville in their resolution 'that the Union of Nova Scotia Municipalities oppose Nova Scotia's involvement with nuclear power, both in the form of generation for our own use or for sale, and in the form of financial support to or purchase of power from the nuclear concerns of any other Province or Country'. "  
Motion Defeated.

An amendment was made to the motion that this be deferred until the findings of the Federal Government surveys are finalized when Council would have a better idea of what it's all about and come up with a decision on nuclear power at that time.

Councillor Cosman asked if anyone knows how long it will be before the surveys will be finalized and there was no answer to that.

There was much discussion by Councillors.

The Report of the Planning Advisory Committee was summarized and a letter from Eric Mills was read by Mr. Meech.

It was moved by Councillor Lichter and seconded by Councillor Margeson:

"THAT Council direct the Municipal Clerk to write the proper Department, both Provincial and Federal, to urge them that without any delay they institute proper repairs to the Cole Harbour dykes in order to improve the pollution situation."  
Motion Carried

It was moved by Councillor Cosman and seconded by Councillor MacKenzie:

"THAT Council adjourn for supper until 6:30 p.m."  
Motion Defeated.

The Report of the Finance and Executive Committee was summarized by Mr. Meech.

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

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

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

"THAT the matter of the C.H. Nelson proposal re purchase of land in Eastern Passage be deferred."  
Motion Carried.

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

"THAT the rates and fees for the 1979 Municipal Election include \$80.00 for 2 days for a Revising Officer, \$50.00 per day for the Deputy Returning Officer, \$40.00 per day for the Poll Clerk and \$40.00 per day for the place of Poll."  
Motion Defeated.

It was moved by Councillor Lawrence and seconded by Councillor Lichter:

"THAT the motion be amended to increase the place of Poll payment to 50 and 15 respectively."  
The original motion was Defeated.

It was moved by Councillor Lawrence and seconded by Councillor Lichter:

"THAT the recommendation of Finance and Executive for paying Revising Officers remain the same at 60, the Deputy Returning Officers be paid 50, the Poll Clerks 40 and place of Poll 50 and 15."  
Motion Carried.



It was moved by Councillor Sutherland and seconded by Councillor Topple:

"THAT the Advance Poll be held on Friday, October 26th and Saturday, October 27th, 1979."  
Motion Carried.

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

"THAT the Temporary Borrowing of \$36,000 in connection with the sewer work that's being undertaken at the Rehabilitation Centre be approved."  
Motion Carried. (See Attached)

It was moved by Councillor Topple and seconded by Deputy Warden Gaetz:

"THAT the Renewal Resolution in the amount of \$306,000 in connection with Scotia Stadium be approved."  
Motion Carried. (See Attached)

It was moved by Councillor Sutherland and seconded by Deputy Warden Gaetz:

"THAT Council approve the Issuing Resolution of 4 million bond issue."  
Motion Carried. (see attached)

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

"THAT the purchase of the word processing equipment be deferred."  
Motion Carried.

It was moved by Councillor Benjamin and seconded by Councillor Baker:

"THAT the annual appointment of the three Building Board members be discussed at the next Council Session."  
Motion Carried.

It was agreed by Council to accept an addition to the Agenda by Councillor Lichter that the Regional development Plan be discussed at the next Council Session.

Mr. Meech read a letter received from the Union of Nova Scotia Municipalities enclosing a document entitled Fiscal Justice with regard to a new Municipal Grant System.

Councillors discussed the document.

It was moved by Councillor Lawrence and seconded by Councillor Baker:

"THAT the paper be referred to Finance and Executive for a thorough discussion and a thorough report to Council at the next Session and that Finance and Executive recommend voting delegates and alternates for the Union Conference in September."  
Motion Carried.

It was moved by Councillor Eisenhauer and seconded by Councillor Lawrence:

"THAT Council adjourn."  
Motion Carried.

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

MINUTES OF AUGUST COUNCIL SESSION

Tuesday, August 21, 1979

Warden Settle opened the meeting at 2 p.m. with the Lord's Prayer and Mr. Meech called the roll.

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

"THAT Eileen Morres be appointed Recording Secretary."  
Motion Carried.

Request for approval under the Under Sized Lot Legislation lands of Marjorie Pettipas, East Chezzetcook.

Warden Settle asked if Mr. Gough of the Planning Department wished to have some input before the Public Hearing began and Mr. Gough replied that the Planning Department had nothing to say except that the Solicitor's comments are the same as the Departments. The Solicitor's comments were attached to the Agenda and the Planning Department felt that the application is an attempt to circumvent the subdivision regulations and to use the regulations to gain approval for a lot. The lot does have an existing mobile home on it and it has been approved by the Department of Public Health for the installation of a well and septic tank.

Deputy Warden Gaetz stated that he questioned Mr. Cragg's letter concerning this. This is not a case where a subdivision is going to be started. This lady, who is a widow, has a daughter and son-in-law who are trying to start a home for themselves. The mobile home on the lot does not interfere with anyone. It isn't an undersized lot but it has an undersized frontage along a roadway.

Warden Settle called for anyone in the gallery wishing to speak in favour of the application to come down.

Joan Frizzell: My name is Joan Frizzell, I live in East Chezzetcook and I'm here on behalf of my mother. As far as the application is concerned, there's only one piece of property that she has to give to me. I could not acquire additional property to enlarge the road frontage so that I would have the specific measurements that were required. I have the 100 by 200 that is required by the Department of Health for a lot but I only have a small piece of property that's directly on the road. I can't see any problem as far as my neighbours are concerned. The trailer's not by either side of them. They are up in the field a little ways. They have not come to me with any questions or any reason why I should not be there. I have lots of land, there's plenty of room, and I would not be interfering with anybody on either side.

Councillor Lichter: How many times did the application come in for the same lot?

Joan Frizzell: I can't remember how many times.

Councillor Lichter: Probably two or three times reading this letter.

Deputy Warden Gaetz: Three I believe.

Councillor Lichter: The question that I would really like to ask is if the first time somebody's rejected or somebody's application is rejected do you consider that to be habit, that the person reapplies again and reapplies again until he or she succeeds?

Joan Frizzell: Well I feel at different times the reasons they gave me were not right and different times the Department of Health, the plans were drawn up wrong. One time they drew the plans saying that I only had 80 by 200 which was not correct and they refused it on that and another time they refused it because the way the plan was drawn it didn't show that I had road frontage at all on the road, the Department of Highways said the property wasn't on the highway, which was not right. I do have a part on the highway.

Councillor Lawrence: The letter from the Solicitor talks about Lots MP1 and MP2 which were applied for approval in 1977, is this the same lot we're talking about now, it's just got different names?

Joan Frizzell: Yes it is.

Councillor Lawrence: Did it come to a hearing either of those times?

Joan Frizzell: No.

Councillor Lawrence: It was rejected at the staff level?

Joan Frizzell: Right.

Councillor Lawrence: And that mobile home has been there three years?

Joan Frizzell: Yes.

Councillor Lawrence: You've been living in it for three years?

Joan Frizzell: No.

Councillor Lawrence: It's just been stored there.

Joan Frizzell: It's been stored there for about a year and a half. We put it there and as soon as we put it there we tried to get approval but through different things it never seemed to go through right.

Councillor Sutherland: Did you attempt to acquire any additional lands from the adjoining property owners?

Joan Frizzell: Well, my neighbour on one side just had enough for a house and the neighbour alongside of me, they got a piece of property through taxes and that completed their lot and they weren't willing to give that up.

Councillor Topple: Mrs. Frizzell do you have a sewage system on the lot?

Joan Frizzell: No I don't sir.

Councillor Topple: Do you anticipate any problem with sewage in the area?

Joan Frizzell: No sir I don't.

Councillor Topple: You have sufficient area there to put one in?

Joan Frizzell: Yes I do. The Department of Health was down and checked it and they approved it as far as putting a septic tank and bed in.

Warden Settle called three times for anyone else to come forward. There was no response.

It was moved by Deputy Warden Gaetz and seconded by Councillor Lichter:

"THAT the Application under the Undersized Lot Legislation, Lot X1, Lands of Marjorie Pettipas, East Chezzetcook be approved."  
Motion Carried.

Councillor Topple suggested there might be something wrong with the Undersized Lot Legislation and perhaps another look should be taken to this end.

Councillor Margeson requested that he be heard concerning an item in the Report of the School Capital Program Committee Report and Council agreed.

Councillor Lachance requested that two items be dealt with separately later in the evening after his meeting of the School Board and it was agreed.

Councillor Margeson related problems with regard to the Beaverbank-Kinsac Elementary School sewage disposal system and the wishes of the constituents in the area.

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

"THAT Council direct the School Capital Program Committee to put an On-Site Sewage Disposal System for the present red school in the northwest corner of the property and an On-Site Sewage Disposal System for the new school and the white school on the Beaverbank property commonly called the Gilby property on the Beaverbank Road and that this be done with the agreement and within the regulations of the Atlantic Health Unit."  
Motion Carried.

Councillor Lachance stated that he supported Councillor Margeson in this regard, that he has worked doggedly with this problem for over a year.

There was a great deal of discussion concerning whether or not the School Capital Program Committee should accept proposals made by the people in the area through their Councillor and whether he had the right to sit in on their meetings and be heard. It was also noted that when a Committee has been directed by Council to do a certain thing a Committee should not take it upon themselves to do otherwise.

Councillor Walker suggested that perhaps Mr. Fawson could appear before Council and answer any questions which may be asked of him and perhaps shed more light on the subject of different disposal systems suggested for the new schools and it was agreed that Council should hear what he had to say.



Mr. Fawson spoke of the work that had taken place on site and the studies that had been made and answered several questions by different Councillors. He stated that a sewage treatment plant had been ordered and was now in Dartmouth. Mr. Fawson was questioned at length by several Councillors and Council debated the problem at length.

