

"THAT this Council extend a vote of thanks and appreciation to the Planning and Development Staff and the Municipal Affairs Staff for the work done on the Special Rural Task Force Report."
Motion Carried.

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

"THAT the Chief Administrative Officer be requested to write on October 22, 1980 to the Minister of Municipal Affairs informing him that on October 21, 1980 the Municipal Council of Halifax County held a full debate on the report of the Special Rural Task Force and that the Council is in full support of this Report, and further that the Council request the Minister that the recommended amendments to the Regional Development Plan be made on October 30, 1980, and at the same time we convey Councils' appreciation for the action the Minister took in rectifying a situation which has caused great hardship on the Rural residents of Halifax County."
Motion Deferred.

There was further discussion with Councillors voicing the same opinions as previously.

There was also discussion on the possible ill effects in deregulations in the rural area. It was noted that development of these areas could take place if off shore oil was to become a reality. It was also noted that due to this deregulation a close watch should be kept on those areas where deregulation has taken place to ensure that undesirable development does not take place.

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

"THAT this matter be deferred until the November 15, 1980 Council Session to enable those Councillors who have voiced concern to meet with the members of the Task Force to discuss the recommendations of the Task Force and ascertain the procedure followed in reaching these recommendations."
Motion Carried. (See recorded vote)

THOSE IN FAVOR: Deputy Warden Poirier, Councillors Walker, Baker, Deveaux Topple, Adams, Gaetz, Smith, MacKenzie, Benjamin, MacKay, Eisenhauer, MacDonald, and Warden Lawrence.

THOSE OPPOSED: Councillors Lichter, and McCabe.

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

"THAT the Minister of Municipal Affairs be informed that lengthy discussion had taken place on this matter, but that County Council had found the time insufficient to discuss fully the Special Rural Task Force Report and further that the Minister be requested to reactivate the Special Rural Task Force including those Councillors whose districts are split by the Urban Fringe Boundary."
Motion Carried.

Councillor Lichter voiced some concern over the delay stating that he thought it unlikely that the Minister would follow the recommendations of the Task Force.

It was moved by Councillor Eisenhauer:

"THAT the Council adjourn."
Motion Carried.

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COMMITTEE OF THE WHOLE MEETING

SPECIAL RURAL TASK FORCE

NOVEMBER 24, 1980

Warden Lawrence: At the Council Meeting we had in Middle Musquodoboit there was a report by the Special Rural Task Force which was made up of planning staff from the County of Halifax, and planning staff from the Community Planning Division of Municipal Affairs and three members of our Council; Councillor Lichter, Councillor MacDonald and Myself. That report had already gone to the Minister but there was a motion made by Councillor Lichter to approve the report of the Special Rural Task Force and I think all of us will remember that session very distinctly, as there was a great deal of controversy about it and in the end there was a motion to defer any action on Councillor Lichter's motion, to the 18th of this month, to the Council Session which was in Cole Harbour. At that Council Session there was a further motion to defer any action on the original motion until this evening. This is the report that was just distributed to you fully, you have had time to read it.

Proposed Suggestions: to the Minister of Municipal Affairs to be considered by him together with the original Special Rural Task Force Report. These proposed suggestions were drawn up after considerable discussion with the Councillors who had particular concerns and whose district boundaries or the proposed original boundaries affected various districts which would be on the border line between the Urban fringe areas of the County and the areas that would be considered truly rural. The numbered items on the sheet that you have had circulated to you represent consensus as we understand it both from the planning staff point of view and from the point of view of Councillor Lichter, Councillor MacDonald and myself. A consensus of the proposed changes which various members of this Council felt were essential before it could approve of the Special Rural Task Force report to the Minister. I would like to ask Councillor Lichter if he would like to speak about this as he was the mover of the original motion to support the original report of the Special Rural Task Force but I want to make sure everyone has had a chance to read this page. It was originally going to be signed by Councillor Lichter, Councillor MacDonald and myself. In the end it was not signed but I think it does represent our collective efforts to address the concerns we have heard from members of Council.

Councillor Lichter: I would like to move that the report in front of you be approved by Council. In moving this, I felt that there were a few things that I would like to say but I don't know if we have received a seconder as yet.

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

"THAT the Council of the Municipality of the County of Halifax supports the recommendations of the Special Rural Task Force and urges the Minister of Municipal Affairs to implement the recommendations as soon as possible and that Council further

requests the Minister to give consideration to the following: listed A to F in exact detail of recommendations and alterations to the boundaries in areas to be covered."

Councillor Lichter: My comments will be very brief. In moving the above motion I would like to point out that the concerns of the Councillors who at one time objected to the report of the Rural Task Force now have been addressed. I believe it was done. I wish to assure all of you that the task force did not wish to short change any of you. The task force's desire was to follow their terms of reference and have the work completed in the time frame allotted to us. It is unfortunate that in our enthusiasm in completing our task we have made the mistake of forcing some Councillors to delay this long awaited move to deregulate our rural areas. However, I wish to point that there was some blessing in this delay because it permitted us to consult with all those councillors who wished to be consulted. Having done this I now ask you on behalf of the task force and on behalf of the thousands of rural residents whose signatures appear on a petition to give your full support to the motion before you. In case there is any question about the thousands of signatures that I am talking about these petitions are for your perusal. It is not a matter of ten or fifteen people sitting behind us to urge us on but it is a matter of thousands of people sitting home waiting to see if we are going to honestly approach their problems. Madam Warden, with your permission I shall say no more at this time and I think that is easy permission to get but should it become necessary I would like your permission to be the last speaker on this most important issue which I hope shall be resolved tonight in an acceptable manner and with a recorded vote. Thank you.

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

"THAT the vote be a recorded vote."
Motion Carried.

Councillor Topple: Madam Warden, I don't find that I have too much of a problem with this. This is what was more or less discussed at the MDP meetings. But I do wonder looking at item E on the list; I read in that that we are going to move the rural boundary right up to Salmon River now in Cole Harbour.

Warden Lawrence: I think that is the Boundary line is it not? The Salmon River, Yes.

Councillor Topple: Yes, well I am wondering what we are doing now. We are planning the urban areas now, next we would be talking about looking at the fringe areas and last the rural areas. Is that right?

