

see what the potential problems were and to make sure that the developer was aware of them before the area was developed and the potential solutions that the Municipality intended to adopt to avoid these problems and that some kind of cost sharing mechanisms were available so that as the area developed the people that developed first could adopt cost effective schemes rather than having to work on a piecemeal basis."

BRIEF SUMMARY - OPEN FLOOR TO QUESTIONS - MR. J. JONES

At this point in the meeting, Mr. Jones tabled the Draft copy of the Storm Drainage Policy for Halifax County and advised that this Draft Report would be further reviewed with various members of the Engineering Profession and Municipal Councillors and Planners at a work shop to take place at the N.S. Technical College, March 24th, and at which time comment of a general nature will be requested as to the suggestions and ideas which have been put forth. It was hoped that at this work shop some ideas will come forth from our Community and from the Engineering and Planning Departments across the Province, thus coming up with a better product.

He further advised that final documentation would be submitted to Council and to the Province sometime in the late spring or early summer along with recommendations for remedial work, hopefully winding up the work of the Task Force in early Fall.

COMMENTS AND QUESTIONS FROM COUNCIL

Several Councillors questioned Mr. Jones regarding the Municipality's responsibilities in various areas, with some clarification coming from Professor Waller, Mr. Gallagher and other members of the Storm Drainage Task Force. There was also lengthy discussion regarding the cost of implementing solutions and the cost of preventing storm drainage problems during future development. During these discussions it was determined that the Task Force was attempting to develop a cost sharing formula spread equitably throughout all those Residents who will benefit from the solutions and the responsible government bodies.

As well, a great deal of concern was expressed regarding the future development of Millwood located near the Sackville River where large potential flooding problems are anticipated.

Mr. Jones advised that Planning and Zoning are responsibilities of the Municipal Level but the Federal and Provincial Governments are identifying the critical areas through Flood Damage Reduction Studies to predict the historical and the predictable flood-prone areas and then to take the necessary preventative measures.

Many Councillors asked questions of Mr. Jones which related to storm drainage problems in their own areas.

ADJOURNMENT

Subsequent to discussion between the Councillors and the Storm Drainage Task Force, the Committee of the Whole Meeting adjourned at 9:18 P.M.

PUBLIC HEARING

MARCH 17, 1981

POPLAR DRIVE WALKWAY

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

ALSO PRESENT: Mr. Keith Birch, Chief of Planning and Development
Mr. Gerry Kelly, Municipal Clerk
Mr. Ken Meech, Chief Administrative Officer
Mr. Robert Cragg, Municipal Solicitor
Mr. Ira Settle
Mr. Jim Henneberry, Cole Harbour/Westphal Public
Participation Committee
Mr. Wayne Mercer, Forest Hills Resident Assoc.
Mr. David Nauss, Community School
Mr. Bill Morris, Abutting Land Owner
Mr. Earl Nagle, Abutting Land Owner

SECRETARY: Mrs. Christine Harvey

Warden Lawrence brought the Public Hearing to order at 7:00 P.M.

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

"THAT those residents who abut the Poplar Drive Walkway and who are in favour of closure of the Walkway speak last and those who are in favour of retention of the Walkway speak first."
Motion Carried.

Mr. Keith Birch pointed out the location of the Poplar Drive Walkway as well as the surrounding streets and other walkways, on a large map of the area posted for that purpose.

He advised that staff had done an analysis of the users of the Walkway which amounted to approximately 123 people per day. This Report was distributed to all present in the Council Chambers. In response to a request from Councillor Stewart, Mr. Birch reviewed this Report which was in the form of a memorandum to Mr. Meech. This report or memorandum basically provided a history of the walkway and a comment from the planning department.

Mr. Birch: This development is not part of the Nova Scotia Housing Commission Development. It was originally expropriated but subsequently released during the construction of the school. There was a request that the walkways be made serviceable for the children. Up until 1977 the deed was received but never officially accepted by Council. There was some work done on the Walkway in terms of concrete steps, handrails and sidewalks on the approaches. There was prior to that slope and erosion and possible drainage problems but during that time it was suggested that the deed not be accepted until these problems were solved. Approximately \$20,000 from a special reserve fund was spent on upgrading the walkway. Subsequently, we began receiving complaints regarding the interference with private property by the users of the walkway. Subsequently at a previous Council session there was a motion to close the walkway which was rescinded to enable this meeting to take place.

From a planning department point of view because of the well used nature of the walkway we felt it should be kept open but that means should be sought to eliminate the interference caused by the users and from a Municipal staff point this could take the form of installation of fences of an appropriate height of at least six to eight feet.

Section 18 of the subdivision regulations of the Municipality state that:

"A pedestrian walkway at least twelve feet wide through and near the centre of the block shall be provided and constructed in all blocks over 800 feet long."

This block meets those qualifications.

Because of the design on the development plan, walkways in that area are practically essential to get access to the school. So, what I am saying is that in future the regulations be amended and we take appropriate steps to make walkways as wide as possible to cut down on the interference to adjacent properties and that secondly before being accepted by the Municipality they be graded, paved and fenced by the subdivider prior to acceptance and prior to people moving into houses along side, or alternatively, that sufficient means be given to the Municipality to proceed with this work.

Councillor Stewart: This particular walkway was constructed with a reserve fund in the amount of \$20,000 which was in fact municipal incentive money belonging to Cole Harbour. I would like to assure you that if the decision is made to keep this walkway open that the cost will be kept within Cole Harbour. Secondly, I would like to point out that if you close this walkway you will be setting a precedent for all other walkways. Thirdly, I would like to ask that, as was suggested earlier, this decision not be deferred any longer, that it be made tonight, as this issue has gone on for a long time.

Councillor Williams: Where did this \$20,000 come from? Mr. Birch are you recommending in your report that the user pay? How do you police these walkways?

Mr. Birch: I think it would be an education process to control the vandalism, a job for the school and the parents.

Councillor Lichter: Section 8 indicates a walkway should be 12 feet wide, is this the case with Poplar Drive walkway?

Mr. Birch: This particular walkway is just ten feet wide.

Councillor Lichter: Therefore, it was not installed meeting the regulations.

Councillor Walker: This figure of approximately 123 people a day; is this only taking the students into account.

Mr. Birch: From 7:30 in the morning to approximately 9:30 - 10:00 in the evening with greater emphasis on peak periods. These peak periods are 7:30 to 9:00 a.m., 11:45 to 1:40 p.m and 2:30 - 4:00 p.m.. These particular times of the day were selected as it was felt that school children were the main users of the walkway.