It was moved by Councillor Benjamin and seconded by Councillor Topple:

"THAT the School Capital Program Committee reconsider the motion made at their meeting."  
Motion Carried.

There was discussion by Councillors of the right of Council members to attend meetings of Committees and Councillors requested the Solicitor to give his interpretation of Committee meetings.

Solicitor Cragg: Mr. Warden, I prepared a brief some months ago which I believe Councillors were all provided a copy of. The Statutory Authorities and Procedural Authorities state that Committee meetings are, per se, to be closed to other Councillors, other members of an elected body, be it a Council like ours or otherwise, unless the Committee invites another member, who is not actually a member of that Committee, to be present. Be that right or wrong, that is what the authorities state and I have researched it in quite some detail. If a Committee or all Committees wish to have an unwritten standing rule saying that any fellow Councillor can attend and be heard that's fine, and I see no reason why that could not be the case, but if a particular Committee wishes to exclude all Councillors or any Councillor it can do so.

It was moved by Councillor Eisenhower and seconded by Councillor Wiseman:

"THAT the Minutes of the Public Hearing of June 12, 1979 be approved."  
Motion Carried.

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

"THAT the Minutes of Council Session of June 19, 1979 be approved."  
Motion Carried.

It was moved by Councillor MacKenzie and seconded by Councillor Baker:

"THAT the Minutes of the Public Hearing of July 3, 1979 be approved."  
Motion Carried.

It was moved by Councillor Wiseman and seconded by Councillor Topple:

"THAT the Minutes of Council Session of July 3, 1979 be approved."  
Motion Carried.

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

"THAT the Minutes of the Public Hearing of July 31, 1979 be approved subject to the addition to the motion on page 4 'subject to all Provincial Regulations' so that the motion would read 'That Council approve the application under Section 72(b) for the construction of the Senior Citizens' unit up to a maximum of 30 units on Mr. Kelly's land in Bedford, subject to all Provincial and Municipal Regulations'."  
Motion Carried.

Items added to the Agenda for next Session:

It was agreed by Council that the first two items be deferred until later in the Session when Councillor Cosman would be present.

Councillor Lichter - Regional Development Plan.

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

"THAT the Halifax County Council request the Minister of Municipal Affairs to lift the Regional Development Plan restrictions from the portion of Halifax County which is outside the urban development area with the understanding that (a) Any development shall be subject to health regulations; (b) Any development shall be subject to environmental considerations; (c) Where the Department of Highways does not favour proposed development the Halifax County Council shall have the power to grant the necessary approvals with a legal and compulsory rider added to such approvals as well as to all Deeds indicating that neither road maintenance nor municipal services shall be provided. Our reason for this is supported by the following: (a) Since 1975 the people of this County have been greatly restricted by the Regional Development Plan. These restrictions caused mistrust, frustrations and unnecessary hardships for the rural residents. It is the obligation of this Council to represent the interest of its people; (b) The County is to broaden its tax base in order to survive. The Regional Development Plan did not permit a healthy growth in the rural part of the County since 1975. When Bedford leaves this County the need to broaden our tax base becomes even greater. To do so, under the restrictions of the Regional Development Plan, is not possible."  
Motion Carried.

Councillor Lichter stated reasons for this request, explained the motion to Council and requested a recorded vote.

Councillor Lawrence wondered if item (c) of the motion was really homogeneous with the rest of the motion and Warden Settle explained the restrictions of the Highways Department.

There was much discussion by Councillors concerning the motion and Councillor McCabe requested that a complete recorded vote be inserted in the Minutes.

IN FAVOUR

Councillor Walker  
Councillor Williams  
Councillor Baker  
Deputy Warden Gaetz  
Councillor Smith  
Councillor MacKenzie  
Councillor McCabe  
Councillor Lichter  
Councillor Margeson  
Councillor Fader  
Councillor Wiseman

AGAINST

Councillor Poirier  
Councillor Lawrence  
Councillor Topple  
Councillor Lachance  
Warden Settle  
Councillor Benjamin  
Councillor Cosman  
Councillor Eisenhauer  
Councillor Sutherland

It was agreed by Council that Councillor Lachance include the Report of the Preston Area Housing Fund as Item 15 on the Agenda.

It was moved by Councillor Walker and seconded by Councillor Lawrence:

"THAT Council adjourn until 6:30 p.m."  
Motion Carried.

Council reconvened at 6:50 p.m. and Mr. Meech called the roll.

Mr. Meech requested that Council consider Item 5(e) on the Agenda, Purchase of Word Processing Equipment, as Bill Carpen was present to answer any questions Councillors may have concerning the equipment and Council agreed.

It was moved by Councillor Lawrence and seconded by Councillor Benjamin:

"THAT Council approve the purchase or lease purchase of the Word Processing Equipment as recommended by Staff."  
Motion Carried.

It was moved by Councillor Walker and seconded by Councillor MacKenzie:

"THAT the Warden appoint delegates to the meeting of the Union of Nova Scotia Municipalities."  
Motion Carried.

It was moved by Councillor Cosman and seconded by Councillor Poirier:

"THAT Finance & Executive again be directed to cost out with an Architect the necessary improvements to the County building making it barrier free and that would include costing out an elevator installation, a ramp system to get into the building, toilets to be accessible to people in wheelchairs and the internal restructuring of the telephone booths, the mirrors, the hand towels and all that have to go along with to accommodate people in wheelchairs."  
Motion Carried.

It was moved by Councillor Cosman and seconded by Councillor MacKenzie:

"THAT Council ask the Head of the Taxation Office to use the news media to advise taxpayers that tax billings are being sent out on specific dates."  
Motion Carried.

The appointments to the Municipal Building Board were discussed by Councillors.

Arthur Gillespie nominated by Councillor Wiseman and seconded by Councillor Eisenhauer.

Douglas Campbell nominated by Councillor Cosman and seconded by Councillor Sutherland.

A. Harrigan nominated by Councillor Baker and seconded by Councillor Williams.

O. Dillman nominated by Councillor Lichter and seconded by Councillor Walker.

F. Holman nominated by Councillor Walker and seconded by Councillor Williams.

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

"THAT nominations cease."  
Motion Carried.

A vote was taken to choose the three members of the Municipal Building Board.

Reappointed to the Municipal Building Board were: A. Harrigan, O. Dillman, and F. Holman.

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

"THAT the three members of the Municipal Building Board be appointed for a period of one year."  
Motion Carried.

It was moved by Councillor Cosman and seconded by Councillor Sutherland:

"THAT the list of voting delegates and their alternates to the meeting of the Union of Nova Scotia Municipalities be approved by Council."  
Referred to the Warden.

Councillors Topple, Lachance and Lichter stated that they are not able to attend the meeting and wished to withdraw their names. They suggested the names of Councillors Lawrence and Cosman be considered. It was suggested by Councillor Lawrence that the list be turned back to the Warden and Council agreed.

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

"THAT all members of Council be allowed to attend the annual conference of the Union of Nova Scotia Municipalities."  
Motion Withdrawn.

Mr. Meech: With the motion withdrawn that means in effect that the existing policy would apply which means any Council Member is permitted to attend the annual conference with the understanding that the registration fee would be absorbed by the Municipality.

Expropriation of lands of Mr. Lahey, Westphal.

Solicitor Cragg: Mr. Deputy Warden these are lands located at Sunset Acres which is in Westphal, Councillor Topple's area. Councillor Topple is prepared to move a resolution bringing this forth. The Municipality has tried for months and months to reach a reasonable settlement of the problem with the owner of the property in question without success. It was only as a very, very last alternative that this most drastic of steps was taken. The documentation has been prepared, surveys have been completed, legal descriptions prepared. If the matter is looked upon favourably by Council tonight we can file the appropriate documentation with the Registry of Deeds tomorrow which will mean that the easements vest absolutely and solely in the Municipality. Mrs. Lahey or her agent would then be allowed, after personal service of the documents on her is made, within 60 days to apply to have an arbitrator appointed who would determine the value of the damages which she has or will suffer. If she is not happy with the award she can then apply to a Judge of the Supreme Court to have her damages assessed.

The background information concerning lands of Mr. Lahey was provided Council by Councillor Topple.

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

"THAT the Municipality of the County of Halifax approve the expropriation of certain easements to the lands of Westphal Estates Limited, a body corporate, more particularly described in Schedule A annexed hereto and the Nova Scotia Housing Commission for the purpose of water and sewer installations in parts of the Sunset Acres Subdivision in Westphal in the County of Halifax."  
Motion Carried.

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

"THAT all employees, employed by the SPC as Dog Control Officers in the Municipality of the County of Halifax be approved for appointment as By-Law Enforcement Officers."  
Motion Carried.

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

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

It was moved by Councillor Lawrence and seconded by Councillor Poirier:

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

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

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



It was moved by Councillor Poirier and seconded by Councillor Eisenhauer:

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

It was moved by Councillor Topple and seconded by Councillor Lichter:

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

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

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

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

"THAT the School Capital Building Committee be directed to do as it was directed on December 19th, 1978 and to proceed to have two portable classrooms installed with an attached hallway at the Bell Park School."  
Motion Carried.

There was a great deal of discussion by Councillors with regard to this motion.

It was moved by Councillor Lachance and seconded by Councillor Wiseman:

"THAT the Municipal Council direct the School Capital Building Committee to report to Council at next Session of Council, September 4, 1979 with a report outlining the parking problem and access route to the Sackville High School together with an estimate cost factor."  
Motion Carried.

It was moved by Councillor Lawrence and seconded by Councillor Eisenhauer:

"THAT a Special Session to discuss the Green Paper (Fiscal Justice) and Finance & Executive Committee's recommendations and the Derelict Vehicle Clean Up Program be held Tuesday, August 28, 1979 at 7 p.m."  
Motion Carried.