Warden Lawrence: Yes that is right.

Councillor Topple: I wonder if the citizens committee in Lawrencetown are satisfied with that. I understood that they were interested in getting on with some planning in the not too distant future and I wonder if they realize this means that it puts them down at the bottom

of the list when it comes to planning with the rest of the rural areas which may take some time.

Warden Lawrence: These proposed changes, Councillor Topple, represent the feelings of the Councillors involved.

Councillor Topple: Councillor Gaetz made some remark that perhaps if the boundaries were drawn they were Lake Echo or something like that, that they would be different but this brings it right into the edge of the urban area not the fringe area and I wondered if that was the intent.

Councillor Gaetz: This is exactly what I had been trying to propose all the time. We have with us this evening, members, Mr. Don Grady who is the chairman of the Lawrencetown Citizens Committee and my discussion with them is to the effect that they are in total agreement with what is proposed here. They have and are underway with considerations for their own area down in Lawrencetown part of the district in which they will be setting up their own regulations and zoning, I understand. With Council's permission, Madam Warden, it would certainly be appreciated by myself and perhaps by them, if we would allow Mr. Donald Grady who is the chairman of this committee to address the Council. This is a very important issue and I have been fighting it on the basis that I couldn't see a fringe area going 18 or 20 miles out in the county. To me it wasn't necessary. What I did say was that if it would not have extended out as far as it did, perhaps I would not have fought to the extent that I did but I feel that the whole district, district 9 is entitled to the same consideration as district 10, 11, 12, 13 and 14 and on those basis I have been sticking out in my opinion to have the regional development plan regulations lifted in District 9 in accordance with the motion that was presented by Councillor Lichter in this Council and got unanimous support. I think it was important that the rural development plan be lifted in the rural areas of the county. Would it be possible if we would give the views of the Lawrencetown Citizen's Committee to the Council so you would know just why I am objecting to the recommendations as first came in.

Warden Lawrence: We need two-thirds consent by Council to hear Mr. Grady. Does Council intend to hear him? General Consent - None opposed. Mr. Grady would you like to come down to the front and sit at this table here and give us your views?

Mr. Grady: Councillor Gaetz, Members of the Council, thank you very much for giving our Committee an opportunity to respond to the content of the Special Committee Report and the amendments that you have before you. One small correction, we operate as a Committee without a Chairperson and Albert Swash, Roger Sellers and myself were sent here this evening to speak on behalf of this Citizen's Committee. Since we don't have a Chairperson no one on the Committee operates on that capacity. I think the most stright forward way to put the Committee's position is to recall to the members of Council as I am sure you all know that over the past four years the Lawrencetown area has experienced great difficulty in meeting the problems of planning and

restrictions and regulations. In the last two years, the Community has an elected, representative Committee, which has worked very closely with Provincial and County Officials in trying to develop a set of regulations in our own area of Lawrencetown which would ensure that problems of pollution can be controlled and regulated and that regulations can be developed in the Community and proposed for County and Province which would prevent high density residential and/or commercial development in our Lawrencetown area. Given that background, I am sure you will all appreciate how difficult it is for the Committee to respond directly and unequivocally to the proposal that is before you tonight. As I understand it and as we discussed in the gallery is a proposal which essentially would include Lawrencetown along with the rest of District 9 in the rural area. Councillor Topple has pointed out one of the highly undesirable consequences of that decision. That undesirable consequence would be that Lawrencetown would go on the back burner. When we met with the Planning Advisory Committee this summer we were told that it might be possible for Council Planning Staff to meet with the Lawrencetown Citizen's Committee to develop regulations for our area some time this Spring. Clearly my own understanding from the newspapers and what has been said here tonight is that since you are now working on the Urban area and since I suppose it was assumed that Lawrencetown would be in the fringe area that rough time schedule is now put back, so the Committee recognizes this as a disadvantage. On the other hand the Committee understands that our By-Lateral agreement between the Lawrencetown Community and the Province of Nova Scotia is that our Committee will continue to work in the community to develop proposals for appropriate regulations to prevent pollution and to prevent high density Residential and Commercial Development and that as our Committee works along in that process in Lawrencetown we will have an opportunity and access to discuss the Community proposals on these questions with both Provincial and County Planning staffs. As we see it this evening, it appears to us representing the Committee and the Community that inclusion of Lawrencetown in the rural section of the proposals regarding future planning would not work to our disadvantage. Our view as a Committee is that we believe we have an undertaking from the Department of Municipal Affairs. We have that in the form of the Lawrencetown proposal, and an undertaking from the Planning Advisory Committee of your Council which would permit us to carry forward with our planning initiatives, independent of the way in which the Municipal Development Plan is developed through the Urban Fringe and Rural steps that you have before you. In short, our Committee's view is that designating our part of District 9 as a Rural area would assist us in getting on with the Job of creating our own proposals for planning our area and for the future of our area and such a designation, we believe, would not interfere with the orderly implementation of the written and approved agreement called the Lawrencetown proposal which we now have from Mr. MacIssac from Minister McInnis and in a brief, but very positive, meeting with the Planning Advisory Committee during the summer.

Councillor Gaetz: I have spoken to many residents from the Community and they all feel that they would like to have those rural development plans lifted from District 9.

Councillor Stewart: Madam Warden, I had a couple of questions for Mr. Grady. If the Council so wishes perhaps he could respond. First let me say that throughout the whole process of this rural task force I have been supportive of the aims of it and I still am but I would like to make one thing clear from the point of view of the Councillor who resides to the West side of the Little Salmon River Bridge that as far as I am concerned it is clearly ridiculous to think of the Western part of District 9 as being rural. That is my personal opinion. There have been many efforts, including the Lawrencetown Citizen's Committee to accomplish planning in the area. Though as far as concrete measures, I for one haven't seen any yet that have due regard to the specifics of planning of zoning in that area. Though the Lawrencetown proposal is a rural document it really does not have specifics in it. So I find it hard to understand why the Committee would wish as Councillor Topple already mentioned, to in fact, push any planning process which has any legal mechanism to it that back to the rural and hence three years, and hence many of the people in the Western part of that district from my knowledge, were hoping that there would be appropriate planning much sooner. Perhaps in the Eastern parts of District 9 it truly is rural. In the Western part of District 9 it is not rural and I cannot see why it should be pretended that it is rural. I am not going to go on at length except to say that I am very disappointed with this particular subsection of this. People who have been involved in the area would think it was a mistake to class the Western part of that District as Rural and I would like to be recorded as being very much not in favour of that. However, I will vote with the package as a whole unless there is a mechanism whereby this particular article could be looked at separately. Otherwise, I would not like to see the whole thing go.

