

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

"THAT Mr. DeYoung be allowed to hook into the Tallahassee School sewer system."
Motion Carried.

Councillor Lawrence advised that there hasn't been a response yet from the School Board and her understanding is that the recommendation is coming from the staff to the Board tomorrow so presumably it could be back in Council's hands at the next Council Session.

Councillor Deveaux felt that he hadn't referred it to the School Board as well and Councillor Lawrence said she was sure she had read in the Minutes that it had been referred to the Public Works Committee and the School Board.

Mr. Meech noted that a response had been received from the Department concerning the Cole Harbour Dykes and it's requesting that the Councillor who had raised the question be in touch with the Department of the Environment to give them more detail as to the extent of the problems concerned.

Mr. Meech read the first page of the Finance and Executive Committee to Council with respect to the need to undertake an Organizational Study of both the Council Committee structure and the Administration structure.

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

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

Councillor Lawrence inquired how the four firms came to be the short list from whom bids were solicited and Mr. Meech said it came about as a result of discussions between himself and Committee and they decided to invite just those four.

Mr. Meech outlined the reasons for the necessity of such a study and there was a great deal of discussion by Councillors about the merits and necessity of such a study.

Councillor Lichter said there is one paragraph which bothers him and that is: "We reserve the right to amend our cost estimates and staffing should the timing, terms of reference or work plan be changed". That paragraph negates the estimate of 17,000 to 26,000 dollars. Councillor Lichter said he had just read the document hastily but he saw nothing anywhere that would seem to indicate that these consultants will take a look at where power can be returned to Council from Administration. He has found that Council seems to have the power but they don't have the power.

Mr. Meech said that ultimately this kind of an exercise really is to put Council in a position so that it's going to have better information available for decision making.

Councillor Williams said he felt that this Report has been brought before Council and it's been a well thought out report but he felt that after the election would be the time to bring this before the elected body. He said he was afraid with such a study they might be going on a witch hunt and he doesn't think anyone in the building should be hurt.

Mr. Meech assured Council that's not part of the exercise and the consultants are not being asked to look at the individuals but at the structure. Mr. Meech said he was hired as Administrator but it is not written down in black and white anywhere that he has the authority to hire anyone. In practise and through tradition that's been accepted but if somebody wanted to challenge that he has nowhere to go back on. That's just one example.

Councillor Benjamin said that this proposal is just going to allow the County to advance from a cross-cut saw to a power saw. He feels that the Municipal Clerk-Treasurer is doing the job of an Administrator and should be given the title.

Councillor Lawrence noted many reasons why she felt that this decision should not be made now.

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

"THAT the decision on the Report of the Finance and Executive Committee be deferred until after November 3, 1979."
Motion Defeated.

Councillor Lawrence asked the comparative costs of the various other firms who bid on this, on what basis was Thorne Riddell chosen, an idea of the scale of costs and the time frames proposed by other firms.

Mr. Meech said that in the case of Craig and O'Neil the time frame they suggested was somewhere between 18 and 26 weeks at an estimated cost of between 31 and 37 thousand. H.B. Vincent and Associates indicated a time framework of 4 to 6 weeks, estimate cost of 11,000. Stevenson and Kellogg, time framework suggested as 21 weeks at an estimated cost of 47,670 and the last being Thorne Riddell who indicated approximately 7 weeks at an estimated cost of 17 to 26 thousand.

Councillor Lawrence asked whether time or money were the operative factors in choosing, whether one had any priority over the other and Councillor Fader replied.

Councillor Margeson inquired about the time frame and Mr. Meech replied that in no way would this study be completed before the new Council comes in but it would seem that it's important that people who have had experience are providing the input.

Councillor Fader thanked Council for their decision and Councillor Smith asked if it's been the practise that an orientation is onstream for the new Councillors so that they will be enlightened as to where the Departments are, et cetera. Mr. Meech replied that it's a valid point and that there is the handbook which was printed in cooperation with the Institute of Municipal Affairs. It gives some general understanding of what the Municipal Government in Nova Scotia is all about.

Councillor Margeson thanked Council for the privilege of attending the annual meeting of the Union of Nova Scotia Municipalities as their appointed delegate.

Councillor Eisenhower made the suggestion that the Local Handbook be sent to all those people who have taken out nomination papers. As it contains the Election Act as well, it would be quite helpful to them.

It was moved by Councillor Fader:

"THAT Council adjourn."
Motion Carried.

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THE MUNICIPALITY OF THE COUNTY OF HALIFAX

PUBLIC HEARING MINUTES

Monday, October 22, 1979

Present Were: Councillor Walker Councillor Poirier
 Councillor Williams Councillor Baker
 Councillor Deveaux Warden Settle
 Councillor Topple Deputy Warden Gaetz
 Councillor Benjamin Councillor Margeson
 Councillor Fader Councillor Eisenhauer
 Councillor Lawrence Councillor Wiseman
 Councillor McCabe Councillor Lichter
 Councillor Smith

Zoning Application 14-79 - Request by the residents of the Charleswood Subdivision to zone and rezone the Charleswood Subdivision, located on Charleswood Drive at Windsor Junction from G (General Building Zone) and an unzoned status to R-1 (Residential Single Family Dwelling Zone). District 14.

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

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

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

Warden Settle recapped the rules of the Public Hearing and requested Ms. Smith of the Planning Department to outline the application.

Miss Smith: This is the Rezoning Application No. 14-79. It's a request from the residents of the Charleswood Subdivision (see above for location) to rezone a portion of that subdivision from G (General Building Zone) and an unzoned status to R-1 (Residential Single Family Dwelling Zone). This application has been advertised as prescribed under the terms of the Planning Act and we have received no correspondence on this matter, either in favour of or opposing it. The subdivision is located on Beaverbank-Windsor Junction Road as outlined in black. It's located in District 14 just opposite Second Lake. The street that it's located on presently is not paved although there apparently are plans to pave the Beaverbank-Windsor Junction Road. The sketch shows a close-up of the subdivision. The broken line indicates the depth of the General Building Zoning on the Beaverbank-Windsor Junction Road as well as the Windsor Junction Road. It's approximately 500 feet from the street right-of-way. The remainder of the area is unzoned. The little black squares indicate the approximate location of single family dwellings. The only use shown on that map is not single family, would be the small block located on the Windsor Junction Road which apparently has an office for a construction company. It is recommended that this application to zone and rezone the lands of the Charleswood Subdivision be approved by County Council. The application was initiated in the form of a petition from the residents of the Charleswood Subdivision who indicated to us, on a map, the area that they wish to have rezoned, which was the area shown on that map in heavy black. Charleswood Drive is an attractive residential street with approximately 36 lots. 26 of these lots are presently developed and all have new single family dwellings on them. The remaining lots are undeveloped and forested. The total area to be rezoned includes some 14 acres of which is unzoned presently and approximately 4 acres which is general zoning at the moment. The Planning Department is recommending approval of this application because we feel that this is an attractive residential subdivision that deserves the protection that R-1 Zoning will afford it and I guess the reason, mainly, the residents requested this application was the fact that they're concerned with increasing commercial and industrial development in their area.

No questions of Miss Smith were asked by Council.

Dave MacLean: My name is Dave MacLean, I'm the area representative in the Riverlake Association for planning and development and I've been asked to speak by the residents in support of this motion. Briefly outlined by Ms. Smith and I think she described the application pretty well. The citizens are concerned that there may be encroachment on their residential area for development other than residential. I was hoping that Eric McNearney, the Developer, was here because I did have several chats with him and I can't speak for him officially but he did tell me that he wasn't opposing this type of application. He was a little concerned when they first put in the application that the citizens were going to attempt to try and rezone all of Eric's land, which he may develop in future, and I don't think that was the intent of the citizens of the area. They just want to see that particular district that they live in zoned residential and I think it's a pretty viable request so, as the Chairman of the Planning Committee of the District I support it in its entirety. Thank you.

No questions by Council.

Warden Settle called three times for anyone else from the gallery to speak in favour of the application and there was no response. He then called three times for speakers in opposition to the application and there was no response.

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

"THAT the Zoning By-Law be and the same is hereby amended by rezoning lands of Charleswood Subdivision, located on Charleswood Drive at Windsor Junction from G (General Building Zone) and an unzoned status to R-1 (Residential Single Family Dwelling Zone), District 14."
Motion Carried.

It was moved by Councillor Benjamin:

"THAT Council adjourn."
Motion Carried.

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

COUNCIL MINUTES

Tuesday, October 22, 1979

The Council Session was opened at 7 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 Eisenhauer:

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

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

"THAT Council go into Committee of the Whole to discuss Items 2 and 3 on the documentation that was sent out on October 10th with respect to a discussion on the Planning Act for a submission to the Planning Act Review Committee secondly the discussion with respect to the reassessment of the approach to the Municipal Development Plan process."
Motion Carried.

Mr. Meech: The first item on the agenda was with respect to a discussion on the submission from Council, for the benefit of the Planning Act Review Committee. The intention was that Council members individually would have an opportunity to express their concerns and views on the existing Planning Act and, at the same time, we would actually record these views and then prepare a submission on the basis of that.

Councillor Lichter: Warden, Councillors, I took a look at the recommendations or suggestions of the PAC and I would like to have my reactions to that recorded. I took them by section and where I made no comment I obviously agreed with them. There are not that many where I have no comments. Section 22 and Section 51 referred to in that PAC report, I lumped together my reactions basically because I feel that those two are somewhat interrelated. It states that members of PAC and members of the Nova Scotia Planning Appeal Board should be required to declare their land holdings. Now while you know full well that I have no hesitation to declare my land holdings, I maintain that such a requirement is not at all reasonable. PAC and the Nova Scotia Planning Appeal Board members hold a great deal of power over those who do own lands that they may wish to develop. A declaration of landholding by members of PAC and the Nova Scotia Planning Appeal Board would become a deterrent to have landowners serve on these, then it would consist of individuals who may not have, and I say may not have - it doesn't mean that they really don't have - who may not have either the understanding nor the compassion to make the decisions that will, in the end, determine how one's private property will be viewed. On these grounds I object to these two recommendations and I suggest that such declaration by members be done at a time when an item in which they have a conflict of interest comes under discussion and at such time the member should withdraw himself from the debate and from voting rather than have an original declaration once on the Board, either PAC or the Nova Scotia Planning Appeal Board. Now if somebody wishes to take over I have a number of other points but I don't want to hog the floor so perhaps I'll sit down for a few minutes.

Councillor Deveaux: Section 22, at the top of the page. I really don't feel that a Councillor should be required to declare his land holdings. I think there's a lot of other issues, in my opinion, which could be classed more as a conflict of interest than a person owning land. I'd like to ask a question about Section 25(1)(a). What's stated here, it was suggested - I can't see the connection between that suggestion and Section 25(1)(a). If you look at Section 12(3), probably that covers it better.

Councillor Lawrence: Actually that's an extension of the time which any Municipality might need to adopt a Municipal Development Plan. This Section 25(1)(a) has to do with reviewing the Regional Plan, which will be in effect until any Municipality has a Municipal Development Plan. The intention of the Committee, I think, was to acknowledge the fact that certainly this Municipality, for one, has taken some time to work on its own Municipal Development Plan.