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

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

Councillor Lachance read his report to Council concerning the Preston Area Housing Fund.

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

"THAT the Nova Scotia Housing Commission immediately undertake a serious and concentrated effort to identify and assemble Crown lands in East Preston. And further that building lots be made available to present and former residents of Preston, at cost, for the construction of housing under the existing Rural and Native Housing Program, and that a copy of the memorandum be sent to the Minister of Highways and the Minister in charge of the Preston Area Housing Demonstration Fund."  
Motion Carried.

It was moved by Councillor Cosman and seconded by Councillor Walker:

"THAT Council adjourn."  
Motion Carried.

MINUTES & REPORTS

of the

THIRD YEAR MEETINGS

of the

THIRTY-NINTH COUNCIL

of the

MUNICIPALITY OF THE COUNTY OF HALIFAX

SEPTEMBER COUNCIL SESSION

Tuesday, September 4, and September 18, 1979

SPECIAL COUNCIL SESSIONS September 10 and September 24, 1979

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

MINUTES OF PUBLIC HEARING

Monday, September 10, 1979

Present Were:           Councillor Poirier                           Councillor Lichter  
                  Councillor Lawrence                   Councillor Benjamin  
                  Councillor Baker                        Councillor Margeson  
                  Councillor Deveaux                   Councillor Fader  
                  Warden Settle                         Councillor Cosman  
                  Councillor Topple                   Councillor Eisenhauer  
                  Deputy Warden Gaetz            Councillor Sutherland  
                  Councillor Smith                    Councillor Wiseman  
                  Councillor MacKenzie

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Zoning Application #17-79 - Request by the residents of Kearney Lake Road to zone and rezone the Kearney Lake Road at Bedford from General (General Building Zone) and an unzoned status to R-2 (Residential Two Family Dwelling Zone), C-2 (Commercial General Business Zone) and I-2 (Industrial Radio Transmitter Zone), District 17.

The meeting was opened at 7:00 p.m. by Warden Settle with the Lord's Prayer and Mr. Kelly called the roll.

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

"THAT Eileen Morres be appointed recording secretary."  
Motion Carried.

Warden Settle recapped the reason for the Public Hearing and requested Mr. Campbell of the Planning Department to outline the application.

Mr. Campbell: This rezoning for the Kearney Lake Road is for the total area within the County between the city boundary and the corner of the Hammonds Plains Road. The residents have requested the zoning from General Unzoned Status to R-2, C-2 and I-2. The rezoning has been advertised as required under the Planning Act and only one submission has been received and this was against the rezoning application. Early in 1979 or perhaps late December 1978, the Councillor for the area which this rezoning is in came to the Planning Department and explained that the residents in the area were interested in rezoning a portion of the Kearney Lake Road and this was brought before the Planning Advisory Committee. Because this was a request from a number of residents to rezone a very large area, not a single spot rezoning, the Planning Department had two meetings with the residents of the Kearney Lake Road to discuss the zoning process and its implications and in these two meetings, as members of the Planning Department, we tried to explain exactly what the zoning was. We handed out copies of the Zoning By-Law and as well, we provided some examples of the way Council handles rezoning. After the first meeting the Planning Department did some land use analyses of the area and developed some proposed methods in which the area could be zoned and then went back again to the residents and explained what the Planning Department would like to see and tried to get the residents to go and talk to most of the landowners or all the landowners that they could contact on the Kearney Lake Road and discuss the proposal with them. To the best of our knowledge, the residents did contact most of the property owners along Kearney Lake Road. We believe the actual application for rezoning came about as a result of an application for a building permit for a Drive-In Theatre on the Kearney Lake Road, which permit was subsequently appealed by the residents. The residents requested a number of zones along the Kearney Lake Road. As well, the Regional Development boundary passes generally in this area. Some of the major land uses in the area are single family homes, a trailer, a trucking business, a radio tower, a construction business, an industrial truck body shop, a small salvage yard. We have 3 or 4 pages of recommendations and the rationale for these. On the second to last page we recommend that the proposed R-2 zones that the residents are requesting are definitely appropriate. There are single family homes in the area and in order to protect those homes the residents have a good point here. Now within those R-2 Zones the residents are also requesting that some businesses be rezoned to R-2 and therefore they would become non-conforming, these being the trucking business, the industrial truck body shop, a construction building, a salvage yard and the Drive-In Theatre which was just issued a building permit by the Appeal Board. We can't recommend that those areas be rezoned to become non-conforming. Thirdly, the proposed C-2 Zones in this requested application are very broad areas which cover a number of acres and we feel that, in order to provide adequate protection for the residents and not to rezone land for commercial use, which may or may not have potential in this area, we would recommend that this not be rezoned to commercial but go into an R-2 Zone and thereby provide a strip of R-2 Zone along the whole of the Kearney Lake Road from the City boundary to the Hammonds Plains Road. This area is quite rocky but we're recommending R-2 Zoning on the basis of the holding action very similar to what was recommended and adopted by Council in the Bedford rezoning of the unzoned lands. Having that R-2 Zoning would require anyone planning on developing above an R-2 Zone to apply for a rezoning. Then the residents on the Kearney Lake Road and the whole County, would be aware of what was actually going on and be able to attend a Public Hearing. The final point is in relation to a request by the residents for a C-2 Zone for large areas which were undeveloped and had no C-2 areas in it. There was a request to make existing commercial uses non-conforming and that was contradictory, but I do recognize the fact that the industrial body shop is not compatible with the rest of the uses there. It is quite a noisy operation from what the residents tell me and because of the sandblasting it can be quite dirty. The Regional Development boundary which extends along the Kearney Lake Road does control development in this area quite



substantially. In other words, anything above the Kearney Lake Road requires a Regional Development Permit and since it's within the boundary on this side, anything that is developed here of a commercial nature must be hooked to Municipal sewer and water, so there is an added control to the area and another reason why a commercial zone is not a particularly good zoning situation. Therefore, and just concluding, we would recommend that the lands on the following residential uses be excluded from the application: the radio towers, the construction company, the scrap yard, the Drive-In Theatre, the industrial body shop, the mobile home and the trucking business. As well we recommend that all of the requested C-2 areas be zoned R-2. There's a last addition that was made to our report which does show those areas as we suggested they be rezoned.

Councillor MacKenzie: Mr. Campbell, I notice the R-2 goes up to the City Limit, but what is the zoning within the City Limit?

Mr. Campbell: The City has, according to the Municipal Development Plan which we looked at while we were working on the area, designates that as residential development for the future and defines it as what they call a soft development area in that it would require more detailed planning and more rezoning.

Councillor MacKenzie inquired whether these were to be single family dwellings and Mr. Campbell replied that it is just defined as residential.

Councillor Benjamin asked if the area is to be left General and not to be zoned and Mr. Campbell replied in the affirmative. Councillor Benjamin inquired if this request came to staff by way of petition form by all the residents and Mr. Campbell replied that it was through a number of residents who were concerned about the Drive-In Theatre location. They formed a planning committee and met with the Planning Department, contacted the property owners along the road and handed out the Zoning By-Laws and discussed zoning with the residents. In working with a sub-committee various elements of the plan were worked out.

Councillor Benjamin inquired whether with the contours of the land being rock formation, if Planning recommended this as being best suited for residential and Mr. Campbell replied that he wouldn't recommend it as residential and perhaps not even commercial but by making this an R-2 Zone then when a person wanted to develop it they would have to apply to have it rezoned and go to a Public Hearing, thus allowing residents to be aware of what was planned for the area.

Several more questions were asked of Mr. Campbell by Councillors.

Warden Settle called for anyone who wished to speak in favour of the rezoning to come forward.

Wayne Ryder: My name is Wayne Ryder, 711 Kearney Lake Road. Our area consists of two groups of homes situated on Kearney Lake Road. Each group consists of approximately 15 homes separated by nearly two miles of wooded area. All of our homes are single family dwellings and the last one was constructed quite a number of years ago. For many years we enjoyed an area of natural surroundings even though we're only minutes from the city. But this tranquility, we feel, may be seriously disrupted at any time and the rezoning application is the result of that feeling. When the Pockwock Water Supply System was being constructed the main trunk was installed in front of our homes but before this was done the road was upgraded, although it remained gravel. After the road was upgraded our area gradually seemed to take on a different appearance beginning with a substantial increase in traffic past our homes. Some years ago a large metal garage was built in our area and without warning a sandblasting and spray-painting operation was begun. The resulting noise and unsightly appearance took much away from our area. Between the two groups of homes Atlantic Sand and Gravel built a large garage for repairing and maintaining their cement trucks and last summer a trucking business was established in our area and then it appeared as if a trend was beginning to form so when we were told of the intention to build a Drive-In-Theatre across from our homes we decided to seek protection in the form of zoning. At the Hammonds Plains end there's quite a large parcel of land which comprises the back end of the Atlantic Acres Industrial Park. This industrially zoned land consists of approximately 121 acres, much of which is as yet undeveloped, especially back in. It's appealing to the residents that we have our share of zoning of that nature. To allow development to occur on an ad hoc basis would destroy the appeal of our area as a residential and recreation area and possibly surround our homes with commercial and industrial enterprises. It might be a good time to mention recreational - it's quite popular at times, in the Spring a fair amount of people come out there for the fishing and the hiking as well. We've attempted to be reasonable, I believe, in our requests and allow a large part of commercial development. This area would be contained between the two groups of homes leaving the areas where the homes presently exist as residential. Now it may appear for residents to be asking for commercial zoning but after some discussions with the large landowner of that property, Karastan Corporation, they decided that if the land was zoned residential it would appeal but if it was zoned commercial it would not appeal so this C-2 Zone then was inserted in order to express compromise with a corporate giant. As mentioned earlier, it was the proposed Drive-In Theatre that prompted this zoning application. In its report to the Planning Advisory Committee the County Planning staff stated that properties falling within the proposed R-2 Zone, which are presently used as commercial, be left unzoned. We are opposed to this action taking place and request that these properties be zoned non-conforming use. To leave them unzoned would help defeat the purpose of residential zoning. With non-conforming use, the long term interests of R-2 Zoning may be served. It may be argued that it's poor planning to have residential zoning directly across from an industrial park and probably at first glance that would appear to be the case, however, as mentioned previously, this end of the industrial park has not yet been developed, it's still raw land there. The owner has been contacted and a letter written to him stating that it is hoped that a green belt may be left to act as a buffer zone and to add to the aesthetic value of the property. Now on July 4th of this year, County Councillors held a public meeting at Bedford Junior High School to receive feedback from the people of Bedford on how they felt about planning and how it could be carried. A couple of points raised had an important bearing. The first point they raised is that Bedford presently has six areas zoned industrial, two of which are quite large and one of the quite large ones they talked about is Atlantic Acres and they recommend there's