Warden Lawrence: Councillor Stewart, perhaps I could point out to you and to everyone that basically the report of the Special Task Force has already gone to the Minister. It is entirely up to him whether or not he wants to administer it in his powers to lift the restrictions of the regional development plan in any part of the County. What this is suggesting is perhaps second thoughts or additional consideration that we hope the Minister will take into account.

Councillor Stewart: I appreciate that Madam Warden, I think I am really just trying to make the point that when this goes to the Minister that hopefully, the Minister will know that there is one Councillor who feels that the Western part of District 9 is indeed Urban Fringe, if there was ever a place that was Urban Fringe, this is it.

Councillor Gaetz: I hope we recognize the fact that there is one Councillor who is trying to stick out for the District and he alone should know what is good for the District and what is not so good. I partially addressed the meeting down there last Tuesday evening and there were a great many people there from Upper Lawrencetown, or I understand they were, concerning that school, and I certainly did not get any objection to the proposal that I made so I don't know why people in other districts should be so concerned. However, it is up to them, this is a democracy and everyone is free to express their own opinion, but I feel that what I am trying to do is in the best interest

of the District and I have spoken to the Honourable Thomas McInnis and he certainly seemed to be in accord with what I was trying to do so I do not think I am doing anything underhanded or that is not to the best advantage of the district. As he said they were negotiating regulations and what have you for Upper Lawrencetown as it is generally known and I guess part of East Lawrencetown, so my own feelings are that we go along with the recommendation that is being made here this evening and I assure you that the Honourable Minister McIssac will certainly use his own discretion in regard to fringe area or what have you.

Councillor McCabe: Madam Warden I would like to congratulate the Task Force on the terrific job they have done. I think they have done a great deal of work, they have done it well. I would like to particularly congratulate Councillor Lichter, he has worked hard at this. I know the people in my district will be very happy. I would think the Minister would be concerned when he gets this request. If he isn't he will probably be put in the position in the near future that he wouldn't need to be concerned at all. Thank you.

Councillor Poirier: Thank you Madam Warden. I just wondered when you said the report had already gone, do you mean the report as presented a month ago.

Warden Lawrence: Yes, at it was a month ago and it had gone; it was a special Rural Task Force set up by the Minister and commissioned to report directly to him. The motion that we made in Middle Musquodoboit was to endorse and in effect to give some backing to that report on the part of Council. The Minister had specifically asked for Council's comments on the Special Rural Task Force Report and that was the intent of the motion made in Middle Musquodoboit.

Councillor Poirier: I wan't aware of that. So in other words, the recommendations that came through that so many Councillor were concerned about actually went down to the Minister.

Warden Lawrence: Yes, and the Minister had a letter circulated at the Middle Musquodoboit meeting asking for Council's opinions.

Councillor Poirier: Yes, but Council gave their opinion that night and they were very much opposed to it.

Warden Lawrence: That is why any motion expressing an opinion on that Special Rural Task Force was deferred initially until the 18th and now till today. The Rural Task Force Report had gone to the Minister. The Minister had in turn wanted Council's opinions on that Rural Task Force Report that was initially to have happened on the 18th but because of the controversy and the discussions, it was decided that it should be deferred so that Councillors who are affected by this could be consulted and there might perhaps be some further consideration given to the concerns that came up at that Council meeting, which is what has happened in the interim. The Minister has not acted on the report of the Special Rural Task Force. He is still waiting for comments from our Council which is what I presume will come tonight.

Councillor Poirier: Why did Councillor Lichter say that the whole thing would be lost if we didn't solve it that night. I don't understand that.

Warden Lawrence: I think that the sooner the Minister got the comments from Council, the sooner the Minister could make a decision, whatever decision he ultimately makes. I think that was the point Councillor Lichter was making. Did you have any other points you wanted to make Councillor Poirier?

Councillor Lichter: Madam Warden, Councillors, just in answer to Councillor Poirier's question, I think we have to go back some distance when the Minister finally set up this Rural Task Force, his first recommendation was to have planners on the Task Force only. At that time, I asked this Council to endorse the idea of having Councillors represent this Council on the Task Force as well. So we were sitting on that Task Force as representatives of the Minister. As such we had to submit to him the report as soon as the report became available. In fact, PAC was not allowed to deal with it until after the Minister received the report and asked for comments from this Council as well as from the Town of Bedford, the City of Halifax and the City of Dartmouth. All those reports from the two Cities and the one Town have been received by the Minister. The only Council that have not made any comment on this particular report to date is our own Council. Yet, it is ironic that it is our destiny that we are debating.'

Councillor MacKenzie: Madam Warden, I would expect that the Minister would not have taken any action as far as the report that did go to him from this Rural Task Force until such time as he does receive these particular amendments that we have before us, is that correct?

Warden Lawrence: Yes. The Minister has not acted on the initial Task Force. He is still waiting for comments from our Council.

Councillor MacKenzie: I do understand, as Councillor Lichter has pointed out, that there are other Provincial People on that Task Force that could have taken the report to the Minister without the consent of Council.

Warden Lawrence: Oh yes, the Task Force was not one set up by this Council. It was set up by the Minister. It did involve three members of our Council but it was set up by the Minister to make recommendations to him on possible deregulation or possible lifting or alterations to the regional development plan for Halifax County.

Councillor MacKenzie: I do know that there was a lot of opposition to this from Council members in certain districts, but I understand now that they have been satisfied and this is where the amendments are coming forth tonight.

Warden Lawrence: That would certainly be the attempt that has been made.