Councillor Walker: How far would the alternate route to get to the school be? Are there any problems with the other walkways in the area?

Mr. Birch: The alternate route would be approximately 4/10 of a kilometer and there are no problems with the other walkways that I am aware of.

The next speaker was Mr. Jim Henneberry, 52 Dalkeith Drive, Forest Hills.

Mr. Henneberry had a short presentation to distribute to the Council. Subsequent to its distribution, Mr. Henneberry outlined the report.

The Public Participation Committee feels that this Walkway must not be closed for a number of reasons:

1. This walkway is an important route for school children attending both Sir Robert Borden Junior High School and Robert K. Turner Elementary School.
2. It has been in place for a number of years and forms an important link in the overall walkway system especially in view of the limited number of sidewalks in the area.
3. The precedent of the Municipality closing and disposing of lands which have for a number of years been dedicated to public use has the possibility of instigating other similar requests. The effectiveness of the walkway system could be destroyed as small pieces disappear to other uses. This represents a most ominous scenario.
4. There is also something of a moral or ethnic question involved in this matter, which deserves an answer. How can the Municipality finally take over this walkway in the name of the public at large

and then close it to public use? This is questionable when it appears that the County subdivision regulations require walkways, and secondly that the closure will benefit those adjacent by ridding them of a problem and then subsequently increasing their lots and lot values by the addition of these public lands.

We must remember that this walkway has been paid for in the lot prices of all lots in this subdivision and the improvements were paid for by the Municipal tax payers at large. It is clear that the problems encountered by the residents adjacent to this walkway are physical and social in nature and will only be properly addressed and resolved by better planning, better municipal commitments to services for which the urban population is willing to pay and the adoption of standards for development and maintenance for parklands and walkways in general.

In summation, the Cole Harbour/Westphal Public Participation Committee is opposed to the closing of any public walkway in our area, and we feel that the Municipality must accept its responsibility and take whatever steps are necessary to rectify this situation in an acceptable manner to all concerned.

We are concerned that if this walkway is closed to the Public in direct contravention of the expressed wishes of the residents of our area, it will be viewed as an indication that we are probably wasting our time and efforts in formulating a Municipal Development Plan that reflects the desires and expectations of the residents of this community, and that the Municipality is really not sincere about taking the residents concerns under consideration when they are making this type of decision.

Mr. Henneberry: Cole Harbour Acres as well as Forest Hills has been developed and designed on the concept of walkways to be provided for pedestrian traffic between streets. However, with Metro Transit it will probably be used more extensively by the residents getting back and forth between bus stops and their homes. Walkways are required in the Municipality's regulations and are the legal responsibility of the Municipality. Changing the name on the deed of the walkway will not make the drainage problems go away. This problem must be addressed and steps taken to correct it. The Engineering Department's estimate to correct this problem is approximately \$5,000

We have already expended \$20,000 so \$5,000 does not seem to be a lot at this point in time. You have the report of the planning department, 123 people is only taking into account school children but does not take into account people coming home from work, getting out of car pools, etc. So I would say more people use that walkway than 123 per day. The only alternate route for children would be along the streets where they would be subject to automobile traffic, or cross people's lawns, which I would expect would initiate more complaints to the Municipality.

Councillor Williams: You mentioned, that this should be paid for by the Municipality, do you mean the users of the walkway should pay for the repair and maintenance?

Mr. Henneberry: What we are talking about is an Urban rate for the Urban residents of the Municipality.

Councillor Williams: Also, as far as I know, the Municipality did not take over this walkway.

Mr. Henneberry: I would then question how we managed to spend \$20,000 of the tax payers money on something the Municipality did not own. My information has indicated that the walkway is the legal responsibility of the Municipality.

Councillor Williams: I have asked that question of our solicitor and have discovered that the Municipality did not take over this walkway, therefore, the responsibility for it does not lay with the Municipality.

Mr. Henneberry: So, even though you do not own it you are willing to give it away?

Councillor Williams: I am only making the point that it is not the Municipality's problem as a whole.

Councillor Walker: Have you people addressed the problems facing the abutters of the walkway?

Mr. Henneberry: Our sympathy is with the people of the adjacent property but the solution is not to close the walkway and do away with public land. This would be a very backward and dangerous step.

Councillor Lichter: Mr. Henneberry, you stated that the improvements were paid for by the Municipal tax payers at large but Councillor Stewart stated that it was Cole Harbour money.

Councillor Stewart: The \$20,000 was paid from money that was due Cole Harbour from the Provincial Government to do with multiple dwelling units in Cole Harbour. For every number of multiple units, monies accrued to the district for capital projects and so forth.

Mr. Meech: It was money received from the Federal Government which was referred to as The Municipal Incentive Grant Program and it was in effect for two or three years and was designed to provide Municipalities with \$1,000 per multiple unit created within certain communities. The \$20,000 expended was for two walkways. One further up the street also had to have concrete steps, so the grant covered both walkways at that time.

Councillor Lichter: I hope the Public Participation Committee does not seriously believe they are wasting their time in formulating a Municipal Development Plan, if this Council should decide to close that walkway. Surely an MDP contains many things which can be accomplished

and the rest that cannot would not be a wasted effort.

Mr. Henneberry: I would have to disagree because at least on three occasions we have addressed walkways when we looked at subdivisions and transit and the residents have decided that they are a necessary part of the subdivision in our area for any future development and closing a walkway already in existence just does not make sense. We hope to see all the desirable things that the people wish to revolve in their community.

Deputy Warden Deveaux: Based on where the money came from perhaps you should delete the word "Municipal" in your brief where it states that improvements on the walkway were paid for by Municipal tax payers.

Mr. Meech: Technically, the money came to the Municipality. It was Council who then decided the policy be established that the money be put aside to be utilized in those areas from where it was generated. Therefore it was Council who was the clear-cut authority as to how all that money was expended although it did require the approval of the Minister of Municipal Affairs.

Councillor McCabe: Mr. Henneberry, have you any plans to protect the people abutting the walkway to a reasonable degree of safety, if the walkway is to remain open.

Mr. Henneberry: We have not addressed that problem specifically.

Councillor Stewart: Mr. Henneberry's Committee is a Planning Committee and they were, I believe, looking at the problem from a planning point of view.

Mr. Henneberry's presentation was at an end at this point and the next speaker in favour of retention of the walkway was Mr. Wayne Mercer, Forest Hills Resident Association.