two of them that they want to incorporate into one. In another part of the report they draw attention to the fact that due to recent upgrading of the Kearney Lake Road and its new connection to Dunbrack Street the area is now under extensive pressure for development. They go on to recommend a master zoning plan formulated for the area. Now during the course of our week we were sometimes asked why we didn't apply to have our own property zoned and leave the other peoples' property alone but this, we believe, would be an unacceptable situation as it would not remove the danger of us being eventually surrounded by commercial and/or industrial enterprises. We have not approached this zoning application lightly but have given it a great deal of thought and effort. We believe that some sort of zoning is needed in our area now and that, since we are dealing with mostly raw land now is the ideal time to zone our area. We also believe that the zoning we have requested represents a sensible approach to the problem.

Warden Settle called for anyone else in favour of the application to come forward.

Andre Boudreau: My name is Andre Boudreau and I live at 745 Kearney Lake Road. Mr. Ryder covered all the points that we had to make but one of the other reasons I did come down to address you was that my house is situated next door to the sandblasting operation that was talked about, not the first lot as there is one in between, but we are probably about one hundred fifty to two hundred feet from the operation and it is an annoyance. They came in and within probably one week their building was up and we didn't know anything about it prior to that time. I shudder to think that on the lot next door to my house there will be another, for example, sandblasting industrial place where you get all kinds of heavy equipment, tractors, dozers, cranes. That's why we suggest or I would hope you would think seriously of zoning this land, especially the residential, or now residential area. Thank you very much.

Mr. Boudreau was asked several questions by Councillors.

Warden Settle called for anyone else who wished to speak in favour of the application and two ladies came forward reiterating the previous two speakers' feelings and speaking of concern for the lake and the wooded areas.

Warden Settle called three times for further speaks in favour of the application and there was no response.

The Warden then called for speakers opposing the application to come forward.

Mr. John McFarlane, Barrister came forward and stated that his clients have no plans for developing their lands at present but would not care to have restrictive zoning placed upon them but would not object to a holding zone for the present. He was questioned at some length by Councillors and suggested that if the lands were zoned C-2 it would act as a holding zone.

Warden Settle called three times for further speakers opposing the application and there was no response.

It was moved by Councillor Cosman and seconded by Councillor Sutherland:

"THAT the application to zone and rezone Kearney Lake Road at Bedford from General (General Building Zone) and an unzoned status to R-2 (Residential Two Family Dwelling Zone) and I-2 (Industrial Radio Transmitter Zone) be approved."  
Motion Defeated.

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

"THAT Council approve the rezoning application #17-79 submitted by the residents of the Kearney Lake Road area with the exception that the construction company site, the scrap yard, the site of the Drive-In Theatre, the industrial body shop, the mobile home and the trucking business, referred to in the Staff Report, be exempted and left General Building Zone."  
Motion Carried.

It was moved by Councillor Cosman:  
"THAT Council adjourn."  
Motion Carried.

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

PUBLIC HEARING MINUTES

Monday, September 24, 1979

Present Were:

Councillor Walker	Councillor Poirier
Councillor Williams	Councillor Baker
Councillor Deveaux	Warden Settle
Councillor Topple	Deputy Warden Gaetz
Councillor MacKenzie	Councillor Lichter
Councillor Benjamin	Councillor Margeson
Councillor Fader	Councillor Eisenhauer
Councillor Sutherland	Councillor Wiseman
Councillor McCabe	

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Zoning Application 19-79 - Request by Cyril Lively to rezone Lands of Cyril Lively, located on Highway No. 1, Lower Sackville, Halifax County, District 16 from R-1 (Residential Single Family Dwelling Zone) to C-1 (Commercial Local Business Zone).

Proposed Amendment to the Zoning By-Law: C-4 (Commercial Massage Parlour Zone).

The meeting was opened at 7 p.m. by Warden Settle with the Lord's Prayer and Mr. Kelly called the roll.

It was moved by Councillor Benjamin and seconded by Councillor Sutherland:

"THAT Estelle Hiltz be appointed recording secretary."  
Motion Carried.

Warden Settle recapped the rules of the Public Hearing and requested Mr. Gough of the Planning Department to outline the first application.

Mr. Gough: We wish to advise members of Council that Application No. 19-79, being an application by Mr. Cyril Lively, owning lands on Highway No. 1 in Sackville, was advertised as prescribed under the terms of the Planning Act and there has been no written communications either in favour of or opposed to the proposed amendment to the Zoning By-Law. The Planning Staff are recommending that this application be approved. I will just go over it and show you what the existing zoning is in the area.

Mr. Gough pointed out on a map the existing zoning and land uses.

As members of Council will recall, there's an existing 200 foot wide strip to the rear of the subject property being zoned C-1. It's our understanding that the applicant wishes to sell the property to Berwick Bakeries who, in turn, wish to put a distribution depot on the lot, although this is just our understanding. The sketches of the proposal are shown over on the far wall.

Council had no questions.

Warden Settle asked for anyone from the gallery who wished to speak in favour of the application to come forward.

Brian Charlton: My name is Brian Charlton, Mr. Lively's Solicitor. Just to speak briefly, I think the bakery's plans are evidence of the fact of what they plan to put up, it's a distribution depot. We in fact, have a signed Agreement of Purchase and Sale that they plan on buying approximately 100 x 300 feet of this land. The building itself is quite attractive and will certainly be an asset to what is there right now, or was there. Any more than that I really can't say. I think it's an asset for the area - most of the area there is commercial already. Mr. Lively has 200 feet of it zoned and is asking to have another 100 feet added to it so perhaps I could answer any questions that you have.

Councillor Fader: Mr. Warden, in respect to the application I have one or two questions of Mr. Charlton. You mentioned a retail and wholesale or a retail distribution centre?

Mr. Charlton: Well, I think they plan on using, as most bakeries do, a thrift store there which will wither wholesale or retail out.

Councillor Fader: So in other words, what you're saying is the proposed building and parking cannot be accommodated on the 200 foot lot which is as present commercial?

Mr. Charlton: No.

Councillor Fader: So therefore, you require 300 feet and this is the reason for the application?



Mr. Charlton: Yes, the reason that they need it is that apparently they can't get their trailers around to unload their products.

Warden Settle called three times for any other speakers in favour of the application and there was no response. He then called three times for speakers opposed to the application and there was no response.

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

"THAT the Zoning By-Law be and is hereby amended by rezoning Lands of Cyril Lively, Highway No. 1, Lower Sackville from R-1 (Residential Single Family Dwelling Zone) to C-1 (Commercial Local Business Zone)."  
Motion Carried.

Warden Settle called upon Mr. Gough to outline the second application.

Mr. Gough: The Planning Staff wish to advise Council that they have not received any written objections to the proposed amendment or communications in favour of the proposed amendment to the Zoning By-Law. As a matter of interest it was advertised as prescribed under the terms of the Planning Act and several Councillors may recall that Council felt that there should be consideration given to some form of protection for people that are living within the Municipality so they may not find themselves adjacent to or subjected to a massage parlour in their neighbourhood. Consequently, Council instructed Staff to prepare an amendment to the Zoning By-Law which, in effect, means that if massage parlours were to be located within the Municipality they would require what is known as a C-4 (Commercial Massage Parlour Zone). I believe most of the Councillors have a report on their desk and basically the proposed amendment, in brief, requires that massage parlours would only be permitted in C-4 Zones, there'd be no auxiliary use or no other use than a massage parlour. Only one massage parlour would be permitted in any one building and any property zoned C-4 must be at least 300 feet away from the property line of, for instance, any residential zone, any school or library, or any park, playground or recreational facility, church, convent, synagogue or similar place of worship or another massage parlour. The staff are of the opinion that should Council feel that there's a need to regulate massage parlours then the zoning approach may offer the necessary control over both the location and the concentration of this type of use. This approach is particularly suited to areas such as Halifax County where there is no existing massage parlour that we're aware of, that is, at this time. Unless there's any other questions, Mr. Warden, the rest of the amendment is attached to the report.

Councillor Baker: No other use than a massage parlour be permitted - what other use could be?

Mr. Gough: Well, just to give you an example, it had been wondered whether a massage parlour might be an auxiliary use to, just for fun we'll say a restaurant, so it's felt that in drafting this particular piece of Zoning By-Law legislation that only one use would be permitted and no auxiliary uses would be. That is to say all a person could operate would be a massage parlour and nothing else. No swimmin pools, health clubs, what have you.

Councillor Sutherland: Just to direct a question to Mr. Cragg. Is there any Provincial legislation or, indeed, Municipal legislation that in fact, restricts the operation of a massage parlour? What existing legislation do we have to control massage parlours?

Solicitor Cragg: As far as I'm aware, Mr. Warden, there are no regulations Provincially.