Deputy Warden Deveaux: Thank you Madam Warden. I had expressed

concerns when I appeared before the Task Force both verbally and in a written submission. The majority of my concerns evolved around lifting of total restrictions. I personally do not feel that it is the right time to follow that procedure. However, I have been after Provincial Governments, in particular, over the years to maybe bend a bit in their regulations, so in this case I am certainly willing to bend and go along with the motion. I would hope perhaps that the written presentation I did give, is there any possibility that this could go to the Minister.

Warden Lawrence: Yes Deputy Warden, that will accompany this if this is successful.

Deputy Warden Deveaux: As far as the boundary goes, who is to say that no matter where you put a boundary of this type I am sure that being in the nature of what it is you will probably get some concern but if there is to be a boundary, as long as the Councillors who were concerned originally are happy with the present situation, I will go along with the motion as it presently stands.

Warden Lawrence: Is there any further discussion. Are we ready for the question? The motion is in effect:

"THAT the Council of the Municipality of the County of Halifax supports the recommendations of the Special Rural Task Force and urges the Minister of Municipal Affairs to implement the recommendations as soon as possible and that Council further requests the Minister to give consideration to the following: listed A to F in exact detail of recommendations and alterations to the boundaries in areas to be covered."

This is a recorded vote so I would ask the CAO to ask in sequence the members of Council as to whether they are in favour or opposed.

Mr. Meech: Called the names of each member of Council, all of whom were in favour thereby receiving a unanimous vote in favour of the motion.

Warden Lawrence: Councillor Lichter, you had asked to speak last before the vote was taken, I must apologize. Would you like to speak now?

Councillor Lichter: Madam Warden, Councillors, I wish to thank you very much for giving me the feeling that it was really unnecessary for me to speak before the vote was taken. I want to thank you very much for the united way in which you stood on this particular issue. I think some Councillors mentioned to me the five year fight finally came to a head and I am delighted to see once again we were able to vote as a united Council. I congratulate you. Thank you.

Councillor MacDonald: Thank you Madam Warden, I would like to say being a member of the Rural Task Force, was a pleasure for me to assist in relieving some of the problems in the rural areas. I know we had a few problems getting this at a majority vote but it was a real pleasure

for me and it shows where the Urban and Rural Councillors certainly can work together when they try.

ADJOURNMENT

There being no further business, the Public Hearing was adjourned.

PUBLIC HEARING

NOVEMBER 24, 1980

PRESENT WERE: Warden Lawrence Councillor Williams
 Councillor Poirier Deputy Warden Deveaux
 Councillor Baker Councillor Stewart
 Councillor Topple Councillor Adams
 Councillor Gaetz Councillor Smith
 Councillor MacKenzie Councillor McCabe
 Councillor Lichter Councillor Benjamin
 Councillor Margeson Councillor MacKay
 Councillor Eisenhauer Councillor MacDonald
 Councillor Wiseman

SECRETARY: Sherryll Hussey

Warden Lawrence called the Public Hearing to order at 7:00 p.m. with the Lord's Prayer. The Public Hearing adjourned at 9:20 p.m.

Mr. Kelly then called the roll.

Warden Lawrence indicated that the Town of Bedford had called a meeting to discuss Metro Transit for December 1, 1980. This meeting has been cancelled. Warden Lawrence also indicated that there was to be a second issue dealt with tonight. This was the Report of the Special Rural Task Force.

Warden Lawrence then recognized Archie Fader.

Warden Lawrence then stated that the Public Hearing to be held tonight dealt with an amendment to the Zoning By-Law dealing with Accessory Uses: 18(a) The aggregate area of all ACCESSORY buildings on a lot in RESIDENTIAL zones shall not exceed 625 square feet.

Warden Lawrence then requested that the Planning Staff outline the report on this amendment.

Miss Smith indicated that this was not a rezoning per se but rather an amendment to the rezoning By-Law. The reason for this rezoning is that the Building Inspector was receiving on numerous occasions applications for private car garages or structures to be located on building lots in conjunction with residential buildings. These permits were often for quite large buildings and the permit would state that this structure was to be used as an accessory use and later it was found that a very viable commercial use was being carried on from that structure. This situation is most prevalent in the more rural areas of the County and creates a number of problems. First of all, in terms of the Building By-Law it is a direct violation of the Building By-Law to have two major buildings on the same lot. A garage is an accessory use to a

residence as is a shed or barn and as such it is not permitted to use that for a commercial activity. Secondly, businesses carried out from these accessory uses are in many cases a violation to the Zoning By-Law.

In an effort to control this kind of thing because inevitably the Building Inspector has to prosecute the people operating these businesses, because a) there are two main building on the same building lot and b) there is a violation to the zone therefore this amendment which basically says; if an effort to prevent or control excessively large accessory uses in residential zones, we would suggest that the aggregate area of all accessory buildings on a lot in all residential zones shall not exceed 625 square feet. Miss Smith then indicated the differences in sizes of garages with the use of a sketch.

Miss Smith indicated that the amendment to the Zoning By-Law had been advertised as per the requirements of the Planning Act. She indicated one letter had been received from Mr. Daniel W. Arnold. Mr. Arnold indicated that he felt that this amendment was not for the benefit of the people. Miss Smith stated that she felt that there was some confusion as to the effect of the amendment. She stated that this amendment would not affect the unzoned areas of the County but would apply mainly to the urban areas.

Councillor MacKay: What is it you are trying to accomplish with this amendment to the Zoning By-Law.

Mr. Hefler: In the past two or three years a number of permits have been applied for with the use stated as being a garage. After the building permits have been issued complaints have been received indicating that a commercial use was being carried out through this building. Mr. Hefler stated that as the By-Law today states no restriction on the size of an accessory use the control of this situation is very difficult.

Councillor MacKay: Wouldn't the homeowner find it difficult to get insurance on his home if he had a commercial use such as a body shop operating from his accessory use.

Mr. Hefler: This does not seem to be a detriment.

Councillor MacKay: Approximately how many prosecutions have you had over the past year and what is the rate of percentage of successful prosecutions.

Mr. Hefler: Our conviction rate is very poor, there are a number of reasons for this. The main reason being that these operations are carried out after working hours. We presently have two cases, one is before the court and one is coming up on December 6, 1980.