Councillor McCabe: I've given a good deal of thought to this. I've been concerned as to why it should be anybody's business other than the owner of the property what they own. I am concerned that maybe, if we leave the people out that own property and have people on the Board that do not own property who would be in a better position to know what they do with their property. I think the people in my district are very much concerned over this Regional Development Plan. As we all know they were very concerned over the Municipal Plan that was presented to them. Councillor Lichter and I have held some meetings, I've attended one in my own district, and I think they made it very clearly known that they do not wish to have any plan that would be complied with in the urban areas and acceptable in the urban areas put on the rural areas. A good many, and I think I could be corrected by Councillor Lichter, I believe, feel that we are not ready for this sort of planning as yet and we would like to have a period of some five years, I believe was mentioned, that we can prepare some sort of a plan and then present it to the Provincial Government and see if they will accept that.

Councillor Lichter: Concerning 35(1), I'm in agreement with this section except for the extension of the appeal period from 20 days to 30 days. There are already enough time delays before final decisions are made and I'm speaking mainly about the Municipality but I think I could very well include the Provincial Government. It appears to me that whenever time limits are extended there will be a built-in delay in the process of the final decision. This is the last thing

Municipality actually needs, this is why I would like to see that it remain at 20 days rather than 30 days that is being mentioned there. Concerning Section 49(8)(e), this Section deals with the 5 percent land donation or cash donation not being sufficient in all situations, thus this particular Section asks for a minimum of 5 percent to a maximum of 10 percent based on proposed population density. Now I feel that I have to object very strongly to this being recommended and my reasons are as follows: a) the very fact that one must donate in order to be able to receive the green light is almost blackmail and I make no apologies for that statement. b) if 10 acres of land is to be developed with high density potential that development is a higher dollar value, consequently, if cash is accepted or if land is accepted the "donation" is already a larger value than in case of a 10 acre development that has or will have a very low density population. This is why I feel that if we consider this recommendation of PAC carefully we discover that there is a double jeopardy built into it which I believe should not be the case and c) we already have far too many obstacles which discourage development in our province and I say province because I believe the Planning Act refers to the entire province. We heard of developers who have moved from this province because of these obstacles and we heard those statements from developers last October/November. Maybe we do not need them or maybe we do not need development. I really don't think that the 10 percent is fair. As a last thought on this particular item I'd like to mention this. When you "Give the United Way" I believe you give voluntarily and you donate, if you like, but when you pay your income tax do you consider it to be voluntary or just because the law says you must pay? I don't think anybody has ever considered income tax to be a donation, nor should this be considered a donation. Section 61: Increase the fines in accordance with the cost of living in 1979. I have a great deal of reservation about such a move. In my short experience on Council I've found that some of these provisions of this Act were indeed violated. Now if you take a look at Section 49(3) which states that in regards to subdivision approvals "The Council shall, within four weeks of the receipt of all information asked for, either approve the application or reject it et cetera". Now when you take a look at that Section then I think you realize, I believe I'm right when I say this, that there were probably many cases where we, the Council, did not subject ourselves to that four week time period which is described in this particular Section, so obviously we may have been one of the violators of the Act but I don't believe at any time we were fined for delaying applications that had come our way and we did not process them as we should have. Now my question is this, was Council or the person to whom the duties were delegated made to pay these necessary fines, and certainly that's not the case. Now if any violators of the first provisions of this Act were fined they were the people who some time, out of frustration or due to a lot of misinformation they received or out of sheer ignorance, violated this Act. In 1969 Council came under the Planning Act. I do not know whether this happened willingly or otherwise. In 1975 it came under the Regional Development Plan and I must assume that Council was consulted on this and accepted it, or at least did not fight for the needs of the rural residents. Thus we and the Provincial Government forced them to violate the Act on many occasions - and I mean we actually forced them to violate the Act. Now should these Councillors urge that fines be increased I certainly do not believe that they would have the boldness to do so. What we should do is fight until the rules of the game are fair for the people, to do our darndest to insure that the machinery will work with speed and efficiency and when we have accomplished these then let's speak about fines, but certainly not before. Now under Miscellaneous Items (1) it is suggested that in order to better control development there should be a stipulation within the Act that Regional Development Permits should not be issued within the Regional Development boundary unless the land on which the development is to be located has a zone. Now I'm not in favour of this recommendation, even though I realize some of the advantages that it has. However, thinking of the individual who wants to build a home on land that is zoned general and the time and expense of zoning that land when it's not zoned I feel that this would create an undue hardship for many of the people. After all, there may be very small parcels of land, no larger than a lot, being owned by individuals who build on that or plan to build on that particular lot. You will see an awful lot of zoning applications, if this becomes reality. I think that we would create a great deal of bureaucracy and hardship for the people if we follow that item. Under Miscellaneous Items (3), if this suggestion is followed we are adding ten extra days to the already lengthy and cumbersome process that begins with the lot approval and ends months and months later with a building permit so I certainly feel that I have to object to having any extra time limits added on any of the appeal procedures.

Councillor Lawrence: I wanted to make some response to some of Councillor Lichter's points. The first one, Section 22 and then the similar Section 51 asking that declarations of land holdings be required from members of Planning Advisory Committee and also from Planning Appeal Board members. Looking at the PAC now I think there is only one member of that Committee who does not, herself, directly own land in the County of Halifax. This whole issue arose from a non-Council member of PAC who has not been on the Committee now for a year or more. I think Councillor Lichter's point is that it may or may not discourage landowning membership in the Committee and I don't think as it now stands, that there's any evidence that it has up until now. I think his suggestion as an alternative, that members of the PAC, and maybe even, I'm not sure if he extended it to the Provincial Planning Appeal Board, but that members should declare possible conflict of interest at the time of any discussion on any particular area in the County is a nice idea but highly unworkable. Taking the last two points that Councillor Lichter made - on page 3, Miscellaneous Item (2), the suggestion that Regional Development Permits should not be issued within the Regional Development boundary unless the land is as a zone, Councillor Lichter seemed to feel that this would lead to many single lot rezonings. I don't think that's necessarily the case. If you recollect where the Regional Development boundary is now, it is sometimes a little outside the built-up areas but generally it hems in the particularly built-up areas in the County. They tend to be areas that have ratepayers associations, service commissions, bodies like that which could very easily be the vehicle for considerable rezoning. Not blanket rezoning in any one particular zone but they could be the vehicle for sizeable rezonings. And on page 3, Miscellaneous Item (3), the appeal period. There was a very vivid example given that led to this point being made. As you all know, we get copies of the Regional Development Permits. They come in, usually towards the end of the week, they are mailed out in a brown envelope with other things, and there certainly is one case, an appeal lodged by the Bedford Service Commission in which, because of the mails, the notice of the fact that a permit had been issued arrived in the morning and the deadline was that afternoon at 5. That's exactly the reason why it was to be extended to 20 days rather than 10. It had happened to people who want to appeal a Regional Development Permit have either just barely made the deadline, through no fault of their own, or I suppose in some cases there might be examples of people who have not been able to appeal because they didn't receive in the mail a notice of the permit being issued.

Councillor Eisenhower: In my opinion, there's something drastically wrong with the whole Act. There's too many things that can be put forth without breaking the law without even the Council knowing about and I'm thinking of the Regional Development Plan as one example. I don't understand the District Planning Commission. That is, the people, I don't know who's on it, I never heard of them. I don't get any minutes from them. Can someone take the time and explain to me what the Planning Commission is, who the people are and how much it costs us per year?

Warden Settle: The District Planning Commission doesn't exist in Halifax County but when that Act came in we were either ahead or behind, whatever the case. There was a body set up known as the MAPC, Metropolitan Area Planning Commission and the Minister of Municipal Affairs of that day recognized that group as the equivalent of a District Planning Commission.

Councillor Topple: In the Planning Committee's report I would be concerned about some of the things mentioned - for instance the business of highrise and 5 and 10 percent and so on - and I think we tend to look sometimes, at these from the point of view of the developer only. Now I would have to look at the problem from the point of view of the developer and from the point of view of the remainder of the taxpayers. I think in this day and age everybody wants recreation, all they can get for nothing and I would suggest that if you foot a highrise development with lots of people and children in an area, then there's going to be great demands for some recreation facilities for those young people. Who then should pay for it? Should the remainder of the community pay or perhaps should those people themselves contribute a bit toward that when they rent or purchase the property? I think contract zoning is one way to help people but I still, personally, have anxieties when we talk contract zoning. I can see certain types of contract zoning in zones that are of a higher class use, if you wish, and I wonder, although you say you're tied to a contract and if you violate the contract you can have it cancelled, but that opens up to me a whole area of how tight the contract is in the first place. I would not want contract zoning if it meant some undesirable use that would affect the community, even though it was under a contract. The other thing re regional development permits on areas that are previously zoned, I think there is some merit in that so often we have people coming before us requesting zoning because they assumed, when they bought their property, that they were in a particular zone and I think perhaps something like this might protect property purchasers. I am also concerned about the advertisement of Regional Development Permits. I don't see that there's too much wrong with that, I think perhaps we should publicize them a little more. I'm concerned that, as I've said before, a lot of the development we have in Halifax County, like the problems in Lake Echo with sewage, the problem I have in my area with sewage in the subdivision, perhaps would not have ever come about if we had some good planning to restrict those kind of developers in the first place who are now leaving it to the Municipality to come up with a fix.

Councillor Deveaux: I have a number of Sections that I'd like to bring the the attention of the PAC if I may. Going back to the recommendations made by the PAC the second section from the bottom on the first page, Section 33(1), I think that should probably be Subsection (2) shouldn't it? Going further down the page, Section 35(1), according to my amendments to Section 16 of the Planning Act that period is now 30 days in lieu of 20. I was wondering if Mr. Gough or someone could give me a rundown on Section 19(2), and I realize this refers to Municipal Development Plans only and not to a Regional Development Plan, but I understood, up until this time at least, regarding regional development plans, if you apply and it's in conflict with that plan, you can be refused a permit. Section 19(2) states that no Development Permit shall be refused by reason only that it conflicts with the Municipal Development Plan. For what reasons would the permit be refused?

Solicitor Cragg: Well, if it didn't conform with the intent or the policies that were outlined in the Regional Development Plan it would be refused, or the land use conflict.

Councillor Deveaux: Well, wouldn't the same thing apply in the case of a Municipal Development Plan?

Solicitor Cragg: Well, we don't have the Plan and I'm just wondering if maybe the intent was that there's a proviso here in the event that both were still in force.

Mr. Meech: What we would intend to do, I guess first of all, is summarize the various views that have been expressed and then try to put them in some sort of format and then at some point Council are going to specifically have to agree or disagree as to what issues they want to put forward in their particular submission, that is Council's position. I just wanted to comment on that one question on 19(2). I'm not certain this is the case but in the Municipal Development Plan basically you're talking about statements of policies, or in some cases, it could be more in what we refer to as the motherhood statements and it possibly may be that if, in fact, the Municipality didn't follow through with the appropriate mechanisms for controlling that particular thing that maybe after consideration, such as in your Zoning By-Law, and just because there may be a statement in the Municipal Development Plan it's suggested that's not permissible if they haven't followed through with effective control mechanisms then I assume that maybe what they're saying is that in fact, it couldn't be reviewed just on the basis that there was a statement in the plan that suggested that that wasn't something that was permitted or at least should be supported.