Councillor Wiseman: In the massage parlour zoning will certain areas be designated C-4 or will each specific application have to be handled on its own merit as a spot zoning?

Mr. Gough: If this particular amendment is accepted by Council there's no C-4 zoning presently in existence in the Municipality so to obtain some it would require a public hearing and a zoning amendment,

Councillor Wiseman: So consequently, just by not having any specific zoning for it then it makes it even more difficult and restrictive?

Mr. Gough: I wouldn't like to say it makes it more difficult and more restrictive. I would say it makes it more open and allows everybody further input whether we have one or not. That will be Council's decision as to whether it would be made more restrictive.

Councillor Wiseman: The only other thing I was thinking about was this 300 feet from the nearest property line. Can I ask what was the basis of the decision to keep it to 300 feet?

Mr. Gough: Well, there was no exact yardstick whether it be 300 feet, 100 metres or 500 feet. As a matter of fact there are certain regulations pertaining to salvage yard and dump legislation and so on that does suggest 300 feet. It was just felt that it was some form of a ballpark figure. I think the Council, in their wisdom, may be able to reduce that distance but if they were to suggest that it be increased I'd suggest you ask the opinion of the Solicitor on that matter.

Councillor Wiseman: Mr. Cragg, what do you consider, is it possible to increase the distance through this legislation?

Solicitor Cragg: Yes Councillor, I think it would be possible, we really have no guidelines, at least Provincially, to follow and we sort of picked a figure out of the air. It could be lesser or greater.

Councillor Benjamin: I'm concerned that should we pass this C-4 By-Law and we have an applicant and permission is granted that applicant to open business in an area, should that person fail or decide to move away, what is the

procedure to convert that back to residential or commercial use. Would it be necessary for another public hearing?

Mr. Gough: Yes, Councillor. Since there's no other uses permitted in a C-4 use other than massage parlours it could necessitate a zoning amendment however, there could be certain things pertaining to non-conforming use clauses in the Zoning By-Law which may or may not apply as to the vacancy of the building.

Councillor Benjamin: My feeling is that we don't even need massage parlours in the County, is it possible to include it in the commercial By-Laws that exist now by adding the restriction of massage parlours in a commercial zoning? This would mean that under general zoning we would have possibly the danger of that creation but that type of business would not prosper in a general zone because it would be relatively low density as far as residents go. Is this a danger? Perhaps I'd better put it the other way. Do you, as Planning Department, feel it is necessary to have a C-4 Zone pertaining to massage parlours?

Mr. Gough: We had felt, along with the Solicitor, in previous information that had been relayed to Council on May 1st that it was to be a single attack and that would be that there would be a zone set up to regulate strictly massage parlours and no other uses would be permitted. This was a directive of Council that we had received as of that May the 1st report which was submitted to Council and consequently we were of the opinion that it was the best approach to take, that no other uses be permitted other than massage parlours. This is actually possibly how some massage parlours were permitted years ago in existing commercial uses and then they found them rather difficult to regulate.

Councillor MacKenzie: Mr. Warden, I would have to agree with Councillor Benjamin, that's the last thing we need in Halifax County is massage parlours. The question I would like to ask Mr. Gough at this time is with regard to zoning. Is zoning necessary to establish a massage parlour in all parts of Halifax County?

Mr. Gough: To the best of my knowledge if this amendment is adopted as presently suggested, it would regulate the entire Municipality and, unless otherwise directed, such as options for districts, whether they adopt it or not?

Councillor MacKenzie: Well, I'm thinking of other zoning and I'm surprised to learn that there could be other zoning in my district that I'm not aware of. I thought my total district was General Building Zone and that there was no type of zoning at all.

Mr. Gough: That's a fact, yes, your zone is either unzoned or General Building. For instance, if a person wanted to put in a salvage yard and a dump the zoning applies to your district so therefore there is portions of the Zoning By-Law that do apply. Since this ad was placed in the paper, there's an automatic freeze of 120 days so the Building Inspector couldn't grant a building permit anyway unless it was in a C-4 zone, so that gives us 120 days to render a decision.

There was much further discussion by Councillors with regard to the proposed amendment.

Solicitor Cragg: If we do not pass this amendment someone who owns commercial or general land would not have to come before Council by way of a public hearing, they could just go right ahead. With this amendment they would have to come before Council by way of a Public Hearing. This gives everyone the right to apply.

Councillor Benjamin: I would ask my question to the Solicitor. Is there a better procedure to restrict massage parlours than putting it through a zoning application? Could we make a motion to ban massage parlours in the County of Halifax?

Solicitor Cragg: We could Councillor but I don't think we'd have any legal backing. The only way we can protect ourselves is by this amendment. Without this amendment we have no recourse whatsoever.

Warden Settle: This is a Public Hearing and we will now ask are there persons in the gallery who wish to come forward and speak in favour of this proposed amendment to our zoning, namely a C-4 Zone, Control of Massage Parlours.

Adam Morgan: I'm a resident of Lower Sackville, 40 Hillside Avenue. I appreciate the opportunity of coming to speak to Council Members and since I've opposed so many things publicly I thought that this time I'd come in and lend some support. However, I'm not quite sure whether I should be here now or the next one to say against because I'm not quite sure, due to the discussion, whether I should be supporting it or whether I should be supporting an amended version of it or whether I should be against the whole thing because, as I heard some Councillors mention, the last thing we need in the County is a massage parlour. I have a problem in whether or not to actually support the measure that we're considering here tonight because I'm not quite sure of its intention to actually restrict rather than to create a legitimate business zone. Could I have some clarification of this?

Solicitor Cragg: I think your concern, Mr. Morgan, is perhaps we're trying to infringe unduly on an individual's right to carry on a legitimate business operation and I don't think we're trying to do that any more so than we're trying to restrict, keep in proper order like a grocery store or any other type of legitimate business operation and if these operations, as contemplated by this amendment, are legitimate and can serve a public use the people should have no reason not to come before Council by way of a Public Hearing and let everyone know what they're going to do.

Mr. Morgan: Well, in the amendment are you going to define a massage parlour as to what exactly goes on there in terms that I can understand or do I have to continue to guess as to what the exact business is?

Solicitor Cragg: It is defined in the amendment and if, as I've stated, the person who wishes to come forth and legitimately convinces the Council and the public, who presumably would be here, that it's going to be a proper use, fine.



Mr. Morgan: Would a massage parlour, under the amendment, be able to go in the Downsview Mall? How are you defining the property line? They could apply for a rezoning there couldn't they?

Solicitor Cragg: I think the amendment adequately provides for such things.

Warden Settle called for other speakers from the gallery who wished to speak in favour of the amendment.

Everett Porter: My name is Everett Porter and I reside at 46 Langevin Drive, Lower Sackville. One of the items discussed was that the C-4 zoning requirement would be 300 feet. How many areas in Lower Sackville would be within that limit?

Solicitor Cragg: Very few, if any.

Councillor Topple: I think, Mr. Warden, what should be made clear to the people is the fact that a massage parlour could be established in quite a few places in Halifax County right now and the idea of this By-Law would be to restrict any possibility of future construction for such uses.

Warden Settle called for further speakers in favour and there was no response. He then called for speakers opposed to the amendment.

Andrew Belair: My name is Andrew Belair and I reside at 58 High Street, Bedford. Council came up with a figure of this 300 foot buffer zone as a ballpark figure. I think it should even be say a thousand feet. I don't think the Sackville area or any of the other districts involved here need a massage parlour in it and I am in full favour of seeing a buffer zone even a greater distance. Thank you very much.

Alan Maheu: My name is Alan Maheu and I reside at 15 Langevin Drive. What I'd like to say basically is that whatever it takes, if it's proposing that this be passed or whatever, that the action has to be taken to see that we don't get a massage parlour in Sackville. That's basically why I'm here and I feel that you people should be able to come up with some just and honest decision that you feel, in your hearts, will be right. Thank you.

Warden Settle called three time for further speakers in opposition and there was no response.

There was further discussion by Councillors regarding the amendment.

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

"THAT the proposed amendment to the Zoning By-Law; C-4 (Commercial Massage Parlour Zone) be approved as presented."  
Motion Carried.

It was moved by Councillor Fader:

"THAT the Public Hearing be adjourned."  
Motion Carried.



I N D E X

Appeal Hearing - J. W. MacDonald & Company Ltd. - Motion-----	3
Anfield, Brian R. - Approval of lesser setback, Dutch Settlement - Motion-----	7
Bear problem - survey - Motion-----	8 - 9
Bridges and Highways - survey re District #12 - Motion-----	9
Badges of Office - Motion-----	9
City of Dartmouth Boundary - Motion-----	2
Councillor Cosman - Letter of Resignation - Motion-----	3
Chief Building Inspectors - Approval of Report - Motion-----	4 & 10
Chief Building Inspectors - Approval of supplementary report Motion-----	4
Committess and Boards - Vacancies-Motion-----	10
Derelict Vehicle - Bounty - Motion-----	2
Dangerous and Unsightly Premises Act- Motion-----	2
Dunmore Homes Ltd. - Approval of undersized lot, Lower Sackville- Motion-----	7
Dog Violation - Legal Action - Motion -----	9
Director of Planning and Development - Approval - Motion-----	10
Funding - Sewer and Water, Lakeside/Timberlea Area - Motion-----	2-3
Finance and Executive Committee - Approval of Report - Motion-----	11-12
Lesser Setback - Approval, Brian R. Anfield, Dutch Settlement - Motion-----	7
Motion - Appointment of Recording Secretary-----	1 & 7
Motion - Sewer Services, Timberlea, Lakeside, Beechville Area-----	1
Motion - Approval of July 17/79 Council Minutes-----	1
Motion - Approval of August 7/79 Council Minutes-----	1
Motion - Approval of August 8/79 Council Minutes-----	1
Motion - Approval of August 13/79 Council Minutes-----	1
Motion - Derelict Vehicle Bounty-----	2
Motion - Dangerous and Unsightly Premises Act-----	2
Motion - City of Dartmouth Boundary -----	2
Motion - Mail Delivery to Disabled Senior Citizens-----	2
Motion - Funding for water and Sewer Re Lakeside/Timberlea Area-----	2-3
Motion - Letter of Resignation, Councillor Cosman-----	3
Motion - Approval of Planning Committee Report-----	3&10
Motion - Approval of Date Re Public Hearing for Massage Parlour-----	3
Motion - Appeal Hearing RE J. W. MacDonald & Company Ltd.-----	3
Motion - Approval of School Capital Program Committee Report-----	3&10
Motion - Approval of Chief Buiding Inspector Report-----	4&10
Motion - Approval of Chief Building Inspector Supplementary Report-----	4
Motion - Municipal Incentive Grants-----	4
Motion - Approval of lots RE Private Lanes-----	4
Motion - Hookup to sewer system, Tallahassee School-----	4&10
Motion - Approval of School Capital Program Committee Supplementary Report-----	3