Councillor MacKay: Does not the Unsightly Premises and Anti-Noise By-Laws control these situations.

Mr. Hefler: These people have clean grounds for the main part. Not

sure how you could implement the Noise and Nuisance By-Law and I feel that this would not be detriment enough to these people. Mr. Hefler stated that the idea was not to disallow the individual the right to carry on a hobby or to have the necessary accessory buildings, but to stop the commercial use in residential zoning.

Councillor MacKay: I have to say I agree with your intent. But, I feel that we have two problems. Firstly, the urban lot which is 60 X 100 would not allow this use due to other regulations. The larger lots found in the fringe area could be a problem. However, if I own three vehicles and a motor home I could not build a garage for my vehicles and stay within the proposed amendment. I felt that if we closed all the basement and garage commercial outlets in the community of Sackville we would destroy half the economy of the community.

As I see it no matter what size building you build it is not big enough for our needs. I realize your intent is for the well being of the community, however, I don't think that we are going to serve the needs of our residents, particularly those outside the serviced area. I feel that to control this we must use the other By-Laws we have in existence or create new ones to accomplish that which we want to do.

Councillor MacKenzie: If I wished to build a garage even in the rural area I would have to forward a letter to you is that correct?

Mr. Hefler: Yes, It would still be in violation of the Municipalities' By-Law for one building per lot.

Councillor MacKenzie: Even in the general building zone.

Mr. Hefler: Yes, you could not have a single family dwelling and a service station on the same lot.

Councillor MacKenzie: I don't think that this is a sufficient amount of space in which to store a cadillac let alone two cars. I don't agree with this in the urban area or any where else.

Councillor Eisenhauer: Could you have a storage building or do you have to stay to two buildings, your home and garage.

Mr. Hefler: My concern was for private car garages, however, the proposed amendment would limit the accessory buildings as a total. I would have no objection to a garden shed or a wood shed. I wish only to limit the private car garage commercial businesses.

Councillor McCabe: Would this apply with a large lot well off the road in a general building area that was not zoned.

Mr. Hefler: This amendment applies to the residential zones of the Municipality.

The Warden then indicated that this applied primarily to those areas zoned residential.

Deputy Warden Deveaux: The proposed 625 feet I presume that will be allowed in a residential area, is that correct?

Mr. Hefler: Yes Deputy Warden, that is correct that will be the maximum size.

Deputy Warden Deveaux: Will that allow someone to build a double garage?

Mr. Hefler: Yes, it would be a building some 25 X 25 as indicated on the sketch.

Deputy Warden Deveaux: What is the difference in the present situation? If you can still build a double garage what is to stop this being used as a body shop. The fact that this restriction applies only in a residential area, personally I cannot help but feel that it is discriminatory. I don't see how we can restrict a person in the residential area particularly today as there are many families have more than one car. Will this give us more control than we have at the present time with regards to this type of operation.

Mr. Hefler: There is nothing to guarantee that if we limit the size of the double car garage to 25 X25 that it won't be used for commercial pupposes, but it is my hope and intention in suggesting this amendment that because of the limited size of 25 X 25 it will not be that easily used for commercial purposes and we have tried to bear in mind that most families have more than one car.

Deputy Warden Deveaux: Would the percentage of people involved in this offence warrant putting on this type of restriction, which I believe, if past experience is any indication would be almost impossible to enforce. I cannot help but feel that we are not working in the best interests of our residents to take this step. I feel by accepting this proposal we would be causing more red tape which has been a major complaint.

Councillor Adams: Mr. Hefler, does this 625 ft. include all accessory uses.

Mr. Hefler: Inside the zoned area this would be true, outside the zoned area this would not be true.

Councillor Adams: If I had a garage attached to the house could I build an additional garage on my lot?

Mr. Hefler: Yes, that could be possible.

Councillor Adams: Therefore, I could use the additional garage for a commercial use.

Councillor Baker: Is there any provision made for trucks?

Mr. Hefler: Well, basically one wouldn't expect to see those large trucks in a residential area.

Councillor Baker: Does this affect the fishermen with respect to storage of gear?

Mr. Hefler: Actually I don't think that this will effect any fishing village or any use that is already in existence; it is simply a means of controlling the size of proposed or new accessory uses.

Councillor MacDonald: If you have a garage 25 x 25 do you have to cut down on the size of the garage or not?

Mr. Hefler: This proposed amendment is to limit the size of the total average of the building or buildings on the lot. It doesn't limit you to one building, only the total square footage of the building.

Councillor MacDonald: Is there any height restriction?

Mr. Hefler: There is no height restriction as the amendment reads.

Councillor Stewart: I can see that this would be useful towards preventing the violations of the By-Law presently being experienced in the County and can also see that Garages are the most common buildings that people are prone to make commercial uses of. However, the actual ammendment would not refer to Garages but any accessory buildings. I would like to go back to a point that has previously been touched on; in the serviced areas you generally seldom find a lot larger than 100' X 200', so that in most areas people would have little objection to this sort of thing because there just isn't enough space. However, there are some residential areas that are not serviced and perhaps with our Municipal Development Plan coming we will find some unzoned areas in the urban areas or urban fringe areas. Was there any consideration made to tying this in with a lot size? For example in lots of one acre or more, residents might desire to build a barn, horse stalls or woodsheds, etc. There could be legitimate reasons for having buildings of more than 625 sq. ft. without any intent to defraud the Municipality by having a commercial enterprise. Therefore considering lot size might be of use in the amendment. This would not help in circumventing commercial business but might be of help to people who are in a residential zone but who have large lots. For example 200,000 sq. ft. or in that area.

Mr. Hefler: We had considered putting a certain percentage of coverage in relation to lot size, but this becomes difficult because as mentioned a lot of subdivisions are residentially zoned and unserviced so that you could end up with lots of 15,000, 20,000 or even acre-sized lots, so if there was a 10% coverage on a 20,000 sq. ft. lot you would end up with a 2,000 sq. ft. building, bigger than the average home. That is why we didn't completely go along with the building in comparison to the size of the lot. I can appreciate your concern of a maximum whether it is a serviced subdivision or any unserviced subdivision as far as lot sizes are concerned and my personal point of view is that I would have no objection to any type of restriction as long as it controls type of building referred to as a private car garage. If people have a surplus of equipment to be stored in this garage they should apply for a permit for a barn, outbuilding, storage shed, etc. rather than a garage. What we are trying to prevent here is that if you are applying to build a private car garage we want to be assured that this is indeed what you are going to use it for and

hopefully that it will be of a minimum size to deter you from using it as a commercial building.