Councillor Deveaux: Section 47(3). This issue had come before Council on several occasions in the past. I don't know what the feeling of the other members of Council are but I really feel that if a person, and of course it may depend on the circumstances or situation, but you could have people living in a nonconforming situation which probably has existed for a number of years, if his house is destroyed by fire or blown down by a hurricane or whatever the case may be, I really don't feel we're really accomplishing anything or making a situation any different than it was prior to this accident occurring by forcing them to rezone and in many cases, I'm sure it would certainly be an added cost and could, in effect, cause other problems to the owner. Section 52(2), when you get to the bottom line, so to speak, of that paragraph, and this came to my attention in a recent appeal by the ratepayers in my district, in many cases that last sentence is used as part of an appeal to the Provincial Appeal Board and it reads: "The Council's decision is inconsistent with or unnecessary for the protection of the best interests of the Municipality". Once that's put in as one of the reasons, in some cases probably the only reason that a case can be appealed on, but I really question the

word "Municipality". In our case or in cases of districts involved, probably Ratepayers' Association or other similar organizations, I feel it would be better suited if perhaps the word "Municipality" can be changed to "district" or "community" or something along those lines, because certainly if that were the case it makes it much easier for the Appellant to fight his case, if I might use that term, rather than perhaps put up a case on the basis of serving the best interests of the Municipality as a whole.

Solicitor Cragg: Mr. Warden, perhaps I could just remind you that the Board has held on many, many occasions, and in fact, it could be taken as law, they don't literally take that as a Municipality. What's good for Jeddore is good for Hubbards. They have decided, over and over again, that it is that part of the Municipality immediately adjacent to the area in question and affected by it, not literally the whole Municipality.

Councillor Deveaux: The last item I have, and it's one which I brought up in Council a year ago August past, Section 49(13). There have been at least two if not three letters go from the Municipality to the Minister of Municipal Affairs since that time and just a brief explanation. This subsection states basically that a person requires, to have a lot approved, that it has to be fronting an approved Department of Highways road. There were a number of lanes in my district which were situated there over the years and they're still lanes and as such they're not approved by the Minister or Department of Highways. When the sewer lines were laid several years back the sewer lines were indeed placed on these lands and there are many lots that are still undeveloped or have never come up for approval, consequently, the people owning these lots or parcels of land have been and are still required to put forward large amounts of money to pay for the sewer line which was laid but in essence what it boils down to is they're paying for their sewer but they can't have their lot approved. I would respectfully request that the Planning Committee have a hard look at this with the hope of coming up with some amendment or change or something which, in effect, probably could apply to a serviced area in lieu of any other area involved because, somehow or other, something is going to have to be done for these people.

Councillor Poirier: I guess we all have to speak on this according to our own districts and I refer to Section 11 where it says property is deemed not to be injuriously affected by reason of the coming into force of the Regional Development Plan or by reason of its amendment, revision or repeal. Certainly in my area our civil liberties have been taken away from us and I really think that some stipulation should be put into effect that this should never be allowed to happen again to another area. Should a plan be placed on certain people I think the Government, if services are due, should be forced to come along and put these services in. Also I agree with many of Councillor Lichter's statements, particularly, the one of disclosing your landholdings on any of the Boards and Committees. I really don't see why, if it's at your own discretion fine, but it certainly should not be mandatory at all and people sitting on these boards, not being involved in owning land or what is involved in working with land or getting things done in the way of development, would certainly find it hard to make decisions with this particular section. There's another item, Miscellaneous Item 2, the recommendations of the Planning Advisory Board. Also Councillor Lichter spoke on this, that in the Regional Development boundary, unless the land on which the development is to be located has a zone. I feel very strongly about this restriction on people and their civil liberties being affected and I feel there must be some way of planning without being too restrictive to the people. Section 5(c) - certain uses - it's pertaining to regional development. Where it says certain kinds of uses in certain areas could be exempted from development permit requirements. When it gets down it says, "similarly, all of the rural regions except for the fringes around the town and fronting properties on key roads could be exempted from regional development permits". I don't understand that, why?

Mr. Gough: Well, this summary that was given to you is not our interpretation in entirety. We're not entirely in agreement with it and what it actually is intended to do, and it does that, is that it just points up some of these problems that could, technically, come about or that we could be confronted with and this is just a matter of opinion what could happen. I'm not saying that it will, it won't. Those involved with the process will have some stronger thoughts on it than others.

Councillor Poirier: It's just that I didn't understand it.

Mr. Gough: Well, do you agree that certain kinds of uses in certain areas could be exempt from the development permit requirement? An obvious example would be a small scale development proposal such as an addition to a house, et cetera.

Councillor Poirier: It's the last two lines I don't understand.

Mr. Gough: "All of rural regions except for the fringes around towns and fronting properties on key roads could be exempted." Well, if I could just expand on that. The approach that we've taken to our own Municipal Development Plan procedure really only refers to the urbanizing sector and the other sections are even excluded from it. This is the way we're starting right now.

Councillor Poirier: So you don't need a Regional Development permit outside the developed areas?

Mr. Gough: You do, but they can set up regulations that would state that there could be certain exemptions for it. For instance, fire halls don't require a Regional Development Permit, neither does a school.

Councillor Lawrence: Some things have gone by so there's no point commenting on them now, but one of the items that Councillor Lichter brought up and several other Councillors have mentioned, I could perhaps give my side of the issue on the land donation, so-called land donation, Section 49(8)(e). Councillor Lichter objects to that term. Actually "contribution" is the word that I think is used in that particular section. I agree that it probably is not voluntary and that, I think, is what he was objecting to, the connotation that it was from any developer's free will. Referring to Councillor Eisenhauer's objections to what he considers to be, in effect, a double whammy, one from the Change of Use Tax, which is in the Assessment Act, and the other to do with this donation or contribution or whatever you want to

call it for recreation, I know that Councillor Eisenhower lives in a sizeable subdivision in his district which has been extremely happy to have the 5 percent that we're able to take through this procedure and Councillor Eisenhower is on the Recreation Committee and therefore on the Joint Committee which reviews donations or contributions to be made under this requirement. I think a situation when there is very little development and there are maybe four, five or six lots that it seems less acceptable perhaps to extract this 5 percent as it is now than it would be if the area's building up. But when you have a subdivision which begins by maybe 5, 10, 20 lots or so, grandually builds up to the extent, for example, of the Highland Park one, which has I think, something like 150 households now, that recreation land that is set aside through this process is valued enormously by the people who live there. The rationale for increasing the percentage with the increased density, I think, is fairly clear. If you're getting a density in an area that is for example, there are parts of Bedford that are zoned R-4 and quite large parts of Bedford are zoned R-4. Apartment house development, a large scale amount of it, certainly does not usually leave anything in the way of space around those buildings other than parking lots. Parking lots are not a good place for kids to play or for people to be able to have an outdoor barbeque if they don't have balconies or something like that and I really think that this provides a means of setting aside some land or setting aside some money that can be used to buy land for the people who are going to live in those kind of developments.

Councillor Lichter: Just a couple of comments. One of them is that maybe you're right Councillor Lawrence that in areas where there are highrises or four storey buildings, et cetera, those things are necessary. But any time a statement is made in the Planning Act that applies to the entire Province - now the day people in my area are going to ask for parkland is going to be a day probably in the year three thousand. Our parklands are the lands that we haven't been able to develop and never will be able to develop. I understand that the donation is required only when you go beyond three lots. Maybe our people don't get to complain at all, they have never been fortunate enough to be able to go beyond the three lots because of the Regional Development Permit requirements. Now I mentioned earlier that I have a few comments that I'd like to make general to the Planning Act and one of them is that when the Act contains a set of interpretations I believe that no one should be allowed to change any of these and use his own interpretation and I'll tell you in a minute what I mean. Now as I understand it we have no Subdivision By-Laws in this County, isn't that correct?

Mr. Gough: We don't have a Subdivision By-Law but we do have Subdivision Regulations.

Councillor Lichter: That's not the same thing. That calls for extra interpretation. We have no Subdivision By-Law, thus if we follow the Act and if we don't violate it we must act under Section 1(i)(2) I believe and not under Section 1(i)(1). It states quite clearly there that the interpretation of this Act is, which we are not to violate, is subdivision means any area of land which has been divided, into two or more parcels where a Municipal Subdivision By-Law is in effect. It doesn't say Municipal Subdivision By-Law or Regulations or some understandings or some agreements, it just simply states Municipal Subdivision By-Law and if I have learned anything on this Council, and I think I have, a Subdivision By-Law would be a By-Law that's approved by the Minister. Regulations need not be approved by the Minister, is that correct?

Mr. Gough: Both Subdivision By-Laws and Regulations have to be approved by the Minister.

Councillor Lichter: They do have to be approved. So do they mean Subdivision By-Law and Subdivision Regulations to mean exactly the same thing?

Mr. Gough: For our purposes, we're under a transitional period and the Minister has ordered our Subdivision Regulations kept in effect, the same as the Zoning By-Law.

Councillor Lichter: Okay, so we are legally using the term subdivision, any piece of land divided into two or more. Number two point, Section 3(3) speaks about notice before designation. All right, I agree, the Minister shall - but the interesting thing here is that he shall inform us 60 days in advance. But then if you go to the next point which is 4(1), this to me means that in 1975 what may have happened, this Municipality was informed 60 days in advance that we were going to be included in a regional development plan and then they exercised their prerogative not to consult you people because the word "may" appears there. I strongly urge PAC that they definitely make representation that where, in Section 3(3) and Section 4(2) the wording should read "the Minister shall" rather than "the Minister may". If we are informed that something is going to happen to us, then at least we should be consulted and the Minister should have no option on that consultation process. I think you understand what I'm saying. Number 3, Councillor Deveaux spoke on this but I think I've got to add to that. Part (a), Nonconforming uses. On the principle that nonconforming users were there first and zoning came after, I feel that this whole Section should be revised extensively. I think I heard mentioned in this Council many times that first come is the consideration that we have given to rezoning applications and so on. In particular, the following Sections should become less restrictive: Section 47(1), which just talks about no structure alterations, et cetera; Section 47(3), when a fire destroys a building 50% or more the hardship suffered by the owners is substantial without adding to this, yet the clause referred to here does nothing more than create further hardship and I think this was the point Councillor Deveaux was making. In some cases this hardship is extended to those who may be gainfully employed up to the time of the fire and following that will not be able to remain in the employ of that firm. Section 47(5), discontinuance of use for a period of six months. Now since it is not inconceivable, particularly if you're watching the stockmarket and if you're going to watch how many small businesses are going to go down the drain in the next few months, it's not inconceivable that, due to market conditions and the industry or an apartment building or any such nonconforming user may discontinue to be in use for 6 months and the change in conditions after 6 months may make it possible to have to start up again, the section referred here makes it impossible or very nearly impossible, so I think that 6 month period is totally unfair. Section 57(2)(a), (b) and (c) which deals with the powers of the Supreme Court. I must state that these Sections are far too harsh. Now in addition to the fines that are stated elsewhere, it is inconceivable, at least to me, that someone's property would not only be ordered to be demolished by Supreme Court, but in addition the owner would be charged for all costs, including legal fees, et cetera.

Councillor Eisenhauer: A suggestion for development permits on appeal, I agree with the 20 days rather than 10.