Motion - Fencing, Oceanview School-----	4
Motion - Adjournment-----	4&12
Motion - Approval of Undersized Lot, Dunmore Homes Limited, Lower Sackville-----	7
Motion - Report Re Shubenacadie/ Stewiacke River Basin Study-----	7
Motion - Approval of Lesser Setback, Brian R. Anfield, Dutch Settlement-----	7
Motion - Approval of August 21/79 Council Minutes-----	7- 8
Motion - Approval of August 28/79 Council Minutes-----	8
Motion - Approval of September 4/79 Council Minutes-----	8
Motion - Rodent Control Officer -----	8
Motion - Survey RE Bear Problem-----	8- 9
Motion - Survey of Bridges and Highways, District #12-----	9
Motion - Legal Action RE dogs Violations-----	9
Motion - Badges of Office-----	9
Motion - Vacancies RE Committees and Boards-----	10
Motion - Approval of the Director of Planning & Development-----	10
Motion - Approval of Finance & Executive Committee Report-----	11- 12
Oceanview School - Fencing - Motion-----	4
Planning Committee - Approval of Report - Motion-----	3& 10
Public Hearing - Approval of Date Re Massage Parlour-Motion-----	3
Private Lanes - Approval of lots - Motion-----	4
Recording Secretary - Appointment - Motion-----	1& 7
Resolution - Temporary Borrowing Re School and Water Services-----	4,5-6
Rodent Control Officer - Motion-----	8
Sewer Services - Timberlea, Lakeside, Beechville Area - Motion-----	1
School Capital Program Committee - Approval of Report- Motion-----	3&10
School Capital Program Committee - Approval of Supplementary Report - Motion-----	3
Shubenacadie/Stewiacke River Basin Study - Report - Motion-----	7
Temporary Borrowing - School and Water Services - Resolution -----	4,5,6
Tallahassee School - Hookups to Sewer Systems - Motion-----	4&11
Undersized Lot - Approval, Dunmore Homes Ltd., Lower Sackville - Motion-----	7

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

MINUTES OF COUNCIL SESSION

Tuesday, September 4, 1979

The Council Session was opened by Warden Settle with the Lord's Prayer and Mr. Meech called the roll.

It was moved by Councillor Walker and seconded by Councillor Sutherland:

"THAT Mrs. Morres be appointed recording secretary."  
Motion Carried.

Councillor Poirier requested that a recommendation of the Health Board re Maplewood Subdivision be allowed to be added to the Agenda and Council agreed. She noted that there is a very serious health hazard in the Maplewood Subdivision due to the lack of potable water and proper sewage system. The people of the area are willing to pay the cost of correcting the problems.

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

"THAT the County support the recommendation of the Board of Health that provision of central water and sewer services to the entire community of Timberlea, Lakeside and Beechville be implemented and, as an interim measure, that a reservoir and chlorination equipment be put into place which would presumably overcome the existing water supply and to request Staff to prepare a report outlining the costs and the possibility of cost sharing to implement this."  
Motion Carried.

There was considerable discussion by Councillors with regard to this problem and the fact that developers can leave subdivisions in this situation.

Mr. Meech suggested that perhaps they could get a cost sharing arrangement with the Province and Councillor Poirier said that her people are prepared to pay with or without cost sharing if the County will oversee the project. Councillor Topple noted that this is great support for a Municipal Development Plan.

It was moved by Councillor Walker and seconded by Councillor Lawrence:

"THAT the Minutes of July 17, 1979 be approved with the following amendment: "THAT the motion by Councillor Lawrence and seconded by Councillor Poirier: 'THAT the County of Halifax have an additional advance polling day on Friday preceding the Saturday as a regular advance poll' Motion Carried." was not that way. It was referred to the Finance & Executive Committee."  
Motion Carried.

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

"THAT the Minutes of August 7, 1979 Council Session be approved."  
Motion Carried.

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

"THAT the Minutes of August 8, 1979 Public Hearing be approved."  
Motion Carried.

It was moved by Councillor Topple and seconded by Councillor MacKenzie:

"THAT the Minutes of August 13, 1979 Public Hearing be approved."  
Motion Carried.

ADDITION OF ITEMS TO THE AGENDA:

Councillor Benjamin - Rodent Control Officer

Councillor Wiseman

- Cat Control

Councillor Sutherland - Undersized Lot Legislation

Deputy Warden Gaetz - Medallion for Councillors



Councillor Deveaux said he had some items which are rather important and as he was away last Session he would like them brought up today with Council's permission. Council agreed.

- (1) Lot approvals on lanes
- (2) Sewer system at Tallahassee School
- (3) Fencing at Oceanview School
- (4) Local Traffic Only signs on suburban streets
- (5) Addition of items to Agenda

Councillor MacKenzie - Wildlife

Councillor McCabe - Highways, hard surfacing

It was moved by Councillor Walker and seconded by Councillor Sutherland:

"THAT the Agenda be closed."  
Motion Carried.

Derelict Vehicle Program:

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

"THAT Council negotiate with the Province of an increase in the amount of the bounty paid in the Derelict Vehicle Clean Up program from \$16.00 per unit to \$20.00 per unit and that the County attempt to negotiate a larger quota for the year 1980."  
Motion Carried.

Councillor MacKenzie noted that Mr. Hefler is recommending that there should be sections of the County designated in order to provide space to dump these vehicles and Councillor Lawrence suggested that would need some consideration by the County and perhaps Finance & Executive should look at that and make a recommendation to Council.

There was a great deal of discussion by Councillors.

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

"THAT the Dangerous and Unsightly Premises By-Law be referred to the Finance & Executive Committee and a recommendation to come back to Council with which the Provincial Government can be approached."  
Motion Carried.

Mr. Meech summarized the letters and correspondence for the benefit of Councillors.

It was moved by Councillor Topple and seconded by Councillor Walker:

"THAT the Staff look at the application of the City of Dartmouth for an Order altering the City of Dartmouth boundary to the Public Utilities Board and bring a report back to Council and that the PUB be requested to defer the hearing until a submission can be prepared."  
Motion Carried.

The letter from Mr. Moriarity of the Nova Scotia Postal District was discussed at length by Councillor Lichter.

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

"THAT Mr. Moriarity be invited to talk to Council so he can be questioned concerning non delivery of mail to disabled senior citizens within a quarter mile of a Post Office."  
Motion Defeated.

It was moved by Councillor Cosman and seconded by Councillor Lichter:

"THAT a letter go to Mr. Moriarity asking him to reconsider his position and fully outline the details of the situation of these two people."  
Motion Defeated.

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

"THAT a letter go to the Post Master General explaining the situation and ask that his department consider mail delivery to disabled senior citizens regardless of the distance which they may reside from a Post Office."  
Motion Carried.

Mr. Meech read the letter from the Minister of the Department of Regional Economic Expansion.

Councillor Poirier noted that the Minister has obviously not looked into the history of the Lakeside/Timberlea area with respect to DREE and feels that the little guy needs help every bit as much as the large corporations.

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

"THAT a letter be sent to the Minister of the Department of Regional Economic Expansion outlining the fact that DREE was originally supposed to fund projects for the Lakeside/Tikberlea area and because of the many delays it never happened."  
Motion Carried.

Letter of Resignation from Councillor Cosman.

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

"THAT the letter of resignation from Councillor Cosman be accepted."  
Motion Carried.

Members of Council wished Councillor Cosman all the best in her future endeavours.

It was suggested by Councillor Fader that the appointment of a Councillor to the School Board, Metropolitan Authority and PAC to replace Councillor Cosman on those Committees be put on the Agenda for September 18th Council Session.

It was moved by Deputy Warden Gaetz and seconded by Councillor Walker:

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

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

"THAT a Public Hearing be held on September 24, 1979 to consider the adoption of an Amendment to the Zoning By-Law providing for the control or regulation of Massage Parlours."  
Motion Carried.

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

"THAT the Solicitor be directed to be in attendance at the Appeal Hearing at the Bedford United Church Hall in Bedford, Nova Scotia of J.W. MacDonald & Company Ltd. on September 13, 1979 to represent the Municipality."  
Motion Carried.

It was moved by Deputy Warden Gaetz and seconded by Councillor Williams:

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

Councillor Lawrence questioned an Item in the Minutes of School Capital Program Committee meeting of August 15, 1979 when Mr. Fawson read a letter from the President of Ven-Rez Furniture Company indicating that they had erred in their tender submission and the benches on which they had tendered and that they would cost 350 dollars each extra and the Committee accepted the additional charge. She questioned how the Committee could accept an additional 350 dollars per unit after tenders are closed.