Mr. Mercer: Sir Robert Borden Junior High is not just a Junior High School but is a community school in the Cole Harbour area and boasts the membership of approximately 450 people. It also has a Sunday School enrollment of about 200 students. The school is used every night of week including Saturdays and Sundays. The walkway is a vital link to this school during the night as well as the daytime not only used by children and teenagers but by adults as well.

Mr. Mercer went over to the map to point out the accessibility of the walkway from all areas.

By closing the walkway, rather than solve the vandalism problem experienced by the abutters, we will merely push the vandalism up to another walkway. The Resident's Association are willing to work and have already started to work to curb the vandalism by approaching the trustees of the school about the problem. This is, however, not something that can be controlled overnight, but will take some time. We are willing to work with the residents of Cole Harbour Acres to try and resolve this problem. We have had the same problem in Settle Lake

which was curbed through the efforts of the Residents Association, so the record is there. The expenditure of funds required is nominal and will be carried by Cole Harbour only. If you close this walkway you will be morally obligated to close any other walkways as requested by other abutting land owners, which includes myself. This is the problem you will be facing in the next few months.

Councillor MacKay: I have numerous walkways within my district and I can appreciate the problems associated with them. What response have you received from the school and what measures have you taken, as yet, and what do you think are the chances of curbing some of the vandalism problems for the abutters?

Mr. Henneberry: When this was brought to the attention of the Board of School Trustees, they brought it to the attention of the Principal, Mr. McNeil and the Vice Principal, Mr. Depuis. What they have done is supervise the children during the break periods and at certain peak periods of the day to make sure the children do not loiter around the area, pushing them home for lunch, etc. It is off the school boundaries of jurisdiction but they are working to the best of their ability at the present time. In reference to my association, we had at one time a Youth Group which alleviated many of the problems in Settle Lake, and we are willing to try this again with the aid of the Community School. I am on the Board there working towards developing more programs to involve the teenagers in the Community School concept. Different types of classes that are generally offered during the day are being offered at night which will get some of the children off the streets and hopefully resolve the problems. This is, however, a long-term solution and won't resolve the problem tomorrow.

Councillor Stewart: Is the community at large willing to take their own children in hand, in order to keep this walkway open?

Mr. Mercer: I think it should be taken one step further, involving the police. Maybe an arrest without charges would be an example to other kids; this is quite drastic but maybe that is all it would take.

Councillor Stewart: I was given a petition a couple of months ago with the names of about 120 people living in all the streets around that walkway and who use it, who really felt quite strongly about keeping the walkway open. Do you think these people would, if the matter is brought to the their attention, help to alleviate this problem?

Mr. Mercer: I believe that most parents would take the matter in hand. We all work hard for our homes and want to keep them in the best condition that we can and we don't need anyone, regardless of their age, tearing down our fences or walking through gardens that we have worked hard for.

Councillor Benjamin: It should be a safe and easy access for the people and now we are being told that this is a cause of the vandalism. Would you say that by eliminating the walkway that the vandalism will also be eliminated?

Mr. Mercer: You would only push the vandalism up to another walkway. Vandalism can only be eliminated by means of an educational process which is now being worked on by the School. It has been looked at by Community Groups such as Block Parents and we have a good repore with the RCMP in education with our children. The Board of Trustees have tried to address the problem. The School is addressing the problem and it is something which we have to work together to achieve and it will not be resolved tomorrow but as I have previously stated it will take some time.

Councillor Benjamin: Do you fear that the vandalism will come up to your walkway?

Mr. Mercer: It would increase traffic to my walkway but would not affect mine as much it would affect the people on Poplar and Elm. You have set a moral precedent if you close this walkway down.

Councillor Benjamin: I can't agree on that. If the residents want the walkway closed or to remain open they should speak out and the problems are either rectified or lived with.

Mr. Mercer: An effort is being made and hopefully, with Council's support in cleaning up some of the small drainage problems we can work together as a Community to solve our own problems.

Councillor Lichter: You indicated that curbing vandalism is a matter of education and I agree with you, but wouldn't you say that closing the walkway would be an education to those students who are causing the vandalism problem. We can then say, "Alright, one walkway has been closed down, if there are any more problems, other walkways will also be closed down and you will have even further to walk." I believe this is a good form of education.

Mr. Mercer: If you close this walkway because of a certain percentage of kids causing trouble, from the school, how many of those kids do you think really live in that area. Children from all over go to that school, not only those living in Cole Harbour Acres.

Councillor Lichter: I am sympathetic to those abutters and I am quite certain you would not change houses with any of them, all else being equal.

Mr. Mercer: I am also sympathetic as I lived on Settle Lake for two years and was involved with a lot of similar problems as these people are here. When I bought my property though, I realized that the land was already designated as a right-of-way. I believe in "Buyer Beware".

Councillor Lichter: I don't think that in this case Buyer Beware is applicable because 10 or so years ago vandalism was not the problem it is today.

Councillor Margeson: I was pleased that you are organizing some groups. What kinds of groups are they, Beavers, Cubs, Scouts, etc.?

Mr. Mercer: Our Residents Association sponsors one scout troupe along with Cubs and other organizations. We were involved in starting the Block Parents and are willing to continue on in this vein.

Councillor Margeson: Do you have any street lights on this walkway?

Mr. Mercer: No, it is a dark walkway.

Councillor MacKenzie: I am really disturbed about this letter from the abutting landowners which describes the terrible problems they are facing. It looks to me like we have a problem with walkways in general and I think our Planning Department should be taking a close look at it.

Councillor Williams: Are you a member of the Board of Trustees or are you just involved in the Community School?

Mr. Mercer: I am on the Board of the Community School.

Councillor Williams: Do you know definitely that there is a problem with this walkway?

Mr. Mercer: Yes, I agree there is a problem.

Councillor Williams: You definitely feel that if we close this walkway the problem will move up the street?

Mr. Mercer: Yes, this has been the experience in the past.

Councillor Williams: I have visited this walkway twice when there were three to six inches of ice on it. I wouldn't allow my children on the walkway when it was in that deplorable condition.

Mr. Mercer: We were approaching our County Councillor under the area rate we have for sidewalk maintenance. There has been documentation of trying to solve that problem.

Councillor Williams: As an active member of that community, would you say that walkway is in the right place? It is 4/10 of a kilometer for those children to walk around that end of the block.

Mr. Mercer: The walkway is strategically set up to catch the children from Shalimar, Poplar and Cirrus. The fact that the Housing Commission moved in later and instituted other walkways corresponding to it, has nothing to do with it.