Councillor Stewart: I understand this, however the amendment does not specifically refer to garages but accessory buildings. Is there some way to control the garage that turns into a commercial enterprise without necessarily making it difficult for any thing else to be built. Again I am concerned with large lots which may not be in a residential zone but may end up that way at some point.

Mr. Hefler: I believe the only way to do this is to define the meaning of private car garage and use that as an amendment with the existing by-law. The problem we are having now is simply the fact that we are receiving applications and really a large number of them are for buildings other than what people are intending to use them for.

Councillor Margeson: Is it very difficult to put a stop to people applying to build a private car garage and using it for private enterprise?

Mr. Hefler: Yes it is for a number of reasons. Some of the residents in the area will pick up the phone and call complaining of a next door neighbour operating this type of business. However, when it comes down to appearing as witness, these same people are reluctant to do this. Our own inspectors have had difficult times with people only being home on weekends when our inspectors do not work. Basically it is a fly-by-night, after-hours type of thing we are dealing with and it causes a lot of problems as far as noise, pollution or general annoyance to neighbours. Our problem, though, is getting information for a conviction and as I indicated earlier it is my hope that limiting the size of the garage will nip the problem in the bud.

Councillor Margeson: What would a building of 25' X 25' add to a person's assessment?

Mr. Hefler: We would process a permit for a building of that size probably for less than an estimated value of \$5,000.

Councillor Margeson: How many neighbour complaints do you receive per year?

Mr. Hefler: Letters; between 25 to 50, an average of 40.

Councillor Margeson: What districts do you generally receive your letters from?

Mr. Hefler: I don't think there is any difference between the urban and rural areas or the zoned or unzoned areas. I think they are pretty well general complaints about someone next door operating this kind of business which is annoying to the neighbour. I couldn't really break it down to a difference between urban or rural.

Councillor Margeson: Yes, I was wondering if you were getting many from the urban areas.

Hefler: Just as an example, I have the figures in front of me here to the end of June this year and in the unzoned areas we had processed permits for garages in excess of 25' X 25' for 109 garages. In the zoned areas we had processed and issued permits for 84. So you can see, that it is relatively close between zoned and unzoned.

Councillor Margeson: The complaints, then, would relate more or less to the same ratio?

Mr. Hefler: Yes, I think I could safely say so.

Councillor MacDonald: Is the main complaint the noise?

Mr. Hefler: Yes, that and the fact that the residents feel they are in a residential zone and should not have to be subjected to noise resulting from commercial use.

Warden Lawrence: I would ask for any speakers who wish to speak in favour of the By-Law to limit the size of accessory buildings?

Hearing none, Warden Lawrence asked for speakers in opposition to the Zoning By-Law amendment?

Mr. Fader: I am not really speaking against what the Chief Building Inspector is trying to do here, since he does have a situation that he wishes to control, however, I feel and have felt for some time that this does not appear to me to be the right approach to the situation. Regardless of what you do and what size of garage you give a permit for you are still not going to prevent that person from doing different things in that type of building. I am concerned and was glad to hear some of the Councillors also indicate their concern in the rural areas as well because you have rural areas with different types of zoning besides general and I feel that a person in a zoned, rural area with an acre or more that these applications should be treated in consideration with the size of lots. I realize that in serviced areas with 6,000 sq. ft. lots there are problems. However, I still feel that though you are heading in the right direction you are not looking for the correct thing, if you suggest something like this you should come up with some thing to recommend to Council or the Chief Building Inspector how to approach the problem. I think every permit should be treated on its own have problems and I maintain that it will not prevent anyone who works or makes a living, from coming home at night and playing at this type of hobby. Also, you would have to take into consideration people who are trucking for a living and must carry out their own vehicle maintenance and would need a building of their own in which to work in. For the amount of work that the County has to put into taking these people to court the amendment would be worthless.

Warden: Are there any questions for Mr. Fader.

Councillor Topple: Do you think anyone who buys into an R-1 or R-2 zone should not have the right of protection of that zone.

Mr. Fader: Definitely.

Councillor Topple: Then do you feel that a person should be able to come home and carry on commercial operations after hours?

Mr. Fader: I feel that so many people today buy a lot, say 6,000 sq. ft., and have a garage about 25' X 25' and who have time to themselves and do work for themselves and their neighbours who just cannot afford to have this work done at a professional garage.

Topple: Do you not agree that he would thus be devaluing the remaining properties in the area?

Mr. Fader: It all depends, as the Chief Building Inspector stated tonight it would be difficult to catch some people who run such a clean operation.

Councillor Topple: That would be correct during the day-time, but would not be difficult after hours or on weekends regardless of whether or not it is part-time. The point I am trying to make is that it does devalue properties, because anyone thinking of buying in this area and comes to see a home also sees this type of work going on he will think twice about buying in this area.

Mr. Fader: If a person is doing this type of work full-time and promotes the business to a point, he is devaluing his own property and the fault lies back with the Municipality.

Councillor Topple: Unfortunately, the Municipality tends to go along with the rezoning when an application is made to rezone to Commercial.

Councillor Margeson: Why do we want to stop the local ambitious person from working a few hours in the evenings or on holidays? Persons can have parties or card games, dances, etc. which are objectionable to others, so why would we want to stop people from working in the evening?

Mr. Fader: This is no different than Archie Fader as a Real Estate Agent and goes home in the evening and the phone rings and he is doing business over the phone. I am ambitious and I want to make a dollar so you know it is no different. It is part of the community and you have to accept it as such, regardless of where it is. If you eliminate that it is not in the making of a good community.

Warden Lawrence: Are there any other questions? Any other speakers in opposition to the proposed amendment? Hearing none I declare the public part of this meeting closed.

Councillor Topple made a motion, seconded by Councillor Wiseman:

"THAT the By-Law Amendment be approved."
Motion Defeated.