There was a great deal of discussion in this connection and Mr. Fawson was called upon to explain the situation to Council.

Mr. Meech suggested that it should not be normal practice to allow, after tenders come in, companies to change their figures but in this instance when the amount is so much lower than the other figure it does not seem that the company was taking advantage of the fact that they did not see the other tender.

Councillor Lawrence stated that she was worried about the precedent having been set.

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

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

Solicitor Cragg advised Council that a motion to reconsider Council's decision of last Council must be unanimous.

Councillor Fader advised Council that if the disposal system is installed which was accepted by Council it would do away with the play field, however, if the sewage treatment plant is installed there would still be the play field for the school.

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

"THAT Council reconsider its earlier motion and approve the installation of the sewage treatment plant with the On-Site Disposal of the effluent at the Beavercbank-Kinsac

Consolidated School."  
Motion Defeated. (Not Unanimous)

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

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

It was moved by Councillor Walker and seconded by Councillor Topple:

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

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

"THAT the Temporary Borrowing Resolution for Leslie Thomas Sackville Junior High School and Smokey Drive Elementary School in Sackville and for Sunrise Hill Water system at Bedford be renewed." (See attached.)  
Motion Carried.

It was moved by Councillor Wiseman and seconded by Councillor Cosman:

"THAT the funds from the Municipal Incentives Grants be allocated to the districts where the money was generated to be used for capital purposes in those districts."  
Motion Carried.

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

"THAT the matter be referred to Finance and Executive Committee."  
Motion Defeated.

There was considerable debate concerning the Municipal Incentive Grants.

It was moved by Councillor Walker:

"THAT Council adjourn."  
Motion Defeated.

It was moved by Councillor Cosman and seconded by Councillor Wiseman:

"THAT Council seek approval from the Minister that the Municipal Incentive Grant in District 17 and District 20 be applied to the resident's portion of the construction of sidewalks in these districts."  
Motion Carried.

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

"THAT a letter go to the Minister of Municipal Affairs requesting approval of lots on lanes in Eastern Passage which are not approved by the Department of Highways."  
Motion Carried.

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

"THAT the matter of a senior resident, Mr. DeYoung, being allowed to hook into the sewer system of Tallahassee School be referred to the Public Works Committee and the School Board."  
Motion Carried.

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

"THAT the fencing of one side of Oceanview School be referred to the School Board."  
Motion Carried.

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

"THAT the Highways be requested to post signs on Hornes Road, Oceanlea Drive and Arbory Terrace stating "Local Traffic Only"."  
Motion Defeated.

It was moved by Deputy Warden Gaetz:

"THAT Council adjourn."  
Motion Carried.



Municipality of the County of Halifax  
Temporary Borrowing Resolution

\$107,482.22

for Leslie Thomas Sackville Jr. High - \$ 86,058.75 - 79-  
for Smokey Drive Elementary, Sackville \$ 21,445.47

WHEREAS the Municipal Affairs Act provides that the Municipality of the County of Halifax may, subject to the approval of the Minister of Municipal Affairs, borrow for the purpose of erecting, acquiring, purchasing, altering, adding to, improving, furnishing or equipping buildings for public schools and acquiring or purchasing or improving land for such buildings;

AND WHEREAS the Municipal Affairs Act provides that the Minister of Municipal Affairs may, in his discretion, require before giving approval to a proposed borrowing or the Council may, by resolution, determine that the approval of the voters to any proposed borrowing be obtained;

AND WHEREAS the Minister of Municipal Affairs has not required and the Council has not determined that the approval of the voters be obtained;

BE IT THEREFORE RESOLVED

THAT under the authority of the Municipal Affairs Act the Municipality of the County of Halifax borrow a sum or sums not exceeding One Hundred Seven Thousand Four Hundred Eighty-two Dollars and Twenty-two Cents (\$107,482.22) in total for the purpose set out above, subject to the approval of the Minister of Municipal Affairs;

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

THAT the issue of the debentures be postponed pursuant to the Municipal Affairs Act and that the Municipality borrow from time to time a sum or sums not exceeding One Hundred Seven Thousand Four Hundred Eighty-two Dollars and Twenty-two Cents (\$107,482.22) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed 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 at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

Municipality of the County of Halifax  
Temporary Borrowing Resolution

\$75,300.83

for Sunrise Hill, Bedford Water - 79-5

WHEREAS the Municipal Affairs Act provides that the Municipality of the County of Halifax may, subject to the approval of the Minister of Municipal Affairs, borrow for the purpose of constructing, acquiring, altering, extending and improving waterworks or water system for the municipality, or any part thereof, and acquiring or purchasing materials, machinery, implements and plant deemed requisite or advisable therefor or for maintaining such waterworks or water system;

AND WHEREAS the Municipal Affairs Act provides that the Minister of Municipal Affairs may, in his discretion, require before giving approval to a proposed borrowing or the Council may, by resolution, determine that the approval of the voters to any proposed borrowing be obtained;

AND WHEREAS the Minister of Municipal Affairs has not required and the Council has not determined that the approval of the voters be obtained;

BE IT THEREFORE RESOLVED

THAT under the authority of the Municipal Affairs Act the Municipality of the County of Halifax borrow a sum or sums not exceeding Seventy-three Thousand Three Hundred Dollars and Eighty-three Cents (\$75,300.83) in total for the purpose set out above, subject to the approval of the Minister of Municipal Affairs;

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

THAT the issue of the debentures be postponed pursuant to the Municipal Affairs Act and that the Municipality borrow from time to time a sum or sums not exceeding Seventy-three Thousand Three Hundred Dollars and Eighty-three Cents (\$75,300.83) in total from any chartered bank or trust company carrying on business in Nova Scotia;

THAT the sum be borrowed 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 at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

COUNCIL MINUTES

Tuesday, September 18, 1979

The Council Session was opened at 2 p.m. by Warden Settle with the Lord's Prayer and Mr. Meech called the roll.

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

"THAT Mrs. Morres be appointed recording secretary."  
Motion Carried.

Councillor Fader requested that the Public Hearing, scheduled for later in the day, be heard at this time as Mr. MacLean is in attendance. Council agreed.

Mr. Meech read the contents of the application under the Undersized Lot Legislation, Lands of Dunmore Homes Limited located on the Cobequid Road, Lower Sackville. Lot entitled "Dunmore Homes Limited", Application #F-486-79-S.

Warden Settle called for speakers in favour of the approval of this application to come forward and state their views. Mr. MacLean spoke from the gallery and it was not recorded.

Warden Settle called three times for any further speakers in favour of the approval of the application and there was no response.

Warden Settle called three times for speakers in opposition to the application and there was no response.

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

"THAT the Application #F-486-79-S under the Undersized Lot Legislation, Lands of Dunmore Homes Limited, Lower Sackville, be approved."  
Motion Carried.

Councillor Benjamin requested that Mr. Robert H. Bailey, Study Director of the Shubenacadie/Stewiacke River Basin Study Board, be allowed to speak to Council before the Regular Session began and Council agreed. Mr. Bailey spoke at length to Council with regard to critical problems of the river basin. He stated the Board would like to meet with interested parties or groups and get their perception of the alternate strategies that are contained in the report and once the Board has received comments they will sit down and prepare their final recommendations.

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

"THAT the report as presented by Mr. Bailey be turned over to the Planning Department for perusal and for them to offer any suggestions and comments to the Board."  
Motion Carried.

Mr. Meech read a letter addressed to Mr. Hefler, Chief Building Inspector dated September 18, 1979. "Please accept this letter as my request for a lesser setback from the required 30 feet to 23.6 feet on the Old Halifax Road at Dutch Settlement. Trusting this meets with the Committee's approval." That's from a Mr. Brian Robert Anfield. It's a request to have the permit approved with a lesser setback of approximately 6.4 feet.

It was moved by Councillor Lichter and seconded by Councillor Walker:

"THAT the lesser setback of 23.6 feet, Lands of Brian Robert Anfield, Dutch Settlement, be approved."  
Motion Carried.

Councillor Lawrence noted that this is a routine thing and would usually be handled by the Planning Advisory Committee, however, because several of these turned up after the Committee had met the previous evening and there was a bit of a rush on this one, Councillor Lichter would like Council's approval of it this evening and she heartily endorsed the approval.

Solicitor Cragg cautioned that this not be taken as a precedent.

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

"THAT the Minutes of the Regular Session of August 21, 1979 be approved as amended."  
Motion Carried.

Councillor Lichter asked that the minutes be corrected. The Resolution that he put forth at that time was a Resolution of a page and one quarter. All Councillors received it. He checked with some of the Councillors and they were in agreement with his contention that the resolution was passed as is and half of it appears in the Minutes of that date.



He stated that only what they want appears in the Minutes and it is equally important why they want it.

Mr. Meech assured Councillor Lichter that the resolution that went to the Minister was a facsimile of what had been presented. It was the entire one.

Minutes of Regular Session, August 21, 1979 amended as follows: "Our reason for this request is supported by the following: (a) Since 1975 the people of this County have been greatly restricted by the Regional Development Plan. These restrictions caused mistrust, frustrations and unnecessary hardships for the rural residents. It is the obligation of this Council to represent the interest of its people. (b) The County is to broaden its tax base in order to survive. The Regional Development Plan did not permit a healthy growth in the rural part of the County since 1975. When Bedford leaves this County the need to broaden our tax base becomes even greater. To do so, under the restrictions of the Regional Development Plan, is not possible".

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

"THAT the Minutes of Special Session, August 28, 1979 be approved."  
Motion Carried.

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

"THAT the Minutes of September 4, 1979 be approved as amended."  
Motion Carried.

Councillor Wiseman stated that there is an error under Addition of Items to Agenda. At that time she had asked whether or not the Municipal Incentives Grants would have been added to the Agenda of September 4th and didn't suggest that they be added to the Agenda of today's meeting.