Councillor Williams: I cannot see why it would be a hardship on those children or anyone else to walk an extra 4/10 of a kilometer to that school. I understand there are sidewalks going into that area. I represent a rural district where the children have to walk to school or be bused to school and I think we have just as much traffic on the Prospect Road as you do in Cole Harbour. I am not a planner or a developer but I think that walkway is in the wrong place. Are you aware of the cost to repair that walkway?

Mr. Mercer: I have heard everything from \$5,000 to \$50,000 and do not know the actual figure.

Councillor Williams: That figure was just to repair and to correct the drainage problem but did not include maintaining the walkway through the winter months.

Mr. Mercer: We are not asking Council to pay for the maintenance of this walkway. We are asking only that Council leave the walkway open; we will address the problem of vandalism and we will pay for it.

Councillor McCabe: How long have you been aware that vandalism exists on this walkway?

Mr. Mercer: Only about five months.

Councillor McCabe: Have you made any progress in retraining these vandals?

Mr. Mercer: An effort has been made by the school, efforts have been made by the Community School to format programs to involve these kids in the evening. To educate them is a long drawn out process, something is started but it won't be resolved for two six months; it is a long term program and should start right back at the elementary school level and in the home.

Councillor McCabe: It is a dangerous spot there; would you really want to keep it there rather than to remove it and the hazards that go along with it?

Mr. Mercer's presentation was at an end at this point and the next speaker in favour of retention of the walkway was Mr. David Nauss from 110 Elm Street.

Mr. Nauss: I live alongside the next walkway on top of Poplar Drive which has the same problems as the other walkway. The drainage problem has to be rectified as it is causing a lot of problems and in fact our insurance will not cover it. However, that does not mean I am in favour of closure of the walkway. I teach at Sir Robert Borden Junior High School and Mr. McNeil the Principal of the School did have myself and some other teachers go out to patrol the walkway during school breaks, lunch hours, etc. and the problem did slow down to a degree. I would also say that 4/10 of a kilometer would only be for some students, others would have to walk four times that to get to school. There are no side walks and the speed limit on that road is 50 kilometers per hour, though due to the straightness of the road, people tend to drive much faster. With regard to vandalism, we have vandalism on our walkway as well. I think fencing should be a solution to that problem and our properties bordering on my walkway should also be fenced. As a matter of fact our walkway is more often used by the elementary students than the Poplar Drive Walkway. Rather than close the walkways, why not just fix them up and try to police them as best as we can and try to educate the users of the walkway. I think the walkways should definitely be upgraded and left open, because unless

you have a policeman standing there all day you will never completely control vandalism.

Councillor MacKay: We in Sackville also have walkways and green areas and have been wrestling with the problems that come with them, drainage in particular. My conviction is that if we disturb the natural terrain, through the construction of ditches and culverts and we divert water towards our properties than we have an obligation to correct that problem.

Mr. Nauss: Alright, but the houses were there before that walkway was completed and the people who have built the walkway have re-routed some of the water to make it run down alongside the walkway outside our property and along our houses and the foundations cannot handle that much pressure.

Mr. Nauss thus completed his presentation and Mr. Ira Settle spoke to give a history of the walkway.

Mr. Settle: I am glad that Mr. Meech cleared up the matter of funding; the only Provincial involvement in it was that the Minister of Municipal Affairs had the right to approve what project was paid for with the funds. This land was first owned by my family and was bought by a prominent developer and before he got around to developing it, it was covered in a blanket expropriation by the Nova Scotia Housing Commission. The developer, by making some special protest or representation to the Nova Scotia Housing Commission, was granted a certain plot of land and he started by taking this gentle slope of about three or five percent grade and made it much steeper and all those walkways had been left there without any surface like any asphalt surface. The only thing he had done to them was to change the grade. Children had gotten in there and gotten all bogged down and couldn't get to school. I talked with the developer who pushed it off on the Housing Commission and when I talked to them they were no more receptive. I also went to the Minister in charge of the Nova Scotia Housing Commission and I never heard from him again. Finally it got so bad there was no way those walkways could be used on account of the mud and other unsatisfactory conditions, so I arranged a meeting with myself, Mr. Gallagher, one of the head Engineers of the Department of Highways and one of the Engineers of the Nova Scotia Housing Commission. What was decided was that the Department of Highways along with the Public Works Department of the Municipality would design something that would make the walkways safer and at least useable. They did the planning and called the tender with came to \$20,000 and those side walks were built.

Councillor Lichter: Do you firmly believe now that what was created for \$20,000 can be repaired for \$5,000.

Mr. Settle: 95% of this money would be to correct the drainage. They did build some drains there, which accounts for the missing two feet and they did a good job engineering with what they had to work with.

Councillor Lichter: I get the impression that the drainage problem is

not going to be solved no matter what because the Engineers had only something to work with and there is nothing more to work with right now then there was at that time.

Mr. Settle: They were certainly limited and were working within a pretty confined area.

This completed Mr. Settle's presentation.

SPEAKERS IN FAVOUR OF CLOSURE OF THE WALKWAY

The first speaker in favour of closure of the Poplar Drive Walkway was Mr. Bill Morris, 37 Elm Street, one of the abutting landowners.

A paper drawn up by three of the abutting landowners on November 23, 1980, and containing their grievances, was distributed to the Council. The letter contained the following:

All three property owners have fences protecting their individual properties. The fences have all been damaged beyond repair through vandalism. They have been sat on, pushed on and even cut down. Insurance claims no longer substantiate the cost of repairs as this is an ongoing occurrence and the total deductibles practically match the repair costs. What advantage do the property owners have if there is really no end in sight, a total waste of hard earned dollars.

The location of the walkway immediately places us at a disadvantage. Where the walkway is so close to the school, it's main purpose is to serve as a hangout. The teenagers, at junior high level, begin to congregate at 7:30 a.m., during all school breaks and continuing until midnight. Due to this fact, the property owners are subject to the following damages and abuses:

1. Foul language is so offensive that our children are not permitted outside their homes while the teenagers are present.
2. Due to the litter deposited by the teenagers the homeowners are forced to clean their properties on a daily basis.
3. Occurrences of break and enter, theft and damage of personal property; such as lawn chairs, barbecues and water hoses, are other problems we have faced, forcing us to lock all outside items in a secure place every evening.
4. Destructive damage to swimming pools, trees and shrubs is an added expense to the homeowners, which in turn is a considerable factor to our property value.
5. Damage to automobiles as a result of the defacing of paint.
6. Because of our type of employment, we are faced with leaving our wives and family alone for several nights and it places uncertainty in their minds as to what will happen next. Several occurrences substantiate this statement whereby they have been confronted with

pranks and disturbances, late at night.