Solicitor Cragg: In the notes prepared by PAC it states that the appeal period for regional development permits is presently 10 days and it is where an appeal is from the granting of a permit. I think the majority of appeals from the directorates decisions are for the refusal of the permit, which is 60 days. My experience has been that there's been a great many more appeals from the refusal not the granting.

Councillor Deveaux: The only comment I have Mr. Chairman is regarding the suggestion by Councillor Lichter regarding Section 4(2). Certainly I have no objection to changing the word "may" to "shall" but perhaps some of the Councillors weren't around at that time. When the Regional Development Plan was made public it was made public 2 years prior to coming into effect. There was a meeting held at the government buildings downtown and all members of Council of the three local municipalities were invited to attend and there were a number of public hearings held during the following 2 years. Unfortunately, not as many suggestions were made to amend it as should have been but it's only fair to state that we certainly did have an opportunity to express our objections. If I remember correctly, and perhaps someone can look up the records, but I think I'm safe in stating that when it came time to approve the Plan, I believe Council really did not give their consent to the Regional Development Plan.

Warden Settle: I think that's quite true Councillor and I think it went further than that. I can recall a meeting held down in the Legislative Chamber where there were I think 30 or 40 briefs from community groups suggesting things that were wrong with the Plan but I don't think very many of them were listened to then.

Councillor Margeson: We were all asked to submit anything we had in the form of good suggestions or that we thought were good suggestions. It is necessary, and since being on the PAC, I find that a person's knowledge of applications and permits, setbacks and things of that nature, becomes broadened and I also have found that some of the developers voluntarily like to contribute to a playground area in their areas and not only make a cash donation but sometimes add a piece of land for this purpose. One of the things that I have found is that when we hand out permits for various things in our own Municipality that perhaps we should be helping the people that we hand out permits to so that we can be giving them pieces of literature that would be helpful to them in the implementation of what they wish to do. I think this is a very valuable thing and I would like our Planning people to consider this. The Regulations and Acts are put there to help our people but sometimes the interpretation of them is what we need and in some ways we might be able to help the people when they come in for these things. I'm not in favour, of course, of disclosing anything that I own publicly. If anybody wishes to know what I have they can come over and talk with me and I'd be happy to set this down before them. That's some of the things that I've seen and I think there are some good changes and good thoughts that were expressed here this evening and perhaps it's a very worthwhile exercise.

Councillor Smith: I just want to add my point and echo some of the comments that were already made, especially the one on Sections 22 and 51. I feel that it's being discriminatory, especially if it was made mandatory that persons were to reveal their landholdings or declare them. It seems that our rights and privileges are being taken away from us little by little and things could be another way. If a person wants to declare it voluntarily, then that's up to them. In Section 49(8)(b), it was my understanding that 5 percent was to be for recreation purposes and I believe that 5% should be adequate to take care of the needs of the majority of the places. If the urban areas require more then perhaps they should be looked after in that manner, not make it mandatory for the rural areas to give over 10% when we have more than enough recreation area in the rural areas as is. Then in the Miscellaneous Items, Section 3, I agree with the 20 days instead of the 10 days of appeal. As well, there's the concern of dividing the portions of land. It's kind of hard to understand a person only wanting to take one lot of land, let's say 20,000 square feet for one lot and they would be to go to work and survey perhaps 50 acres. It doesn't make much sense to me when all that would be necessary have to be to survey off the portion that they want instead of having to go to the added cost of surveying the 50 acres.

Mr. Gough: Well, the last incident that Councillor Smith mentioned about somebody having to possibly survey the 50 acres to maybe get one lot, that is not a requirement under the terms of our Regulations. All we require is the lot that is so being created to be surveyed.

Deputy Warden Gaetz: Mr. Warden, this might not be quite in conformity with what we've been discussing this evening, but in a manner of speaking on it, I believe the recreation areas should be determined by the size of the subdivision that's going to be built. Now I know of a subdivision that's being built up, 5% of land of that subdivision I don't believe is going to be very much in years to come for recreation purposes. When a subdivider or developer comes in with a plan for 50 homes, you're going to have a lot more people than you would have with 15 or 20 homes and I think there should be a little more consideration given there. But the main thing with me this evening is what it actually cost the County for the Municipal Development Plan.

Councillor Lawrence: I think that Mr. Ken Wilson could give you the exact figure but I know that 400 and some thousand dollars was our share. The total was twice that but the County paid only 50% and the Province paid the other 50%.

Councillor Lichter: I just want Councillor Smith to understand what she actually supports. When you indicated the 20 day appeal period, that you do support it, I think you've got to understand that we are talking about once a Regional Development Permit is approved it's being held for 10 days so people could appeal against it. In other words, if your neighbour doesn't want you to build a home he has 10 days to appeal and what Pac is saying here is that that neighbour should be given 20 days. This is going to mean that the Regional Development Permit is going to be held in abeyance for 20 days. Subdivision plans are held in abeyance for 14 days. How many days are building permits held in abeyance, or are they? What I am getting at is that whenever we increase the number of days for appeal we are adding that many days to the process.

Councillor Eisenhauer: What concerns me I guess with the Act is the power of the Governor-in-Council. If we could

take the power from the Governor-in-Council from this Act then I would be perfectly satisfied with this Act. My whole problem is how we can limit the powers of the Governor-in-Council. Can we make that request?

Solicitor Cragg: That's the Cabinet.

Councillor Topple: I would suggest, Mr. Warden and Solicitor, that there's no such thing as a Municipal Government in the eyes of the British North America Act and perhaps that's the answer. The Provinces are responsible, therefore they're not going to give that responsibility away.

Mr. Meech: The Planning Act Review Committee has received a fair amount of briefs and submissions to date which would indicate there is great concern in other parts of the Province as well about the amount of involvement by the Provincial Government and it does seem to be coming across that, in fact, they feel the Municipalities are at the local government level; they should be given a little bit more autonomy or independence in terms of planning because, in fact, while the Planning Act suggests that there's regional planning as well as municipal planning. The only part of the Province that has a regional plan to date is in the Halifax County area, so that in fact, in many cases the Province is dictating that municipalities plan but they're not planning themselves. At least you cannot find out what their policies are on various issues and that message is coming through quite often actually. I just wanted to suggest to you that there's nothing wrong with expressing that concern because that is being said in almost all the areas that we've been to date.

Councillor Smith: I feel I should go on record as saying I did misunderstand that Section under Miscellaneous 3. I thought it was referring to the appeal period for persons whose permits were rejected and I do feel that the development permits are plenty long and there is another point I wanted to make. It's in the Planning Act, Section 47(3) concerning the nonconforming use. I feel that if a home is located on a property and it was of a nonconforming use then that person should be allowed to rebuild, or anyone as far as that goes, if their business was destroyed by fire with no fault of their own. They should be allowed to rebuild.

Councillor Margeson: Mr. Chairman and friends, when we had that situation in Bedford at that time I asked for some research. It doesn't happen very frequently but I'm wondering if there was some way that when somebody has suffered a loss because of a fire that we should be able to put our mechanism into gear and have an appeal within 30 days or something of that nature. I think that would be something that we could add to the Act because of the nature of the hardship.

Solicitor Cragg: Mr. Warden, there's nothing in the Planning Act that provides for it. It may be a little stringent but I know it's interpreted very liberally. Whether that warrants some changes in the Planning Act I don't know for sure. I don't think anyone's really been harmed.

Councillor Margeson: You wouldn't see any objection though, to it being in there that, in a case of hardship, a hearing could be held within a period of 30 days?

Solicitor Cragg: I'm not too sure that there really is a provision for a hearing if something is damaged. There are some provisions for hearing an appeal, for example, if someone fails to comply with an ordinance re a nonconforming use. It perhaps may be one-sided there. But I know it's been interpreted quite liberally when it has been.

Mr. Meech: I think it's fair to say too, that this seems to be universal. There is a lot of apprehension about this particular section in the Planning Act and I would think that what people are concerned about is that at least there should be a mechanism whereby if one had a residential unit and it burned, even though it's a nonconforming use, that in fact they should be permitted to rebuild a residential unit.

Councillor Deveaux: Regards to our Solicitor's comments, in actual fact though if a residence or building which is nonconforming is destroyed by a fire or otherwise to the degree stated in the Act then the Building Inspector cannot in fact issue a building permit.

Solicitor Cragg: That's correct Mr. Warden. That's why I'm suggesting it perhaps is a little bit one-sided but it's only when it's destroyed over 50 percent of the value that is in issue and I'm really not aware of any nonconforming residential uses.

Councillor Lawrence: Mr. Warden, for a dissenting view perhaps I could refer you to page 9 of the commentary that the Planning Staff circulated saying "Section 48 was based on the recognition that rather than suffering from being declared nonconforming an owner might actually enjoy a special privilege. He does not have his property rights restricted in the same way that his neighbours do. In the case of a commercial use this privilege could place the owner in a favourable competitive position since no other commercial use in the area can be developed without rezoning." I realize this perhaps is a minority view but I point it out to you.

Councillor Benjamin: I just want to comment on the nonconforming use. To me, the zoning that is put in there is a planning procedure. If we, at the time of changing zoning, put in the wrong zone then we are at fault. Otherwise, the zoning program as I see it, would be a wasted effort if we're letting all these loopholes go through. Now I'm all for zoning and I'm going to stress that, because I feel that it is a substitute of the Municipal Development Plan and that's the only instrument I have to control the type of development in District 14. Now the Municipal Development Plan, as has been commented here, has been very expensive. I think everybody in the County will agree with that, but there has been a lot of good value come out of that Municipal Development Plan. It's not all a waste. I think if we take those facts and build on them we can certainly build our communities, using the resources that they accumulated, and we can really go on to have planned development in all the districts. This 5 percent land use for recreational

use, I would not be in favour of seeing that enlarged. Regardless of what you call it, whether it's a donation, regulation or anything else it is a good effective plan because it helps the developers, at least the people that buy the lands that the developer is opening up. We've got to look to the future and we've got to live in the area. Now it's only through careful planning that we can avoid these things and there's things, such as in the health field, that I would like to see, perhaps attached in a memo to the deeds, whereby if a particular lot has been rejected for health reasons, for water, for sanitation, unable to put septic fields in, perhaps that should be incorporated in the deed or, in other words when they sell that property the person that buys it will find out that, gee, I have no water on my property, or at least the water I do have is contaminated. These are things that should protect the buyer. We don't have those in our present Planning Act. With regard to the time for appeal, I would feel that even 20 days is better than the 10 and I think the idea of holding back development the extra 10 days, as Councillor Lichter has mentioned, I think it's a real safeguard. We should be careful to consider it. Rather than being too free with our permits we will be more careful if we have this type of extended regulation. Now the other points, such as declaring their holdings, I agree with some of the other Councillors who have said it is not necessary. I see no point in that.

Councillor Topple: I've listened to discussions both ways and I don't completely agree with what we have in the Planning Act on nonconforming uses. I feel that zoning is a good thing, I'm for zoning but I don't think you should be able to zone somebody out of existence. I think the way the situation exists now, you can do that and I would not only feel that we protect residential nonconforming uses, I think if there's a legal commercial or industrial nonconforming use in existence and if people choose to build nearby that type of development then I don't see that after they get there they should be able to ask to have it zoned out of existence. I feel that if, for instance, a commercial use does burn beyond 50 percent I think the way the Act should read is that that particular use should be allowed to rebuild no more extensively but at least rebuild to the level at which it was before.