Mr. Meech said that Councillor Lawrence noted a few points on page 2 where it refers to the Dangerous and Unightly Premises Act it should read By-Law and there are a number of typographical errors which she has handed to me.

Councillor Wiseman raised a question with regard to the water bills and Council agreed to hear her. She stated that over the past week she had got a large number of complaints about water bills that were sent out and the majority of the complaints were about the period of time the bills were sent for. She noted that the billing date was July 23rd instead of July 21st and this meant that people who used water between April 21st and July 21st were being charged on the new rate instead of the rate which was in effect on July 21st. Also people who did not receive water bills were being charged the gross amount. Councillor Fader advised Councillor Wiseman that the Public Utilities Board had made the new water rate retroactive and he would give Councillor Wiseman a copy of that Order.

Councillor Benjamin, as Chairman of the County Board of Health, reported to members of Council that there is, from time to time, the presence of rats in the Municipality. The last few months there has been an increase in the number of rodents and a recommendation went to the Department of Health to see that the Province would underwrite the baiting program that took place in the Preston area. On other occasions a baiting program took place in an area where there was a lot of garbage and debris in Councillor Williams' area and was a natural area for the rodents to escalate in numbers and cause a considerable inconvenience to the neighbouring residents. Because of the presence of rodents in Halifax County there should be somebody to answer these complaints and work in conjunction with the Atlantic Health Unit and the Department of Health to ascertain whether or not the presence of rodents is in high enough density to necessitate a baiting program.

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

"THAT the matter of rodent control be placed on the Agenda for Finance and Executive Committee to study and to report back to Council at a later date."  
Motion Carried.

Councillor Wiseman stated that people in her area are forever complaining about the number of cats that are around. Perhaps the licensing of cats would provide some measure of control.

Solicitor Cragg advised Council that he had a meeting with the officials of the SPCA last week and had detailed discussion with them about the cat problem. They are animal control officers as opposed to dog control officers under the contract which is being executed by them. They are initiating a very intensive program of cat control as well as general animal control.

Councillor McCabe answered in rebuttal and said cats in his area are very necessary for rodent control. They protect the cattle feed from the rats.

Warden Settle asked Council what they wished to do with regard to items (c) and (d) by Councillor Sutherland and Deputy Warden Gaetz and it was agreed to defer them until such time as the Councillors were present.

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

"THAT Lands and Forests be asked to make a survey of the County of Halifax, surveying individuals, organizations, wildlife associations, Lands and Forests personnel, to determine the concern of the people with regard to bears in these districts and if found necessary, to take appropriate action."  
Motion Carried.

Councillor MacKenzie said that the Lands and Forests people are so concerned that they are setting traps to catch bears and they're setting traps in the backyard of some residents.

Councillor McCabe said in his District they have just one 2 lane bridge on the Sheet Harbour Road. The two most important bridges that should be replaced are 1) a bailey bridge on the Moose River Road which is 11 feet 11 1/2 inches in width which makes it impossible to move some farm machinery across. The other bridge is 2) the Gay's River Bridge which is on a turn. This is not in his district but a great many people in his District travel over it and it's very narrow and dangerous.

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

"THAT the Honourable Minister of Highways be requested to look into the bridges and highways in District 12 and surrounding area with a copy of the letter going to the Honourable Ken Streach."

Motion Carried.

Councillor Lawrence spoke of the numbers of dogs whose owners refuse to license them and she feels that prosecutions should now be pressed. She asked the Clerk what the situation is with the list of people turned in by those who sell dog licenses as having refused to buy them.

Mr. Meech replied that he informed the Collector to put together a list of all the known dog owners who had refused to purchase a dog tag and send it to Solicitor Cragg with the instruction that he take the necessary action and start prosecuting the dog owners.

Solicitor Cragg stated that during his meeting with SPC officials they advised him that they could pick up any unlicensed dogs running at large or on private property anywhere in the County and an owner could redeem the dog within 72 hours after paying all costs and purchasing a dog tag.

It was moved by Councillor Lawrence and seconded by Councillor Lichter:

"THAT Council receive a report from Solicitor Cragg at the next Council Session on the number of refusals, the number of people in this category who have been referred to the Solicitor and what action has been taken."

Motion Carried.

Councillor Eisenhauer suggested that the County should advertise in the paper notifying people when dog tags are being sold and advising them that if their dog is unlicensed it can be picked up and Solicitor Cragg replied that this is what the SPC would like the County to do.

Councillor Deveaux suggested that the fine for violating the Dog By-Law should be increased.

Deputy Warden Gaetz advised Council that whenever he attends meetings with City Councils he has noticed that members all wear badges of office.

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

"THAT the matter of Badges of Office for Councillors be referred to Finance and Executive Committee."

Motion Carried.

Councillor Topple said that the hearing before the Board of Public Utilities with respect to annexation of portions of the County by the City of Dartmouth is coming up very soon and asked if Mr. Meech could give some information with regard to the situation.

Mr. Meech: As a result of the discussion and action at the last Council Session, I contacted members of the Board and requested that we be given some additional time. In other words, to have the date of the hearing deferred. Basically, it was just mentioned to me that if I could get the agreement with the City of Dartmouth through Mr. Moir then they would be prepared to consider it. I talked to the City of Dartmouth and they felt that it had been going on now for quite some time and they wanted to go ahead with the hearing, so as a result of that I went back and discussed the matter with Mr. Harris, who I think is going to Chair that particular meeting and he indicated to me that what can take place is, they'll go ahead with the hearing on the 27th; the City of Dartmouth can present its evidence but in fact, they would be prepared to entertain a request from our Solicitor that we be given at least a month's adjournment at which time we would have put together the necessary information and then at that subsequent meeting we would put forward our case on the matter. I have received a letter from the Westphal, Cole Harbour and Area Service Commission: "We are writing in regards to the City of Dartmouth's application to the Public Utilities Board to encompass phases 5 and 6 of Forest Hills and the Wildwood Lake Subdivision. It is our intention to oppose this annexation and we were wondering what the County stand would be on the matter. Is the County going to oppose it and if so should we join forces with you or should we act on our own. We were also wondering if we would be able to obtain financial and/or legal assistance from your office. Your reply at the earliest convenience, keeping in mind the limited time factor available to us, would be very much appreciated" and it was signed by Mr. Geddry who is Secretary of the Westphal/Cole Harbour and Area Service Commission. So it's a matter now of Council deciding whether we're going to oppose it and secondly, with regard to their query, whether in fact it might be just as well to put together one stand and maybe involve both the Commission and the Municipality and also whether we're prepared to provide them with legal assistance in terms of putting together their application and maybe other staff assistance.



Councillor Toppie was concerned with school problems if this should receive approval of the PUB.

There was considerable discussion by Councillors regarding the application of the City of Dartmouth before the Public Utilities Board and it was decided it would be left to Solicitor Cragg to determine the best course.

It was moved by Councillor Lawrence and seconded by Councillor Eisenhauer:

"THAT the vacancies on the Committees and Boards left by Councillor Cosman be allowed to remain vacant until the election of a new Council."  
Motion Carried.

Solicitor Cragg advised Council that the Order changing the boundaries for the new Town of Bedford was granted this afternoon and this was the Order deleting District 17 from Municipal Electoral boundaries and setting it up as its own electoral district.

Councillor Wiseman asked if there was anything official on the boundaries, if there's an official boundary map yet and Mr. Cragg said there would be no official map yet as it was just granted this afternoon but he does have an official description.

It was moved by Councillor Lawrence and seconded by Councillor Wiseman:

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

It was moved by Councillor Lawrence and seconded by Councillor Wiseman:

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

Councillor Fader inquired whether the Warden and the Solicitor will be attending the Appeal hearing before the Planning Appeal Board for the Province of Nova Scotia of Mr. George Bullen and Councillor Benjamin said that if the Appeal goes through the Senior Citizen Complex would most assuredly be lost to Bedford as the Nova Scotia Housing Commission will not build where there is an abutter who objects strongly to the development.

It was moved by Councillor Lichter and seconded by Councillor Lawrence:

"THAT Item 3 be removed from the Planning Advisory Committee Report and be discussed at a special evening session of Council and at a date and time set by Mr. Meech."  
Motion Carried.

Councillor Lawrence suggested that perhaps the 12th of November would be a suitable date to discuss the item and Councillor Deveaux wondered if it shouldn't be some time in October.

Councillor Deveaux noted that in the letter that was sent to the Honourable John MacIsaac regarding the motion he brought in at last Session of Council doesn't state the concerns or the reasons why the request was made and he had pointed out quite clearly the reason was that within these lanes sewer lines have been laid, the residents are paying high cost for their sewer frontage and still are not able to acquire approval for their lots and that certainly should have been pointed out. As a result of this letter there will likely be nothing done and he'll have to go back to square 1 again. Councillor Deveaux said he is willing to sit down with a member of staff and acquaint him with the facts and assist him in drafting up the letter.

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

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

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

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

Mr. Meech noted that there were a few items inadvertently left off the Agenda and the first one was with respect to a Resolution passed at the last Council Session respecting a request of a resident in the Eastern Passage area to be able to connect his property to the sewer line or treatment facility servicing the school in that particular area and the matter had been referred to the Public Works Committee. Mr. Meech was asked to read the Resolution and Report of the Public Works Committee.

Mr. Meech: The following Resolution was passed by the Council on September 4, 1979 that the matter of a senior resident, Mr. DeYoung being allowed to hook into the sewer system of Tallahassee School be referred to the Public Works Committee and the School Board and your Committee respectfully reports that this matter was discussed by Committee with the Director of Public Works. Following these discussions there is no objection from Public Works point of view in respect to Mr. DeYoung being allowed to hook into the sewage system servicing the school.