Councillor MacKay: I would like to speak against the motion, I do need restrictions to protect our residential zones. However, I think that in this case it would be discriminatory against other people who have

no business, industrial or commercial intent and might be in a position, by having a larger lot or being a bit more affluent than the average citizen, to build a larger building or buildings. Regarding the back yard or basement business, we all have varying degrees of problems with them. A lot of the problem would depend on what type of business these people are engaged in. If we cut down all the business in my community half the economy of the community would be destroyed. People have approached me and complained on neighbours running a business out of his back yard and have pursued the complaint. However, we have to take these cases individually. Otherwise we will be discriminating against these people, such as truckers, who would be building a large building out of necessity rather than to run an illegal business.

Councillor Wiseman: I seconded Councillor Topple's motion for the sake of discussion and for the sake of getting a positive motion on the floor. My greatest concern is that as far as the 25' X 25' or 625 sq. ft. garage is concerned; I think it is more than sufficient for a residential lot of 6,000 sq. ft. My concern is not with the size but of the purpose for the legislation or the ruling that we are trying to make tonight which is to cut down on the number of commercial operations that are going on in that type of building. We all know that many of the businesses that are located in homes and on residential lots are not businesses that require a great deal of space. Many of them are businesses that can be operated out of a 15' X 15' garage or can be operated out of an 8' X 8' room in your basement. Consequently I do not think that we are fulfilling the need if that is the perceived need that we want to stop commercial use of these properties. I do not feel that this motion tonight will meet that need.

Councillor Eisenhauer: I too am concerned about the amendment to the By-Law. However, I have checked with the building supply people in the City who offer prefabricated outside garages. The measurement of 625 sq. ft. is sufficient and they are not left with a stock-pile of garages on their hands. All of the garages they sell are within these limits. I have also checked books that carry house plans and there was only one plan a little over the requirement, however, the rest, approximately 50, were within the requirements. Therefore, if the motion goes through I can live with it but my concern is that 625 sq. ft. is not really enough space if you want to store more than a car in the garage. I think that 720 sq. ft. would be a more realistic amendment.

Warden Lawrence: I do not believe we can make an amendment over the size already specified.

Mr. Cragg: We cannot raise the sq. ft. size in this proposed amendment because it has been advertised at 625 and you can go down but not up.

Councillor Topple: I see we have By-Laws in this Municipality which to date have been a joke. When it comes to enforcing By-Laws this Municipality is a joke. It is unfortunate to come to these meetings and listen to some of the silly arguments. What Councillor MacKay told

us was that he should be in a building zone because of the things he wanted to do there. These are things that you do in a general building zone. Some of the other Councillors want the same thing, however, they want the protection of a residential zone. I think that what Mr. Hefler and I want to say is that we are looking to new development in our Municipality. We are trying to keep our people within the Municipality and not going into the City. Another reason why a lot of our residents tend to seek the city for their protection is because the City does enforce their By-Laws with their police force. However, the Municipality does nothing about it and as I see it can't do anything about it because we work only during the working day and I am concerned for the residents of my district because they have asked me to do something about the violations of our By-Laws. I feel that this is one way we could do something. Due to what I have heard here this evening I tend to lean with the residents who want to join the City. It is obvious we don't wish to do anything to protect their investments. I have no argument with a person having a commercial operation in an area that is rezoned and would be the first one to protect this one and feel that he has every right to remain there even with our By-Law that does not allow him to build back if he has a fire. I disagree with that but I think he has a right to rebuild no matter what the zone. I also feel that we have a responsibility to those zones that we set up in the Municipality. We have an R-1 and an R-2 zone in the books and if you read those zones they have specific uses and I gather from what I hear today that Council is not prepared to protect those zones because they would like to see all the little back yard operations go on, by which they are admitting they accept illegal uses. I find this very difficult to understand. I agree that the By-Laws are there for a purpose and people should abide by these By-Laws. The By-Laws should be enforced strictly. Many people in my district have built homes in R-1 and R-2 zones expecting them to mean the same thing as they did in the Towns and Cities they have left. Obviously it doesn't mean the same thing. If someone invests money in a home located in an R-2 zone, they should not be permitted to operate a commercial business in this same zone if a person knows that he is violating that zone he should definitely be penalized. I don't believe we should be sympathetic with the violaters of these By-Laws because one of my concerns is that when a person does violate a zone and receives complaints about it the first thing he does is come into our office and apply for a commercial zone. He receives a sympathetic ear because no one wants to put him out of business. However, we do not think about the other people who have come into the community, complied with the law, invested money and is expected to accept the devaluation on his property. This devaluation won't show on his assessment but does show up if he wants to sell his property. That is when it hurts and this is the area where we have responsibility to protect these people. I think if we are not prepared to do something about the By-Laws we should consider doing away with all the Halifax County By-Laws. If our By-Laws are not in force we have no By-Laws. Let's be honest with our residents in this respect. If we want a Municipality that sticks together in the future then we had better start considering the control and restrictions we are going to put on the residents. I think this is important and affects mainly the Urban areas and I don't think it affects the rural areas to as great an extent. We should think very seriously on whether or not we

are serving the people in this Municipality in their best interest.

I agree with Mr. Hefler that by restricting the size of these buildings we will be able to stop some of these commercial operations. If people cannot put these buildings up in residential zones then they will go to the proper zone to put up their buildings. This By-Law would only apply in R-1 and R-2 zones and would not hurt the fisherman or farmer or anyone like that but only people in the residential zones. I think that is the intent of it. I agree with it. I would ask the Council to consider this very seriously and give their support to Mr. Hefler in this matter.

Councillor MacKay: I would like to ask the solicitor a question regarding the ruling he gave Councillor Eisenhauer when Councillor Eisenhauer proposed an amendment that the building be allowed to be 720 sq. ft. instead of 625 sq. ft. I believe the ruling was that we could go down and not up. Wouldn't that be taking from it rather than adding to it. At the present time we have no regulations whatsoever. Decreasing the size would be more limiting than increasing the size which would be expansive.