Mr. Meech: Many of the things that have been raised tonight are not uncommon in other parts of the Province, there's no question about it. I think it's fair to say that at this point there's not a great amount of opposition to the Planning Act itself per se but some of the specifics and more importantly, especially in the rural areas, the concern seems to be with regulations, such as health regulations and the process that people must go through to receive approvals, et cetera. I think the other thing that's coming through is that people believe there should be a different attitude infused into the planning process when you're talking about rural areas versus urban areas and that, in fact, it may not be practical to expect that you're going to plan in rural communities and subject them to urban planning principles. The fact of the matter is also in connection with the Regional Development Plan, I think one of the things that may be wrong with it from what I've heard about it, not having yet had the opportunity to read it clause by clause, that in fact, maybe it's gone too far in terms of dealing with specifics and it would seem more appropriate that that be dealt with by the Municipal Development Plan process and not by the Regional Development Plan process. The other thing I think it's fair to say, for your own benefit, while in fact a committee was established to specifically review the Planning Act, it seemed to have a fairly broad mandate in terms of, not suggesting they're going to be able to correct all these things but most of the submissions that are coming forward in many cases relate to problems that people are having in, naturally their own areas, specific areas, and in fact these things are being encouraged. Now granted, the Chairman must qualify some, at least must make the people aware of the fact that it shouldn't be perceived that the Planning Act Review Committee is going to resolve all these things, because at the end, naturally, the Committee is just going to make the report and recommendations to the Minister and, as I understand it, then it will flow through to the Policy Board and then subsequently to Cabinet. What we will try to do is take the transcript and then have the Staff maybe summarize the various views that have been put forward, then I think what we should do is circulate that draft again to all the Councillors so that at least you can insure that we have, in fact, interpreted your views appropriately - but then at some point I think there's going to have to be some specific direction as it relates to the brief from the Council itself. That's not to restrict any individual Councillor from going forward to the Planning Act Review Committee if, in fact, we'll say the Council as a whole is not prepared to support it. I think they, as individuals, leave it wide open to go in and express those views personally if, in fact, they may differ from the collective view of Council.

Councillor Margeson: There is, in addition to what was submitted by PAC, something to come from Staff?

Mr. Gough: Councillor Margeson we've given an overview or summary of the Planning Act. It was attached to it. There are actually two items; there was this summary that we have done, made up from actually certain planning techs that were available. The information was available to the Province and the Planning Advisory Committee's thoughts when they discussed the review of the Act.

Mr. Gough: Well, I guess I've got all sorts of concerns with the Act myself but I don't think they would be along the same nature that the Council or the elected representatives would be. I know that there have been lots of Councillors that have run into frustrating problems as far as it affects their political endeavours but believe you me, the problem is on the other side of us too. We're struggling with this thing and it isn't all, well if Councillor Lachance was here he'd say "apple pie", but I've got another word for it sometimes and you know, I can give you a very, very typical example of where a government or the process, really, could beat the poor applicant into the ground and they could never, ever recover through the appeal process and it really, in my opinion, isn't fair. Another interesting thing is that there's no provision in the Planning Act for a tentative plan, yet everybody's regulations has them. There's no appeal on a tentative plan, just a final plan. If you were a developer and you went out and you spent half a million dollars on roads and sewer and water and you received no, shall we say, objection or an appeal file on your tentative plan and then, because some little guy down the road doesn't like what you're doing or maybe you did something that affected him and he feels he's been aggrieved, that's a word that I think you should get a meaning of in the Act there Mr. Meech, but he could file an appeal and, in essence, what he's done is he's put half a million dollars that's been invested in ground literally to a standstill for maybe six or eight months and that's what happened with one or two contractors, they just went bankrupt with the appeal process. There's another thing that sometimes people think and feel that an appeal could be lodged with the Planning Appeal Board on a decision of the Department of Highways or the Department of Health, and in the event that the Department of Health has rejected a lot and the person was to appeal it

the Appellant feels that the Planning Appeal Board will overrule the Health Inspector and maybe if you asked an interpretation of the Act, maybe the Planning Appeal Board has the right to overrule the Health Inspector. But when it all boils down again what has he achieved? He's got an approved lot and he can't get a building permit on it so he hasn't achieved anything.

Warden Settle: Mr. Meech was going to make a comment, I think there was another item planned for tonight.

Mr. Meech: Yes, Mr. Warden, the other item that has been placed on the agenda relates back to some documentation or written material that had gone out earlier, I guess over your signature, with respect to a summary of the transcripts from the public meetings that were held in the urban area and I guess one of the things that was suggested in that was whether or not, after going through your first round of meetings in the urban area whether there was anything gained by discussing the present structure that's in place to achieve the Municipal Development Plan and, I guess specifically from my point of view, or at least as I interpret it, the present situation we have is the entire Council forms the Municipal Development Plan Committee and I might as well issue my own personal observations. I guess one of the things that we'd like to have discussed at some point, and maybe tonight is not suited to that because of the hour and the fact that, I guess, the elections are impending and we also have this organizational study underway, but at the same time whether, in fact, it's possible to believe we can achieve the development or the formulation of these plans by having the entire Council form the Municipal Development Plan Committee. I think in the final analysis, it's the Council who has to approve, disapprove or whatever, but in practise, when you're developing the process, where it requires a fair amount of detailed, frank discussion on various issues, I just wonder whether or not if a committee the size of this Council is a practical means of achieving that and that's essentially one of the things that we wanted to have the Council generally discuss without taking necessarily, any position on it at this time, but maybe in light of these other factors it may be better to defer it until subsequent to the election and the organizational study, at which time we could just have another general rehash of the thing.

Agreed by Council.

It was moved by Deputy Warden Gaetz:

"THAT Council adjourn."
Motion Carried.

Present Were: Deputy Warden Gaetz, Councillors Poirier, Baker, Topple, Smith, MacKenzie, Lichter, Margeson, Fader, Eisenhauer, Sutherland and Wiseman.

The Council met for the purpose of holding a public meeting to receive input and representations with respect to proposed amendments to the Taxi By-Law and specifically, with respect to considering a mandatory provision for the installation of meters in Districts 4, 7, 7A, 14, 16, 17, 18, 19 and 20.

The matter had initially come before Council as a result of a proposal placed before the Municipality by the Taxi Drivers' Association of Halifax County.

The meeting was chaired by Deputy Warden Gaetz.

First presentation - Taxi Drivers' Association.

Deputy Warden Gaetz called the meeting to order and briefly reviewed the purpose of the gathering. At that point he requested David Grant, Solicitor for the Taxi Drivers' Association, to come forward and provide a summary of the proposal his Association had placed before the Municipality relative to a request for amendments to the existing Taxi By-Law.

Mr. Grant proceeded to explain the background and indicated that while the Association had placed a proposal for an entire new Taxi By-Law for the County similar to the City of Halifax and City of Dartmouth Taxi By-Law, the most urgent matter requiring decision at this point was the specific provision for a mandatory use of meters in taxis. During the course of the presentation, Mr. Grant presented information on fee comparisons between the existing flat schedule of fees as compared to various combinations of metered rates and concluded that his Association was asking that meters be mandatory and secondly, that the County adopt the 80/80 fee structure. Mr. Grant also pointed out the urgency of a decision as a result of a recent position taken by the Ministry of Transport concerning taxi service at the Halifax International Airport. Mr. Grant explained that M. O. T. was proposing to establish an open stand policy at the airport, however, in so doing it was also providing a requirement that all taxis soliciting business at the airport would be required to utilize meters as the basis of charge to the customer.

Following Mr. Grant's presentation, there were a significant number of questions put forward by individual Councillors.

Presentation - D. Murtha

Mr. D. Murtha, Solicitor, appeared on behalf of a group of owners and taxi drivers in the Bedford-Sackville area and generally put forward the thought that his group was not totally against a requirement for meters but did suggest that the requirement be delayed for approximately three months and secondly, that a meter fee structure of 70/60 be instituted initially with a view to monitoring the structure for a period of months and possibly giving consideration to an increase on a gradual basis in three to six months. He expressed on behalf of his clients the concern that the requirement for meters at this point could create hardship due to the cost of providing a meter which was suggested to be in the vicinity of \$500.00. Again, the various Council members raised certain points with Mr. Murtha and a general discussion took place on the subject.

At this point Deputy Warden Gaetz invited other members of the audience to come forward to speak on the issue, at which time Gene Bell, a taxi owner and operator in the Bedford-Sackville area, came forward to express his views. Mr. Bell indicated his support for meters and suggested the need for higher rates to provide a reasonable rate of return to the owner and also a reasonable level of income to the operator. Mr. Bell pointed out that the existing rate structure fell far short of achieving the aforementioned. He felt that action was necessary immediately to implement meters with an appropriate fair structure of 80/80. Mr. Bell provided additional answers to various questions and concerns raised during the previous presentations and also expressed the view that competition in the taxi business should be on the basis of service and not rate structure. He also pointed out situations in which he feared that both the taxi owner and driver were losing money on a good number of trips. Again, a question and answer period resulted between Mr. Bell and the Council members.

The next person to come forward was Mr. G. Danis, owner of Diamond Taxi in the Bedford-Sackville community. Mr. Danis provided background information on the taxi operation in the Bedford-Sackville community and also pointed out certain factors relative to the Airport decision. Mr. Danis expressed the view that concern should be shown by Council in not permitting a substantial rate increase initially because he felt it would have detrimental effects on the taxi industry. Mr. Danis also provided data on comparisons of charges relative to the existing flat rate schedule versus the proposal for 80/80 as put forward by the Taxi Drivers' Association. In his view the requested rate structure put forward by the Taxi Association was too large an increase in one step and felt that the County should implement a lesser schedule initially and gradually increase the rates over a period of time.

The next person to come forward was Mr. Murphy, operator from the Bedford-Sackville area. Mr. Murphy made various comments with respect to the lack of safeguards in the present Taxi By-Law.

Mr. Pat Garrety and Ms. J. Latter then came forward and put forward a proposal suggesting that the County consider adopting the proposed rate structure for the City of Halifax which was a 90/80 combination fee structure. They supported a structure of having uniform rates within the metropolitan area and in particular, as it related to the taxi service for the Halifax International Airport. Mr. Garrety also provided an explanation on various types of meters

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available and a different type of billing structures relative to meters.

The final person to come forward was a Mr. John LeRue who was representing the 50 Plus Club in the Sackville area and his primary message was to have the County consider very seriously the consequences of a substantial rate increase for a taxi service as it effects senior citizens. He pointed out that he and many other senior citizens are living on limited fixed incomes and in many cases the utilization of taxi was their only means or mode of travel.

Again, he reiterated his concern over the financial implications to senior citizens and in this connection asked that the Council consider very seriously the impact of any decision to increase taxi rates as it relates to senior citizens.

The meeting concluded with the understanding that the matter would now be placed on the next Agenda of the Council for consideration and direction.