7. R.C.M.P. have had to be called on a regular basis due to the above reasons.

Due to the lack of a maintenance program, the amount of water flow causes an excessive build-up of ice; making the walkway impassable during winter months and subsequently creates flooding. It has been mentioned by Mr. Gallagher in his report to the Management Committee, that if the walkway was not there the proper channelling would take place, thereby eliminating the flooding problem. As it stands now, the walkway serves as an intercept between the natural run-off.

In summary, by closing the walkway the junior high students would have to walk an additional 4/10th of a kilometer to get to school, thereby, eliminating the walkway being used as a hangout, and subsequently alleviating the problems of the home owners. As mentioned at the Council Meeting, we the property owners agreed to accept the walkway in its existing state, eliminating any and all cost to the County. At this time we would assume full responsibility for the closure of the walkway and the subsequent landscaping.

We see no reason why we should be forced to sell our homes due to the delinquent action of irresponsible teenagers.

Mr. Morris: We are getting tired of the harassment and the property damage, the theft; it is no way to live and something has to be done.

Councillor Williams: I would presume you all have insurance. How has it affected you people financially and insurancewise.

Mr. Morris: From the point of view of the valueables which have been stolen from my property, I have lost money that way, from the point of view of vandalism, my fence is now beyond repair. I brought along a piece of paper received from my insurance company.

Warden Lawrence: This is a letter from Kaizer Adjustment Limited dated January 6, 1981, without prejudice to Mr. Morris, Re: the damage to fence, dates of loss various, file number 1591:

"Dear Sir: You will no doubt recall that some time ago we examined the wire fence surrounding your property. A report has been forwarded to your insurance company and they now advise that as this damage was not committed in a single act but is the result of numerous incidents in which each case a deductible of \$100 would apply, they do not feel you have sufficient grounds to submit a claim. Under the normal circumstances the insurers are refusing all responsibility and we are advancing a denial of liability on their behalf. In compliance with the insurance act in this Province we are attaching a blank proof of loss form. Yours very truly."

Councillor Williams: In other words, the insurance company fails to recognize their responsibility.

Mr. Morris: Twice they came out to do their analysis on the damages which were assessed to \$800. I told them that the act of vandalism did not happen just once and they came back with a phone call saying that, had I told them it had happened once then they would probably have reimbursed me for some of the damage but seeing that it was a numerous act situation, they denied all legal responsibility.

Councillor Topples: Are there other people along the street having the same problem?

Mr. Morris: Not that I am aware of. I think the disadvantage I am in is that the lighting situation in that whole area is not very good and by the time I get dressed whatever they have been doing is already done.

Councillor Topples: Do you often get after them or chase them?

Mr. Morris: I don't see any point as I am afraid for retaliation when I am not home and my wife is alone.

Councillor Topples: Knowing the types of people who do these things, I think you would have a worse problem if they close that walkway as it is the shortest route through there.

Mr. Morris: If the walkway was closed and there was no way through then I am sure it would solve the problem. I think at first there might be a problem with some of the children who would be disturbed that their hangout had been taken from them, and I am sure they would try to go through there anyway, but this is a problem we would have only immediately upon closure.

Councillor Topples: If there was some way of dealing with the problem would you be willing to see the walkway left open?

Mr. Morris: I feel sorry for the little children and I wouldn't mind seeing it left open because several times throughout the year I have seen where the little children couldn't pass the walkway because of the larger kids who would not move when the little kids come up. Outside of the steps it is mostly run-off and very disturbed land, not level and often muddy and icy. So the little kids have problems getting through the walkway.

Deputy Warden Deveaux: If this is true then I don't see where the walkway is serving any purpose for the elementary children in any case. Were you residing there prior to the concrete walk being completed?

Mr. Morris: Yes I was.

Deputy Warden Deveaux: Were you aware of the problems that exist or were they existing at that time?

Mr. Morris: The previous owners of the house told us that the walkway posed no problem.

Councillor Gaetz: How about ignoring the kids?

Mr. Morris: I have never done anything to provoke them in the first place so ignoring them doesn't seem to me to be a solution. They do these things not because I live there, but because they enjoy doing them.

Councillor Gaetz: If you had a lot of storms and it broke up your foundation or did damage to your house, would your insurance company come across for that?

Mr. Morris: My deductible would be so high because of the amount of damage that it would be no use to make a claim.

Councillor MacDonald: Mr. Morris, do you think the possibility of building a fence of six to eight feet would solve your problem, say a chain link fence?

Mr. Morris: I already have a chain link fence and I don't think an extra two feet would help but would be a waste of money. A new fence is something to bring down the way they brought mine down.

Councillor MacDonald: It is an important walkway for the rest of that area but I feel sorry for these people; I wouldn't want to be putting every cent into my home and being repeatedly bothered by these vandals.

Councillor MacKenzie: I would like to ask what was Mr. Gallagher's point in making this comment shown here in your report, that the drainage problem would be eliminated, or the water would have a natural run-off if the walkway was not there and also would ask about your remarks about taking over the walkway and taking responsibility for closing it up?

Mr. Morris: The part about the water taking its natural course was Mr. Gallagher's statement based on his engineering expertise and the other statement about taking over the walkway was our own and simply means that we would assume responsibility for closing it, meaning that we would block off the walkway or take the necessary steps in ensuring proper closure.

Councillor MacKenzie: And in getting the cement out of there?

Mr. Morris: The only place the cement has to be removed is at the natural run-off at the bottom of the hill.

Councillor Margeson: Do you know if the people on the two sides of Evergreen Drive have difficulty with their homes the same as you do? Are you or your wife involved in any Scouts, Cubs or Girl Guide activities?

Mr. Morris: I don't know if those people have the same problems and no, we are not involved in those activities.

Councillor Poirier: I found this walkway was just as serious a problem because of the danger that existed there, as it was from a vandalism point of view. Would you show those picture you and Mr. Nagle have to the Councillors, so they can see for themselves just how bad it is?

Warden Lawrence: Mr. Morris, Mr. Nauss said there had been efforts at the Junior High School to discourage the students from loitering on the walkway, have you noticed any improvement at all in the last two to three months?

Mr. Morris: There has been some improvement in that the kids are not lingering in the area as they had previously but I have again been eyewitness to damage being done to the fence so the vandalism has not stopped.