Solicitor Cragg: The reason for ruling as I did is specifically because there is no limitation as to the total sq. ftg. of an accessory use at all. Having advertised and given the public notice that we were going to propose a certain limit on it that limit is set at that height. We can go down on it but not up. It is the same as rezoning something to R-2, we can go lower but not higher.

Councillor Stewart: I think this whole discussion again points out how different areas of the County perceive their different needs. In this case perhaps it is not the rural areas and the urban areas having the different needs. It appears that there are different views between the urban areas. It is not the first time I have heard some of the Councillors from Sackville note how these unofficial, illegal, or what have you, businesses are perhaps the backbone of their community. That may be the feelings there. For my part I would commend Councillor Topple for his remarks and I would call him the conscience of the County on these planning issues because someone has to bring these things to our attention. It is true that in Cole Harbour - Westphal - Eastern Passage one of the major concerns in the Urban study that we hear from the residents are lack of planning, lack of control and our lack of enforcement in these things. In our urban area the vast majority of residents do not condone the so-called back yard businesses. Although there are many benefits to an individual doing this. Collectively, there is no point living in a residential zone where there is no protection. On the other hand this is a broad brush amendment in its present state and really is a method of trying to get some enforcement. I would like to be fair with people but also to enforce what we have otherwise what Councillor Topple says is very true. There is no point in having zoning if we can't stick to it. I would like to put a couple of amendments to this particular topic tonight and I would like to amend it such that it only is applicable to lots of 20,000 sq. ft. or under and also that it is optional in the sense that the Blasting By-Law is, that districts could opt out of it. For my part I

would be in favour of it for district seven should there be a limit on it such as I suggest. In the vast majority of my district most of the serviced lots are considerably less than this and the vast majority of the residents would have no need or would not like to see their neighbours with a great deal of outbuilding garages or this that and the other thing. However, in the larger lots there are occasions where there can be outbuildings that are useful and appropriate, not necessarily garages but as it is written here it would limit everything to 625 sq ft.

Warden Lawrence: Before I ask for a seconder for your amendment let me consult the solicitor. The issue is that whether an amendment is valid that would apply only to lots of 20,000 sq. ft. or less and also whether or not it can be optional by district.

Solicitor Cragg: Warden, I don't feel the amendment is in order as it relates to districts opting in and out of an amendment to the zoning by-law. That is up to Council when particular zones are placed in certain districts and to what extent within that district. I would suggest this particular amendment dealing with accessory use with residentially zoned parcels of land and that zoning is applicable throughout the Municipality. At the time the zoning applications come forth to deal with individual lots be it 6,000 sq. ft. or a whole district to be rezoned, I think it is something that attaches to the residential zoned areas. The other amendment I think would be appropriate.

Councillor Stewart: Perhaps all the rationale for this thought of the district opting in and out. We are at the moment in our Municipal Development Plan and we are going area by area, for example the Sackville is one particular area and the Eastern area is another particular area. It is part of our hope that this municipal development plan that we try to put land to use appropriate to the area. Maybe it is quite conceivable that the majority of the residents of Sackville enjoy and approve of backyard commercial enterprises. I know in my area they don't but I think in my area Councillor Topple's remarks are very appropriate and that when we are looking at our Urban concerns one of the concerns that comes back to me time and time again is the fact that we seem to have very little protection Perhaps another approach is that it could be tied in with our Municipal Development plan because hopefully our building inspector is going to be putting forward views where he thinks changes to our By-Laws themselves would be appropriate in the urban areas we are working with now. What I am saying is that if the opting in and out of a district is inappropriate at this particular moment, then I will withdraw that but I think we should pursue it, but I believe in the 20,000 sq. ft. application of this amendment.

Warden: Can I have a seconder for this amendment to the accessory uses allowed on the zoning by-law apply only to lots of 20,000 sq. ft. or less.

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

"THAT the motion be amended to read only lots of 20,000 sq. ft. or less."

Motion Defeated.

Councillor MacDonald: I will vote in favour of the main motion. The residential areas are a place for people to go to get a little peace and quiet in their daily lives. If some fellow next door is beating half the night on the body of a car or truck it can be quite annoying. I think a garage 625 sq. ft. is adequate for a person having a hobby or two cars. I think the size of a lot 60' X 100' would have no need of a garage more than 625 sq. ft. In that case if a person wants to repair large vehicles, he should have a commercial license or whatever.

Deputy Warden Deveaux: I don't think I can agree that all residential areas are peaceful with the traffic and the children running around. I cannot see where changing the size of the building will make any difference. I sympathize with Councillor Topple and anyone else who is in a residential area but if a person wishes to work in a garage whether 2' X 4' or 20' X 40' that person will go ahead and do it. Common sense dictates that as well as human nature. This size of the building will have no bearing on this. I wish there was another way we could come up with a solution to the problem and I don't know if Councillor Stewart is still here but in working with the Municipal Development plan people, the indication is that if I want certain restrictions in my area, these will apply strictly to my district and the same applies to every other district. The only suggestion I would have at this time is that Councillor Stewart be willing to change his amendment just to refer this whole issue to the Municipal Development Plan people. From my understanding district 7, 7A or whatever district wants to opt in for a solution of this type as part of their regulation in the MDP then they can certainly do so. There is no doubt in my mind that changing the size of that building will not deter anyone from carrying on the type of business he wishes to carry on.

Warden Lawrence: Is there any further discussion on the amendment to limit the application of this proposed change to lots of 20,000 sq. ft. or less.

Councillor Gaetz: Are we now specifying 20,000 sq. ft.

Warden Lawrence: Yes, that is what the amendment is proposing.

Councillor Gaetz: Then what about a 15,000 sq. ft. lot?

Warden Lawrence: It applies to any lot 20,000 sq. ft. or less. Are we ready for the question on the amendment? All in favour of this amendment to limit the proposed size of accessory buildings on lots of 20,000 sq. ft. or less. I declare the amendment defeated. Now the main motion which is to approve the recommended change to the Zoning By-Law to accessory buildings on lots in residential zones not to exceed 625 sq. ft. It is a tie vote and therefore lost.

Councillor Margeson: We are in the process of developing a Municipal Development Plan. I think we should take note of remarks made by a number of Councillors this evening in sensitive areas that we might put something in the plan to help people in those particular areas.

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