I N D E X

Berm - Construction - Motion-----	2 & 5
Cheque Signing - Motion-----	2
Council Picture - Motion-----	2 - 3
Chief Building Inspector - Approval of Report - Motion-----	3
Chief Building Inspector - Approval of Supplementary Report - Motion-----	6
Director of Planning & Development - Approval of Report - Motion-----	5
Finance & Executive Committee - Approval of Report - Motion-----	1 & 5
Harrietsfield - Cost of Supplying Water, Re Trailer Court and Elementary School - Motion-----	2
Lord's Day By-Law - Report - Motion-----	5
Motion - Appointment of Recording Secretary -----	1 & 4
Motion - Millwood Development-----	1
Motion - Improve the Living and Environmental Conditions of the County-----	1
Motion - Approval of Finance & Executive Committee Report-----	1 & 5
Motion - Cheque Signing-----	2
Motion - Approval of Ocean View Manor By-Law-----	2
Motion - Re Organizational Study Task Force-----	2
Motion - Approval of Public Works Committee Report-----	2
Motion - Construction of Berm -----	2 & 5
Motion - Approval of Warden's Report-----	2 & 4
Motion - Cost for Water Supply Re Trailer Court and Elementary School-Harrietsfield-----	2
Motion - Council Picture-----	2 - 3
Motion - Approval of Planning Advisory Committee Report-----	3 & 5
Motion - Approval of date for Public Hearing, Re Rezoning Application #14-79---	3
Motion - Approval of Date for Public Hearing, Re Undersized Lot, Bedford-----	3
Motion - Approval of Chief Building Inspector's Report-----	3
Motion - Acceptance of Title To Lands for Recreation Purposes-----	3
Motion - Adjournment-----	3 & 6
Motion - Approval of September 10/79, Council Minutes-----	4
Motion - Takeover of Water Supply, Maplewood Subd. Timberlea-----	4
Motion - Via Rail Schedule Changes-----	4
Motion - Additional Funds, Re Text Books for Schools-----	4
Motion - Meeting, Re Taxi By-Law Amendments-----	4
Motion - Report, Re Lord's Day By-Law-----	5
Motion - Approval of Planning Advisory Committee Supplementary Report-----	5
Motion - Approval of the Director of Planning & Development Report-----	5
Motion - Approval of School Capital Program Committee Report-----	5
Motion - Approval of Municipal School Board Report-----	5
Motion - Approval of Temporary Borrowing, Re Water Services, Uplands Park-----	5

Motion - Policy, Re Money in Lieu of Lands-----	6
Motion - Approval of Chief Building Inspectors Supplementary Report-----	6
Ocean View Manor- Approval of By-Law - Motion-----	2
Organizational Study Task Force- Motion-----	2
Public Works Committee - Approval of Report - Motion-----	2
Planning Advisory Committee - Approval of Report- Motion-----	3 & 5
Public Hearing - Approval of Date, Re Rezoning Application #14-79 Motion-----	3
Public Hearing - Approval of Date, Re Undersized Lot, Bedford - Motion-----	3
Planning Advisory Committee - Approval of Supplementary Report - Motion-----	5
Recording Secretary - Appointment - Motion-----	1
Recreation Purposes - Acceptance of Title to Lands - Motion-----	3
School Capital Program Committee - Approval of Report - Motion -----	5
Timberlea - Takeover of Water Supply, Maplewood Subd. - Motion-----	4
Text Books for Schools - Additional Funds - Motion-----	4
Taxi By-Law Amendments - Meeting - Motion-----	4
Temporary Borrowing - Approval Re Water Services, Uplands Park - Motion-----	5
Via Rail - Schedule Change - Motion-----	4
Warden's Report - Approval - Motion-----	2 & 4

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

COUNCIL MINUTES

Tuesday, October 2, 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 Deputy Warden Gaetz and seconded by Councillor MacKenzie:

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

Letters and Correspondence

Mr. Meech noted that the first letter was a response to a recent letter sent to the Minister of Municipal Affairs in connection with a servicing proposal for Beechville-Lakeside-Timberlea.

Councillor Poirier reminded everyone of the seriousness of the situation and recounted the problems that have been met in trying to overcome the problems. Councillor Poirier read the letter from the Minister to the public in attendance and stated that she felt they were selling them up the creek.

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

"THAT the Millwood Development be deferred until a commitment is made by the Province concerning the communities of Lakeside-Beechville-Timberlea and their servicing project."
Motion Carried.

There was a great deal of discussion by Councillors.

Councillor Poirier requested a recorded vote

<u>For:</u> Councillor Walker	Councillor Lawrence	Councillor Baker	Councillor Deveaux
Councillor Topple	Councillor Lachance	Deputy Warden Gaetz	Councillor Smith
Councillor Margeson	Councillor Benjamin	Councillor Lichter	Councillor MacKenzie
Warden Settle			

<u>Against:</u> Councillor Fader	Councillor Sutherland	Councillor Eisenhauer	Councillor Williams
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It was moved by Councillor Topple and seconded by Councillor Deveaux:

"THAT Council ask for a meeting with the Minister of Municipal Affairs, the Minister in Charge of Housing together with their senior staff members to discuss the planning and development of all the existing areas of the Municipality in order to improve the living and environmental conditions of our residents."
Motion Carried.

Solicitor Cragg stated that it would not be a great problem to draft up a contract between the School Board and Mr. DeYoung which would apply only to Mr. DeYoung as long as he lived there.

Councillor Lachance stated that it seemed to him that a Notice of Motion should come forward at this time, background work to be done on it and then at a subsequent meeting, the Council should make a decision on this matter. Further discussion should be held with the School Board.

Councillor Deveaux agreed with the Notice of Motion.

Mr. Meech requested that Council deal with Items 12, 13 and 14 ahead of the rest of the Agenda as he had to attend a Public Hearing in the Valley and was to be there by 7 p.m.

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

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

Mr. Meech explained that, notwithstanding the Policy Recommendation attached to the Finance and Executive Report, it would still go through the same procedure, that is that there would have to be a recommendation from the Recreation Committee to the Council before that money was officially committed for any purpose within those terms.

It was agreed by Council that this be tabled until it is brought up to date.

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

"THAT each officer and each employee of the Municipality who has been or may hereafter be authorized to sign cheques on behalf of the Municipality be and is hereby authorized to make use of a mechanical or other device for the purpose of affixing to such cheques a facsimile of his signature instead of signing such cheques manually; and

THAT the Royal Bank of Canada be and it is hereby authorized and directed to honour, pay and charge to the following accounts of the Municipality: a) Ocean View Municipal Home Account, b) Social Assistance Account, c) Rehabilitation Centre Account, d) General Operating Account and e) Water Utility Account, all instruments purporting to be cheques issued by the Municipality and to bear a facsimile or facsimiles of the signature or signatures of a person or persons having authority to sign cheques on behalf of the Municipality, to a maximum of \$5,000.00 for each instrument, each of which instruments shall be binding on the Municipality to the same extent as though it had been manually signed by such person or persons; and

THAT each branch or agency of the Bank at which an account of the Municipality is kept be furnished with a copy of this resolution certified by the Municipal Clerk under the Municipality's seal and from time to time with specimens of the signatures of persons having authority to sign cheques on behalf of the Municipality."
Motion Carried.

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

"THAT a By-Law respecting Ocean View Manor be approved as recommended by the Finance and Executive Committee."
Motion Carried.

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

"THAT an Organizational Study Task Force comprising Councillor Fader, Councillor Topple, Councillor Poirier, Councillor Lawrence, Councillor Lichter and Mr. Ken Meech, Administrator be approved."
Motion Carried.

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

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

Mr. Gallagher came forward and spoke to Council in explanation of the Report.

Councillors and Solicitor Cragg had a great deal of discussion regarding the creation of a berm and who would be responsible for carrying out the work.

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

"THAT Council request Mr. Gallagher to make the proper arrangements to have the work carried out as soon as possible."
Motion Carried.

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

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

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

"THAT Council ask the Public Works Committee to give immediate attention to establishing the cost of supplying the water, chlorinated and filtrated, to go to the Birchlee Trailer Court and the Harrietsfield Elementary School."
Motion Carried.

Councillor Lawrence - Council photograph
Councillor Deveaux - Environment looking at proposed subdivisions
Deputy Warden Gaetz - Strikes in essential services
- Letter from HALA

Councillor Lawrence requested that a session be organized for the 16th of October or the 6th of November for a photograph to be taken, inviting Mrs. Francene Cosman to attend, so that all Councillors will be present for the photograph.

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

"THAT it be arranged for a photographer to take a Council photograph on the 16th at the start of the Council Session."
Motion Carried.

It was moved by Deputy Warden Gaetz:

"THAT Council adjourn for an hour for supper."
Motion Defeated.

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

"THAT the Provincial Government be requested to amend the legislation that at least 75% of Council must agree to approval of undersized lots."
Motion Defeated.

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

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

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

"THAT a Public Hearing re Rezoning Application No. 14-79, Request to zone and rezone the lands of Charleswood Subdivision located on Charleswood Drive at Windsor Junction from an unzoned status and G (General Building Zone) to R-1 (Residential Single Family Dwelling Zone), to be held October 22, 1979 at 7:00 p.m."
Motion Carried.

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

"THAT a Public Hearing re: Undersized Lot application for Subdivision approval under the Undersized Lot Legislation, Lot #7, Lands of Rose Maire Louise Giffin, Shore Drive, Bedford, be held November 6, 1979 at 2 p.m."
Motion Carried.

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

"THAT the Report of the Building Inspector re Lesser Side Yard Clearance be approved."
Motion Carried.

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

"THAT title be accepted to the following pieces of land subject to the Solicitor verifying the title:
a) Bedford Village Properties, Bedford - Parkland and green area G-1 and area next to Lot 1 in the Paper Mill Lake area. Two parcels. b) Fall River Village Subdivision, Fall River. Parkland, Lot FRV-1. One parcel. c) Lake of the Woods Subdivision, Timberlea. Two green areas as outlined in the Subdivision plan. One parcel between Lots 6A 7 40, another parcel in the centre of Five Island Road. Two parcels."
Motion Carried.

Councillor Lawrence requested that the evening of October 22nd be used also for Council to discuss possible submissions to the Planning Act Review Committee and Council agreed.

Mr. Kelly read a notice from the Newspaper Reporter in attendance: "Any Councillors who would like to state their platform views and positions in the Mail Star may submit a typewritten release of 300 words or less by October 11."

It was moved by Councillor Fader:

"THAT Council adjourn."
Motion Carried.

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

COUNCIL MINUTES

Tuesday, October 16, 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 Fader and seconded by Councillor Baker:

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

Mr. Meech noted the correspondence which had been received, the first one advising of the new boundaries of the Town of Bedford and the second one to do with insurance for school properties.

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

"THAT the Minutes of the Public Hearing of September 10, 1979 be approved with the following correction: That Councillor MacKenzie's name be added as being in attendance at the Public Hearing."
Motion Carried.

Mr. Meech advised Council of the Staff Report relative to the takeover of the existing water utility that is now located in the Maplewood Subdivision in Timberlea and that the maximum cost would be 12 thousand dollars of which a grant of approximately 77 or 79 percent would be recovered. These improvements will be short term, 3 to 5 years.

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

"THAT the existing water utility be taken over by the Municipality providing certain conditions are met."
Motion Carried.