This was the end of Mr. Morris's presentation; the next speaker in favour of closure of the Poplar Drive Walkway was Mr. Nagle, of 74 Poplar Drive, another abutting land owner.

Mr. Nagle: I live on the North East end of the walkway. These pictures which are being circulated will show you the flooding. Mr. Gallagher stated in his report that if the walkway was not there the flooding would have a natural run-off as it did before the walkway was put in. I am one of the original owners in Cole Harbour Acres. The hill was nonexistent when I moved in and was just under construction and I did not know the walkway was there. I may have bought anyway, but I did not, in fact, know the walkway was there at the time. Mr. Leighton's driveway was next to the walkway which was all dirt so I just took for granted that it was part of Mr. Leighton's driveway, although I have discovered that it does show up in my deed. Mr. Leighton cannot be here tonight as he is in Montreal on business.

One thing I would like to mention is lot value. Our lot value is nil and is of value to no one but ourselves. We cannot rebuild on it, all we can do is to reface it. There is also the water problem. I curbed most of my problems at a cost of \$1,800 to raise my land. There are 15 other houses which would have to spend two to three times that amount at today's prices to do the same thing. We have this problem winter and summer. I had the same problem as Mr. Morris with regard to insurance and damage to my swimming pool. The insurance would only pay if the pool was damaged beyond repair only once, which of course was not the case. If the walkways are part of a preplanned subdivison, I would just like to say that preplanning is a system that can break down. Also, there was a petition started; well, I think the people who signed that petition cannot see down the walkway. Many people will sign a petition just because someone asks them to. Most of people don't even live in that area. Mr. Henneberry who does live in the area is representing 100 people who signed a petition just because they were asked.

As far as closure of the walkway is concerned, I don't think anyone will be too inconvenienced because of an additional 4/10 of kilometer to walk to school. Also, the estimated cost to repair the walkway of \$5,000 was strictly for paving for the water damage and had nothing to

do with the 400 feet of steel fencing. If Forest Hills pays for it, then I have to pay for it, I would then be paying to keep the walkway as well as to push myself out of my own home, that does not make any sense.

We have been there for eight years and suffered constant abuse. We have done nothing to the children except to call their parents.

If we stay there and the walkway is closed down we will have to suffer for a few months more but if the walkway is not closed and we stay we will be suffering for as long as we stay. We like our homes and have done a lot of work on them and we would like to stay, but if the walkway is not closed we have already wasted eight years. We are trying to keep our families happy and keep our homes.

Councillor Lichter: Mr. Nagle, I think you have heard Mr. Settle indicate that when the walkway was put in there, they had done as good a job as they could with the drainage of water, considering the contour of the land and what they had to work with. Do you agree with that statement?

Mr. Nagle: Mr. Gallagher stated that if the walkway was not there, there would not be any problem.

Councillor Lichter: I am trying to establish that if anybody spends \$5,000, \$10,000 or \$50,000 will that solve the flooding problem, keeping vandalism aside from that?

Mr. Nagle: I imagine it can be done but as I am not an Engineer I cannot answer that question for sure.

Councillor Lichter: Well I understood Mr. Settle say that with what they had to work with that is all they could do, so I assume that it doesn't matter what amount of money we spend we cannot solve the flooding problem because we have no more to work with now then we did before.

Mr. Nagle: The hill has been refaced several times trying to curb the water and the developer couldn't do it.

Councillor MacDonald: In Sackville we have exactly the same problems, but they were solved to a great extent at the cost of around \$10,000.

Mr. Nagle: Looking at those pictures you will notice that on most of the hill the snow has completely disappeared but the walkway is completely covered.

Councillor MacDonald: Would a tunnel solve it?

Mr. Nagle: You have a good idea, but you have an idea to spend a fortune just so that children will not have to walk an extra 4/10 of a kilometer just to get to school. If you close the walkway it won't be missed for long. The kids going to that school now will be going on to high school shortly and the oncoming kids who did not enjoy the use of

the walkway will not miss it.

Councillor Eisenhauer: There are four houses abutting that walkway, why is there only three on your list of grievances?

Mr. Nagle: Mr. Morelli is from Uganda and he and his family do not speak very good English and don't associate very much with the neighbours. I do know that he had his house up for sale, which initiated us coming here, and once there was a motion to close the walkway he took his "FOR SALE" sign down. When the motion was rescinded his sign went back up and his house is presently still for sale. At the last meeting we had he did say he would help support us in any cost in closing the walkway.

Warden Lawrence: There is a letter on file from Mr. Morelli in 1979 saying that he would like a fence, also saying there was no damage, but asking for a fence nevertheless.

Mr. Meech: I can confirm that Mr. Morelli said he would have to move out if he didn't get a fence.

Councillor Gaetz: It looks to me like those pictures were taken under extreme weather conditions.

Mr. Nagle: No, if you will notice, on the pictures there is no snow on the hill, yet the walkways are filled. Those pictures were taken by Mr. Leighton's Lawyer as he was planning on suing the County, which was when we discovered that the County did not own the land. That was when we decided to wait and see what was going to happen here before taking any further action.

Councillor Gaetz: I have been down there and I noticed that there is a pipe along the side of the walkway.

Mr. Nagle: There is a pipe underneath the cement and we have ditches in the back of our yards, a natural channel that was carrying the water out right down to the end until they put the walkway in. Then the ditches just filled up and ran over.

Councillor Gaetz: Couldn't there have been ditches put in, similar to what you have on the side of the road, to pick that water up before it gets on to the cement.

Mr. Nagle: Mr. Settle and Mr. Gallagher did the best they could with it. They came up with a figure of \$5,000 not counting fencing and not counting the cost to dig up all that cement and tow it away.

Councillor Gaetz: Is that the cement on the walk itself or on the side. I was speaking about a ditch on each side to carry the water away.

Mr. Nagle: There is a ditch on one side of the walkway which you can't see in the pictures because it is full of ice and it certainly does not keep the water out.

Councillor Margeson: Was there a brook there where the walkway was put in originally and did they put the walkway across it? If you took the water off would it run onto someone else's land?

Mr. Nagle: No, there was never a brook there naturally, since I have been there, which is eight years and the water now runs onto everyone's land right on down the street.

Councillor Margeson: Are you interested and involved in Community programs?

Mr. Nagle: I am a Block Parent, Sir, and quite active in our immediate neighbourhood, though not in the Community as a whole.