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

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

Items to be added to the Agenda:

Councillor Poirier - Proposed servicing - Beechville, Lakeside, Timberlea
Councillor Benjamin - Text books, Charles P. Allen High School
- Commuter - CN Railway
Councillor Margeson - Results of the study of Metro Transit
- Trash control - S W A G
Councillor Topple - Meeting with the Minister of Municipal Affairs

Councillor Benjamin requested that his items be considered by Council in this Session of Council. Agreed by Councillors.

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

"THAT the Halifax County Council go on record as being strongly opposed to the schedule of changes by VIA Rail between Truro and Halifax and that the feeling of the Council be communicated to the MP, Howard Crosby and the CNR Services."
Motion Carried.

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

"THAT Council make a request to the Department of Education for additional funds in order to provide text books for the schools in Halifax County."
Motion Carried.

The subject of the Taxi By-Law was discussed by Council.

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

"THAT Council hold a public meeting on the 25th of October and invite the taxi organization and general public to come and comment on the possible fare schedule that's attached to the proposed amendment to the Taxi By-Law."
Motion Carried.

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

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

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

"THAT Council have a full report on the status of permits under the Lord's Day By-Law and what the present status is of monies collected."
Motion Carried.

Councillor Tople inquired as to the decision of the Public Utilities Board with respect to the annexation of a part of Forest Hills by Dartmouth and Mr. Meech replied that the hearing has been adjourned to November 28, 1979 to give Council time to prepare their case for submission to the Board.

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

"THAT the Municipality of the County of Halifax appeal to the Government of the Province of Nova Scotia to enact legislation which provides for the following: All strikes and walkouts be prohibited for those who provide an essential service to the public including firefighters, police, public health workers, public utility workers, school teachers and any other deemed to be providing an essential service to the public. Coincident with the removal of the right to strike from such service personnel, compulsory and binding arbitration would be provided for this, thus insuring the cost of living and community standards as well as length of time since the last increase be taken into account in wage settlements and unfair labour practices be referred to the Labour Relations Board for settlement."
(See Motion to Defer)

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

"THAT this motion be deferred until the 20th of November Session."
Motion Carried.

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

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

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

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

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

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

Councillors Margeson and Benjamin questioned Deputy Warden Gaetz on items regarding the Beaverbank-Kinsac and Charles P. Allen High Schools.

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

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

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

"THAT an Additional Temporary Borrowing Resolution in the amount of \$23,000 (Twenty-three Thousand Dollars) to cover the cost of the water connection to service the Uplands Park Subdivision be approved by Council."
Motion Carried.

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

"THAT the construction of a berm on Union Street, Bedford be referred back to Public Works."
Motion Carried.

There was a great deal of discussion by Council with regard to storm drainage problems.

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

"THAT the Policy re Money in Lieu of Lands be approved by Council."
Motion Carried.

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

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

Councillor Lichter drew the attention of Council to the Weed Inspector's Weekly Report, September 8th. At the bottom of the page there is a statement which he would like Council to look at carefully and consider whether the policy which was laid down by the Department of Highways is being followed. Mr. Meech requested that it be left with him to be discussed with Mr. Thompson and Mr. Conrad.

It was moved by Councillor Lachance:

"THAT Council adjourn."
Motion Carried.

MINUTES & REPORTS

of the

FIRST YEAR MEETINGS

of the

FORTIETH COUNCIL

of the

MUNICIPALITY OF THE COUNTY OF HALIFAX

NOVEMBER COUNCIL SESSION

Tuesday, November 6, 14 and 20, 1979

SPECIAL COUNCIL SESSIONS November 20, 26 & 28, 1979

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

MINUTES OF SPECIAL COUNCIL SESSION

Tuesday, November 20, 1979

Warden Lawrence called Council back to Session: I'll ask Mr. Gough to start the discussion. This as I said before, has to do with the request for annexation by the City of Dartmouth of a part of the Forest Hills Land Assembly.

Mr. Gough: Thank you Madam Warden. For the benefit of Council I believe approximately a month ago the then sitting Council had asked Staff to prepare what they felt might be a reasonable document in approach to the annexation hearings which were going on at the Board of Public Utilities out of application to actually annex a portion of Phase 6 within the City of Dartmouth. The Staff had a meeting and at the Staff meeting the Departments of Public Works, Finance, Municipal School Board, Recreation and Planning and Development were asked for their input. Other departments were also asked but it was felt that their input was of very little significance and consequently didn't contribute. The document that was actually, shall we say, created, constructed or what have you, is this particular blue paper and possibly Mr. Campbell would like to distribute them. This is what you will be looking at or talking about. This particular document that I'm referring to was actually our own Staff approach and it may not be the exact opinions of what the political people feel but it was felt by all the Staff people it seemed to be a reasonable approach to the problem and then, if it was sanctioned by Council, or parts thereof, one, two or three of the recommendations which are referred to in the document may be presented to the Board of Public Utilities. For the information of Council when the Staff met on one occasion they'd met also with the representative from the District Service Commission and the two Councillors that were most affected, being Councillor Stewart and Councillor Topple. Those two Councillors have also been provided with a rough draft of the document prior to the rest of Council receiving it tonight. The District 7 Service Commission also has a copy of the document, along with their Solicitor. You will note, possibly on the first page there's an outline to the Report and the first being the Introduction, Technical Information being the second, the third is Evidence which is presently presented before the Board of Public Utilities. For the benefit of Council both Mr. Meech and Mr. Campbell in my Department had attended the previous hearings and, consequently, when this issue came to the Planning Department Mr. Campbell was more knowledgeable of it than anyone else, consequently he's responsible for the majority of the work that is done from the Planning Department's point of view and he had endeavoured to correlate all the information from the other departments and put it in some form of order that would not be to the detriment of the other departments which we were asking for input. If there was any points they have since been cleared up and the standings for the other departments are now what we consider final. The recommendations which are in this report are actually found on pages 10, 11 and 12. There's three recommendations and possibly if anybody would like to look at them they could and there's some sketches attached in the rear. There's also a larger map that we can show you and possibly we could outline to you the area that is to be annexed and then if you have any questions you can either direct them to Mr. Campbell or myself and we'd be only too happy to try and answer them for you. The map which Mr. Campbell has here on the easel actually shows the subdivision being Phases 5 and 6 of the Forest Hills Development and the City of Dartmouth boundary. Possibly Bill you could orient the Council and show them where Main Street is and the Cole Harbour Road and Cranberry Lake.

Mr. Campbell pointed out the area to the Councillors: Before going to the other overlay what I could do is go through various sections of the Report and ask the wish of Council to apprise you of some information or some background to the various sections. Mr. Gough has largely outlined the issue presently before Council tonight. The actual introduction report, starting on page 1, deals with the history behind this application which goes back to 1975, so it's not a new issue, it's been around for a few years and it started basically on July 30th when the Nova Scotia Housing Commission made application to the City of Dartmouth for rezoning and they found out the Municipal boundary crossed the areas that they were making application for rezoning. The Planning Department of the City of Dartmouth informed Council of this problem and subsequently the City of Dartmouth held a meeting up in that area for the actual rezoning and then, at Dartmouth City Council, October 7, 1975 the City of Dartmouth Council adopted a resolution approving the City Administrator to take all necessary proceedings, in cooperation with the County of Halifax and Nova Scotia Housing Commission, to alter the boundary. This resolution was placed before County Council on October 21st, 1975 and Council by motion, went on record as not objecting to those boundaries. Then there was a substantial delay between that time in 1975 and August 13th, 1979 when the actual application was made by the City of Dartmouth to the Public Utilities Board. That delay was caused by a number of factors, one being an appeal on the rezoning of the lands by Dartmouth residents for the rezoning that was approved by Dartmouth Council and as well as by some problems with putting in servicing et cetera. Then, as Mr. Gough mentioned, on September 4th, 1979 Council requested us, the Planning Department or the Staff, to look at the application and make a report to Council and then, at the request of Mr. Meech, we coordinated this Report. There is a certain amount of technical information, starting on page 2, that's

relative to the area being annexed. As Mr. Gough indicated the Public Utilities Board already met on this item and the chief witnesses there were Mr. Clarke of the Housing Commission and Mr. Bayer, Director of Planning for the City of Dartmouth. The Housing Commission supported a change in the boundary but did not really take a stand on it one way or the other as to which way the boundary should change and Mr. Bayer went into a number of items and suggested problems that would emerge if the boundary stayed as it was because it would bisect approximately 23 properties that would come into effect, so the 23 new properties would be crossed by a Municipal boundary and therefore have crossed jurisdiction, that is they would have to pay taxes in two municipalities, they would have all kinds of people related problems, such as where to call for emergency services, sewage maintenance, et cetera. It was also pointed out that Dartmouth was not planning to build a school in phase 5 since there was space in the Mount Edward School for about 160 children.

Section 4, Mr. Gough has already gone over that as to how Staff prepared this Report. I'll briefly skim over the comments of the various departments. The Public Works Department very briefly say "whether or not the annexation occurs in one form or another will not have any effect on the sewage treatment and collection facility for this area" and if you'll go to sketch number 3 you'll see that the heavy line is in the serviceable area, within that vicinity, and the phases 5 and 6 denoted by the dotted or elongated and dotted lines within that study area is completely within it so that no matter which jurisdiction those lands are in the sewage will always flow the same way. So that the boundary as presently located will not alter the intent of the provisions which have been already made for the conveyance of sewage from this area for ultimate treatment at Eastern Passage. The Municipal School Board and the school issue, as we will emphasize later on in our recommendations, is perhaps one of the most important. The County has just constructed a new school called the Joseph Giles School. It was designed to accommodate the students within that portion which is to be annexed so the School Board states that if this annexation goes ahead then there'll be approximately 5 empty classrooms. The School Board does not see this as a major issue because that could be absorbed through unforeseen increases or from adjacent school subsystems. The last comment on the School Board I'll go into in the recommendation stage. The Recreation Department in Section 5.3 states that there'll be slight loss of tax revenue due to the loss of these properties and that may increase the cost of local recreation services and as well there's a potential for loss of program activity by the local residents and perhaps increase that cost. The Finance Department has reviewed the annexation proposal and feels that, due to the small size of the area involved, the monies received from taxation or area rates would be insignificant in the overall budget for the area of the County and therefore, from their point of view, whichever direction the annexation proposal goes, any additional cost would be borne over the entire County and therefore the impact would be very insignificant.

Now in Section 5.5, the Planning Department, we point out a lot of our concerns - we were lucky enough to be the people coordinating this document so therefore a lot of our concerns were already incorporated in that. We only wanted to mention that we'd prefer to see the boundary changed because we wouldn't have 23 properties bisected because if you have a property bisected that means Dartmouth would have to give approval for the other three quarters and the person would have to make applications in two separate areas and we just feel it would be much more efficient if one jurisdiction dealt with that. We presently deal with split jurisdictions, I should point out, but we feel, just because we deal with them now we don't feel that we should recommend that the boundary stay the same because we like to avoid the future problems. The Planning Department does not agree with the application presently before the Public Utilities Board though, we do not recommend that approach. Mr. Gough has already mentioned a meeting with the District Service Commission and the elected representatives. From that meeting, in summary, perhaps when it comes time the elected representative may want to speak to this. The recommendation which came from this meeting or the actual direction was that this application should not be supported and that another direction should be taken which is to annex, instead, a portion from the City of Dartmouth and some of the surrounding subdivisions from the City of Dartmouth. Section 7.1 gets into the recommendations and we have split them into three to make it easier to deal with. Pointing out the comments of the Director of Planning of the City of Dartmouth we do agree with many of the problems that he said would arise and that's why basically, we're making these recommendations.