Councillor Margeson: Is the walkway closed now?

Mr. Nagle: It was supposed to have been but the motion was rescinded before it got closed.

Councillor Williams: I am amazed that the decision was rescinded and I sympathize with you people. I was glad to hear you say that Mr. Nantes, your MLA, was going to put sidewalks in and I am sure this will compensate for any walkway.

Warden Lawrence: Have you noticed any difference in the hanging out situation among the teenagers in the walkway since the Junior High has been making an effort to control the children?

Mr. Nagle: I would say they are there for a shorter period of time and are moving on faster after school but there could be an incline after supper.

There being no more questions for Mr. Nagle, and no other speakers in favour of closure of the Walkway, the Public Part of the meeting was closed.

Councillor Stewart: It has been difficult for Mr. Morris, Leighton and Nagle although I am not sure how Mr. Morelli stands, though I don't see that the walkway has anything to do with his moving. I think there are two issues in this: one is the problem for the abutters and the other is the matter of walkways in relation to the community as a whole. I don't think you will ever be able to control vandalism entirely no matter what you do and I cannot recommend closure of this walkway though we should do something to address the problem. I don't think everyone was aware of the magnitude of the problem until tonight but the walkways are an integral part of the community. If the walkway was closed then other people downstream would be requesting closure of their own walkways. I have spoken to the Principal of the school and am happy to see the school working toward alleviating some of the problem, at least during school hours. I think the drainage problems will be there no matter what you do. They are a result of a lack of a proper maintenance program. Any expenditures necessary to improve this program as well as to put up proper heavy duty fencing, a bigger drainage pipe, and street lights would come out of the same fund which

was used to build the two walkways in the first place, Cole Harbour money. I just feel closing the walkway is not the answer.

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

"THAT this walkway be left open and that it be repaired as necessary with funds from Cole Harbour."

DISCUSSION OF MOTION

Councillor Stewart: If this motion passes then presumably at some date we would have to accept title to this land or even if we don't accept it, we built the walkways without owning them so I guess we can fix it without owning it.

Councillor Lichter: I also see two issues here: One, an issue of convenience and the other issue, the main issue, the hardships faced by the people living next door to the walkway. I hear from Mr. Settle who spoke in favour of keeping the walkway open, that the engineers have done the best they could possibly do with the contour of the land, so there is one thing we cannot solve no matter how hard we try and whose money we are spending. The vandalism as was pointed out is a long process of education which may never succeed, as it hasn't for eight years. We have here three maybe four people who could not sell their house today to anybody after the publicity this has received. I don't think that 4/10th of a kilometer is a hardship for anybody and I simply cannot support the motion.

Councillor MacKay: I wouldn't hesitate to close all my walkways when you think about all the problems there are for the abutting landowners. It is not just verbal abuse but physical abuse as well. Then there are the associated drainage problems. I think all walkways have to be considered on an individual basis; however, from listening to the problems and going over there to see the walkway on a number of occasions, I don't think there is anything that can be done from an engineering or a construction point of view, and because of the abuse the landowners have been subjected to and the devaluation of their homes, there is just no way I can vote in favour of the motion.

Deputy Warden Deveaux: It has not been determined in my estimation that anyone will be inconvenienced by closure of this walkway to the extent that the abutting landowners have been. As far as the petition goes: if it had been in favour of closure of the walkway I believe that some of the same people would have signed it any way. In answer to the question of setting a precedent; well, if any requests of a similar nature come forth we will have to deal with those concerns according to whatever problems are brought forward. If it causes more problems for the abutters, well they have accepted that and are willing to take care of the closure of the walkway as well. I don't think that walkways should be part of the planning of a community unless some form of protection can be established for the abutting residents or they can be situated far enough away from homes so as not to cause any disturbance. Also with sidewalks coming in downstream I can't see that

it will cause any great inconvenience to have this walkway closed down. Therefore, I cannot support the motion.

Councillor Eisenhower: I have heard two points: One, a construction problem. In future walkways should be much wider than this one. I do support walkways from a planning point of view. The second point: the problems these gentlemen who about the walkway, have had to face. Bearing this in mind, I cannot support the motion.

Councillor MacDonald: This problem has gone on for the last eight years and there doesn't seem to be anyway that this problem is going to be remedied so I must support closure of the walkway.

Councillor Topple: Forest Hills development is a well planned community. I would suggest that you will have a much worse problem for the abutters if you close the walkway because knowing the type of people you are dealing with here; they will make it so difficult that the abutters will have to move out. Vandalism is here to stay and you will not solve the problem by closing the walkway. That is the shortest route to the school and these people will continue to go through there. If you put up a fence to stop them, it will probably come down.

I think the walkway is an asset to that community. There are few sidewalks in that community and it was planned that these walkways would be the sidewalks. If you think about closing them, then you also have to think about providing sidewalks which will be a lot of dollars and cents.

I think the problem is one that should be addressed but not by closing the walkway. The matter should be dealt with by the police authorities. The school is working with the Residents Association to try and overcome this problem and I think they are achieving some success. It is an education problem and we have to get to the vandals and the parents in the interest of the community.

There is a drainage problem that can be rectified. This is the kind of thing they are looking for in future planning, that is why we are going the MDP route, to get a plan that the people want. It is difficult for some of the Rural Councillors who don't have those walkways to realize how important they are. They don't have the problem with young people that we have, or at least their problems are less visible.

It has been pointed out that we don't have the right to close a walkway that doesn't belong to us. I will support the motion because I think it is in the best interest of the community at large and I feel that if we address the vandal problem we will be doing more for everyone concerned.

Councillor Adams: I think the walkway is a necessary part of that community and spite of the vandalism it provides a necessary service. If the walkway is closed the vandalism will only shift to the far north end of Elm street and quite a few front and back yards in that area. I believe the problems can best be dealt with by the residents and the school authorities themselves. I have been made aware that the

problems are de-escalating at this point in time and I have also heard tonight that \$5,000 would improve the drainage. I support the walkway and the motion.

Councillor Williams: I think the abutters have gone through an extremely bad time with this walkway and I don't share the view that these people will have a worse problem if the walkway is closed. These Gentlemen have stated that they are willing to take whatever consequences come along and that all they want is to better conditions for themselves and their families. I don't feel this Council would be putting a hardship on anyone by forcing them to walk 4/10 of a kilometer around that corner. The site is a danger to children regardless of age and we have to think about that as well. If we had known at the time that there was no deed for those properties, the program would probably not have gone through. I can't support the motion.