The first recommendation is that the Municipality of the County of Halifax support a change in the existing Municipal Boundary and that is we'd like to see a change occur, we would not like to see it stay the same as it is, but we'd like to see this boundary change reflect good Planning, Administrative and Financial principles, reflect the best interest of those potential residents who would be directly impacted, and that is the 23 residents who might be bisected by that Municipal Boundary and thirdly the boundary must take into consideration the surrounding community immediately adjacent to the existing boundary. Those areas are notably the Forest Hills Land Assembly, Wildwood Subdivision, 3 lots of Nantucket Properties Limited.

Now if Council accepts those three criteria on which to base the boundary change we admit that the issue is not necessarily easier to grasp but it is a little bit better defined and it gives a criteria on which to make a decision. Now we feel that the City of Dartmouth proposal meets almost all those criteria except for the fact that it doesn't take into consideration the surrounding communities and that is Forest Hills, Wildwood, Nantucket and Greenough Subdivisions. Therefore we make a second recommendation that the County not support the application as put forward by the City of Dartmouth since it does not take into consideration the surrounding community immediately adjacent to the existing boundary.

The alternative put forward comes jointly from Staff, the Service Commission in that area and from the elected representatives. A combination approach where many ideas were taken in and we distilled it to this last recommendation. And we make this recommendation acknowledging that you really can't make a one hundred percent perfect situation here and the deficiency of this recommendation, before I get onto the recommendation, is the idea of classroom space in dealing with the school situation.

7.3 Recommendation: On the basis of good planning, administrative and financial principles, the best interest of the potential residents who will be most directly impacted by cross jurisdictions and 3, taking into consideration the surrounding community immediately adjacent to the existing boundary, the County of Halifax recommends to the Board of Public Utilities that the County of Halifax should annex the remainder of Phase 5 and Phase 6 of the Forest Hills Land Assembly.

Councillor Stewart: As most of you know, I'm a new Councillor here. I will try to be brief. The first thing that comes to my mind is I think it's a bad time to have more bites taken out of the County, especially by urban areas. I campaigned on the recent election on a platform of keep Cole Harbour together or actually trying to unite Cole Harbour and, as part of Cole Harbour, Forest Hills is a very important part of it and keeping Forest Hills together is one of my prime concerns. What we're looking at tonight, if you took it simply at face value, is two phases, 65 acres or perhaps 80 or 90 acres the other way, depending on how it goes, but if this was to be looked at just at face value I would think that you wouldn't have to take a great acreage away from anybody, whether it's 60 or 30 or what have you. Basically it seems to me the original criteria of not running boundaries through houses and so forth can simply be accomplished by extremely minimal changes. I just put that in and then discard it because of the overriding concerns, the first being that we keep the planned development at Forest Hills together. The second concern which I think widens the picture is, concurrently with the preparation of this Staff Report which, in principle, I certainly support. I had a hand, as Mr. Campbell mentioned, in having a look at the subject but basically, at the same time as this, the Forest Hills Residence Association, who of course are people that live in the area under consideration, have filed a petition with the Public Utilities Board which, in essence, says that Forest Hills should be in one municipality and furthermore they feel that it would be better off to be in Dartmouth. This, as I say, widens the issue beyond the paper we have in front of us. I think this submission, which I understand has gone forward, has I'm not sure how many signatures on it, probably 3 or 4 hundred or so, which is substantial when you think there may be 1500 homes in Forest Hills. I'm not sure if there are quite that many around there so I would guess at least 15 percent of the residents probably have signed that petition, which is a substantial number. Anyway, I think this submission will perhaps move the Public Utilities Commission to consider the subject of annexation in a wider perspective. In other words I think the real question is what form of Municipal government will be appropriate for all of Cole Harbour or even the wider area of the Eastern Dartmouth Suburban School area in the future. Now having said that I should say that, as a new Councillor, it's really my intention, is in general to sit and listen. I've certainly got a lot to learn as a new Council member and I know I've often thought that it's best to keep silent and make enemies slowly rather than sound off and make them all at once. Well, I hope to keep everybody as friends here but I do feel, because of the nature of the subject, I've got to say a few things which, because of the expanded scope which I think is there, the fact that there may be some conflicting views here. First of all I'd really like to put Cole Harbour, or District 7, in perspective. Getting statistics is very difficult. The assessment in '79 for District 7 is approximately a hundred and eleven million dollars, which is over 11 percent of the whole County, including Bedford and all Sackville. Actually the assessment for all the surrounding areas, Districts 6, 7A, 8 and 9 is about a hundred and forty million dollars, it's not very much more. If you take out District 9 it's less. For another point of comparison the assessment of the far western end of the County, District 1 and the whole area of the County east of the area I'm talking about, which would be Districts 10, 11, 12 and 13 is a hundred and thirteen million - so basically Cole Harbour makes up a very large part of the County in terms of human resources, housing and just the County as a whole. For example, you could say that Sackville has 5 voices right now and the far west and all of the east of the County has 5 voices as well. Cole Harbour has, of course, one voice right now. I think that from what the Residents' Association petition is saying basically I believe our paper answers - the paper you just had presented to you certainly answers one aspect of the concerns of the residents, that is to keep Forest Hills in one community and that's why I'm supporting it. Rather than seeing the 60 acres go to Dartmouth I think it makes sense for us to have a look at taking the remainder. I don't know if it was mentioned but the majority of this whole area is really woodland right now. I believe the roads are roughed in and there are services there but generally, other than those little red dots which are houses, it's largely uninhabited so far. The other part though is, I think, the real perception on some of the residents in Forest Hills, I wouldn't necessarily say the majority but certainly the ones that have come out and put their name down on a piece of paper to stand up and be counted in that aspect, have felt that they would be, perhaps better off in Dartmouth and really I would like to determine what might have brought this about, and I think it's been brought about by the fact that they believed that their Municipal Government, by and large, has not been responsive enough. I believe the residents there, or a number of them, have become frustrated and it doesn't take a wizard to tell that, all one had to do is read the papers, listen to the news and so on for the past few months. And I've got to say, right at the start now, I believe in working positively and going forward and not anguishing over what may have gone wrong in various areas in the past but I

would like to mention a couple of these situations just briefly. I think the school situation is the fundamental thing which had possibly moved the residents to feel they'd be better off under some other body. I'm not sure if I'm right but I believe Bedford, for example, had a lot of problems with their sanitary landfill, what is it, 4 years ago, 3 years ago and it seemed to me at the time, as an observer, they were having a tough time for quite a while and that just may possibly be one of the reasons that pushed Bedford into looking at another status. First of all, on the School Board - there has been no voice from Cole Harbour on the School Board and I think right there, no matter what the good will and intentions of people on the School Board, that would cause them some real frustrations. I think the school district, of course, is larger than the Municipal district and right there you would say that the suburban Dartmouth school area would obviously look at the flow of students in perhaps a different manner because they're looking at a smaller community. I think it is fair to say, and I know it's my personal belief, that in a planned community such as Forest Hills or Colby Village, which make up large parts of Cole Harbour at the moment, that it does not make any sense, from the point of view of a resident to bus people away from a school next door and that's not to detract from any of the other very real arguments which decided the issue at present, but this is the sort of thing that I think, somehow, has to be answered to people and if people feel frustrations I think the will of the people pops up in many ways and, again, I'm not taking any sides here or I'm just trying to say, as my perception as a citizen really, this sort of thing is very frustrating. In that vein, I should mention now that, for example, in the recent distribution of committees in this body here, with due regard to all the difficulties there are in appointing committees, it's of interest to note that, one way or another, the two representatives named to that part of the School Board that I'm talking about, which is the Dartmouth Suburban one, the two gentlemen who are representing, the elected representative and the representative from Council here, are on the far eastern edge of that and, in fact again looking at assessments just to try to take that into perspective, there's 55 million dollars of assessment from there and 196 from the other areas, and I'm not trying to say there's anything wrong with that in the sense that what you really need is people of integrity and good judgement and fairness, which I certainly believe we have with regard to the School Board, however, I think from the point of view of some of the residents in the area there must be a perception that there is a balance geographically, and to a degree a balance by peoples and I know this is a difficult area in something like the County where you have some areas with a lot of people and many areas with very few people - but I think that the areas that have a lot of people have to somehow feel that they're having their wishes at least seriously considered, and I'm not saying they weren't. I'm talking not in a personal sense, I'm talking perception-wise here. So that is very important. I know, because of my concern in this area on the School Board I've had discussions with our members of the Legislative Assembly and, in fact, I've suggested and I think it's been accepted that there will be - Provincially there will be someone, in fact, it may even be out officially now, but there will be someone from Cole Harbour on the School Board and specifically somebody north of the Cole Harbour Road which has had the most problems. Now another area is the residents have been having problems of interpretation with, this again is in Forest Hills, with the Housing Commission and I'm doing my best to try to help out. This is with interpretations of types of zoning and so on. I'm not sure to what degree the Municipality here has become involved in the past. I think there's a perception in terms of planning and servicing issues that perhaps, at the moment, there are better planning controls with respect to urban areas in Dartmouth than there would be in the County. I think with regard to drainage problems, because of circumstances in the County, there are things that fall between the cracks in certain areas and I know I've just discussed this with Staff and I know there's a Task Force in order, provincially to try to look at this but, be that as it may in the Municipality, in the City it would probably be easier to handle. We have been, as Mr. Topple mentioned last week, he has been sort of urging us to take over some of these services, for example, in Forest Hills and quite rightly. The County, I think, has been slow because they want to make sure they're in good shape, however there's still the perception there. I wouldn't know for sure but I could hazard a guess that perhaps the planning and engineering staffs, for example, on the cities, according to population, perhaps have more staff and more depth to them. This is all sort of things that may be old hat to people, may not be, but basically, because of the urban growth in parts of the County, these are going to cause some changes. Anyway these, I think, this disillusionment, which is certainly not widespread overall in Cole Harbour - I may say that it's pinpointed in Forest Hills which is the most rapidly growing part of Cole Harbour - there's certainly no overall perception in Cole Harbour as a whole of wanting to join Dartmouth or anybody else, certainly not at this time. There is a certain feeling of inevitability though, I think, with some people. I think that there are a number of things that I've mentioned before in various places, for example possibly the eastern part of the urban area there in Cole Harbour should have a District County Office. I think we've got to come to grips with drainage and planning problems. I think possibly, at some point, we have to look at more representation from the area. I certainly will do my best. I was elected from Cole Harbour for a united Cole Harbour but I think, for me to succeed, that I need the support of the whole of Council in recognizing that this urban part of the County has got to be supported very seriously or else we'll be in a position, eventually, that the County will be a far reaching ring around a large metropolitan area. I think, with regard to the specific subject of the annexation again, I will say unequivocally the majority of Cole Harbour residents do not want to join Dartmouth at this time or have any radical change. I don't think, either, that the annexation of Forest Hills, all of it, would solve all of the problems I've just mentioned. In fact I'm pretty sure it wouldn't. I think it's impractical for only Forest Hills to be annexed anyway. It also reduces options, once you've made your bed you have to lie