Councillor McCabe: I feel sorry for both sides but am disturbed at the suggestion that we should be intimidated by vandals, that they are here to stay and that we are not subject to them in rural areas. I can't support the motion.

Councillor Gaetz: I agree with Councillor Topple's sentiments and would like to ask who will bear the expense of closure of the walkway if the motion is defeated? I certainly do support the motion.

Councillor Benjamin: I wanted to point out this is not closure of all walkways but a specific walkway that has a unique problem, flooding and vandalism. As well there is a question of ownership. I must vote against the motion.

Councillor Smith: It seems that most Councillors have addressed the problem of vandalism and neglected the issue of drainage. The walkway was put there with the good intention of helping the residents of the area but we see from these pictures, that in winter it is covered with snow and ice and with water and mud in the summer; I don't see where it is of any use and I would expect that any parent would be very upset to allow their children to walk through such a dangerous area. I would also like to say that we in the rural areas do have problems with youths congregating in certain areas. I sympathize with the Residents Association and the Public Participation Committee and know they are trying to plan for the future and I realize that walkways are important but looking at the matter, looking at what will be best for the future, looking at the expense of coming up with a solution and at the engineer's comments, I would vote against the motion.

Warden Lawrence: The motion as moved by Councillor Stewart and seconded by Councillor Adams, is:

"THAT the Poplar Drive Walkway be left open and be repaired as necessary with Municipal Incentive Grants designated for the Cole Harbour area."

Motion Defeated.

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

"THAT the Developer hand over the Poplar Drive Walkway to the abutting property owners and have the walkway officially closed down."

Motion Carried.

Mr. Cragg advised that the motion to close the walkway and have the developer hand it over to the abutting residents was in order.

Warden Lawrence thanked everyone who made a presentation and came to the Hearing and adjourned the Public Hearing at 10:30 P.M.

PUBLIC HEARING

MARCH 30, 1981

PRESENT WERE: Warden Lawrence, Chairman
Deputy Warden Deveaux
Councillor Baker
Councillor Poirier
Councillor Stewart
Councillor Gaetz
Councillor Smith
Councillor McCabe
Councillor Williams
Councillor Lichter
Councillor Benjamin
Councillor Margeson
Councillor MacKay
Councillor MacDonald
Councillor Wiseman

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk
Mr. R. Cragg, Solicitor
Mr. R. E. Gough, Planning & Development

SECRETARY: Christine Harvey

Warden Lawrence brought the Public Hearing to order at 7:10; the Public Hearing adjourned at 7:20 P.M.

Mr. Kelly then called the roll.

Warden Lawrence advised Council that this Hearing was in regard to a request to rezone: Lots A, 1, 2 & 3, Lands of Stuart Industries Limited, located at the intersection of Highway No. 2 and the Miller Lake Road in Fall River, Halifax County, District 14; FROM: G (General Building Zone); TO: I-1 (General Industrial Zone); Application Number 22-80, received October 10, 1980, report date February 18, 1981.

Mr. Gough, from the Planning & Development Department of the Municipality of the County of Halifax, outlined the report of staff regarding this rezoning application advising:

That the application for the rezoning amendment was advertised as prescribed under the terms of the Planning Act and no correspondence was received either in favour of or opposed to this amendment.

It is the staff's recommendation that this application to rezone the above mentioned lots to industrial be approved by County Council.

Background Information

An application has been received from Stuart Industries Ltd., requesting the rezoning of Lots A, 1, 2, & 3 of the Stuart Industry Subdivision, Fall River, from its present G (General Building Zone) to I-1 (Industrial General Zone).

Stuart Industries Ltd., which is located on the site, is a medium sized manufacturing firm whose operations include arc welding, machine work and metal fabrication such as truck bodies. The firm, established in 1954, employs approximately thirty people, most of whom reside in the Fall River area.

Stuart Industries has indicated that this rezoning request originated when it was discovered that the business has a non-conforming status due to the fact that District 14 falls under the Industrial Uses section of the Municipality's Zoning By-Law. A non-conforming use cannot expand or be replaced if destroyed by fire, etc., and although the company has no immediate plans to expand it has requested this rezoning in order to have the zoning of the property reflect the land use and to permit renovation or expansion when necessary.

Mr. Gough went on further to point out the location of Stuart Industries Ltd. and the Lots in question on a map.

Mr. Gough advised that this application had been sent to the Department of Transportation and they have advised that they have no objection to the above mentioned rezoning. However, if an expansion to the business were to be considered at some time in the future, application would have to be made and they would view the application at the time.

The Department of Health also advised that they have not received any complaints about the subject property and that they have no objections to rezoning at this time.

The Planning Department recommends the approval of the application by Council for the following reasons:

1. Stuart Industries Ltd. are a well established firm in the Community, having commenced operations in 1954. Since that time they have provided a steady source of employment for residents of the area and now employ approximately 30 people. No complaints have been lodged at the County offices regarding their operations and they have maintained good relations with their neighbours.

Stuart Industries Ltd. have in the past planted a number of trees which serve as a screen along their fence border facing Highway No. 2 and Miller Lake Road. In addition, in a letter on file at the Planning Office, the applicants have stated that "it is our intention to maintain a neat and respectable property by possibly planting more shrubbery etc., whereby it would blend in with our surrounding scenery."

2. There is an adequate buffer zone between the R-2 (Residential Two Family Dwelling Zone) located behind the property and Stuart Industries Ltd. in the form of a Nova Scotia Power Corporation right-of-way. The majority of those residents living adjacent to Stuart Industries Ltd. to the northwest are employed by or are connected with the business.

3. As previously mentioned Stuart Industries is presently a nonconforming use and therefore can neither expand nor replace destroyed structures. Although a rezoning would permit expansion, the area available at the site is limited and any expansion that could take place would also be limited. Thus, the primary purpose in recommending approval of this application is to allow Stuart Industries to become a conforming use and to undertake, if so desired, a limited expansion on the site.

Warden Lawrence: Are there any questions for Mr. Gough?

Hearing none, Council moved into the Public Hearing Proper.

No one spoke in favour or against the rezoning application.

Warden Lawrence: Hearing no comments on either side I am open to a motion on this rezoning application.

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

"THAT Lots A, 1, 2, & 3, Lands of Stuart Industries Limited, located at the intersection of Highway No. 2 and the Miller Lake Road, Fall River, Halifax Co., District 14, be rezoned from G (General Building Zone) to I-1 (General Industrial Zone)."
Motion Carried.

It was moved:

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

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