

The Deputy Warden then outlined to those present in the Council Chambers, the procedure which would be used for the Public Hearing; advising that a member of the Planning Staff would give a presentation on the application subject to questions from Council, subsequent to which speakers in favour and then speakers in opposition would be heard. Subsequent to this, the floor would be open to comments and a motion from Council.

ZONING APPLICATION # 15-81

Ms. Dorothy Smith of the Planning Department came forward at this point to outline to Council the request to zone Block E-9 and Lots 1139 to 1143 inclusive, located on Colby Drive and Hampton Green at Colby Village, Cole Harbour, District 7 from an unzoned status to TH (Townhouse) Zone.

Ms. Smith advised that the application had been duly advertised as per the provisions of the Planning Act and that one letter had been received in opposition to it, which would later be read to Council.

Ms. Smith advised that the application had been received from Clayton Developments Limited, requesting that Block E-9 (Colby Drive) and Lots 1139 to 1143 inclusive (Hampton Green) in Colby Village be zoned to TH (Townhouse) Zone.

The purpose of the request, as stated by Clayton Developments Limited, is to permit the eventual subdivision and sale of both sides of the approximately thirty semi-detached buildings that they plan to construct.

Ms. Smith advised that the present zoning (unzoned) of the properties in question permits the construction of semi-detached structures; TH (Townhouse) zoning is required to enable the developer to subdivide and sell separately the two units which will be located in each building.

With the use of an overhead projected map Ms. Smith described the surrounding area and the lots in question, advising:

"This particular zoning application covers two separate parcels of land totalling approximately 7.5 acres.

The first parcel Block E-9, is located on Colby Drive and when subdivision is complete will total approximately fifty (50) lots.

Block E-9 is bounded to the West by Afton Court along which are located semi-detached units. Directly across Colby Drive to the North from the parcel in question, are situated a number of Single Family Dwellings and Colby Village Elementary School.

To the East of Block E-9, Single Family Units line Colby Drive while to the South, lies raw land slated for future development.

The other parcel of land, Lots 1139 to 1143, for which TH (Townhouse) Zoning has been requested is located on Hampton Green.

This parcel, which will be eventually re-subdivided into ten lots, is bounded to the West and North by vacant land and to the East by Hollyoake Lane along which are situated Single Family Units.

Directly across Hampton Green from the area in question, lies a number of Single Family Dwellings and the point where Heathland Way, a street totally comprised of semi-detached units, accesses onto Hampton Green".

Ms. Smith then went into detail in regard to the present zoning advising:/ "Block E-9 is presently of an unzoned status as is surrounding land excepting property immediately to the West fronting on Afton Court which is zoned TH Zone.

Lots 1139 to 1143 are also of an unzoned status while property immediately to the west is zoned R-1 (Residential Single Family Dwelling) Zone. The zoning in effect to the Southwest is TH Zone while remaining property in the immediate area is unzoned."

Ms. Smith informed Council that as the parcels of land in question are located within a serviced area of the Municipality, the application was submitted to the Department of Public Works and Engineering, who advised: "There would be a total of 25 lots, i.e. 50 units. The proposed density of Block E is only about 23 per acre, which is higher than the design densities of the sanitary sewer. However, the overall density in that area would be within the design density. Therefore, there is no reason from Engineering and Works point of view why the rezoning approval cannot be given.... Lots 1139 to 1143 inclusive abut on Hampton Green. There would be a total of 5 lots and 10 units. Similarly, there is no reason from Engineering and Works point of view why the re-zoning approval cannot be given."

Ms. Smith then proceeded to outline the opinion of the Municipality's Planning and Development Department.

"Given that the surrounding land use of both parcels is residential - the proposed use of the property is of a residential nature - the requested zoning will permit only residential development; the purpose of the request is simply to allow the sale of both sides of semi-detached units (that can be constructed but not sold separately under the present zoning status) the Planning and Development Department recommends that this application be approved by County Council."

Ms. Smith advised that the Planning Department has had enquiries from many of the local residents who seem to be somewhat confused about the zoning requests. She reiterated the fact that the Developer can construct the Townhouse now, under the present zoning but, they cannot be subdivided and sold or rented separately with separate water and sewer hook-ups. With the requested zoning Townhouses can be semi-detached with separate water and sewer and can be sold; generally, she advised a home that is sold will be taken better care of and thus, will enhance the neighbourhood. She felt this proposed rezoning would benefit the neighbourhood and stressed, that the Developer was not requesting a status which would enable him to build "Row Housing".

Questions and Comment From Council

Councillor McInroy requested whether, if left unzoned (or general zoned) would the Developer then be permitted to construct "Row Housing".

Ms. Smith answered that he would not.

Councillor MacKay questioned why all the rest of the Land in Colby Village came to be zoned while these two parcels were left out. Ms. Smith advised him that there were large portions of Colby Village which were, as yet, unzoned and have been for years.

At this point in the meeting, Mr. Kelly read to Council the letter which had been written by some of the area residents in response to the Public Hearing advertisement, and which was in opposition to the proposed TH Zoning.

The letter stated that they were opposed to any zoning other than R-1 on the land in question for the following reasons:

1. "The natural flow of housing from Cumberland Drive to Heathland Way would indicate that R-1 zoning is appropriate for these lots;
2. There would be a "green belt" buffer zone between these lots and commercial property facing on Cole Harbour Road. There fore, no need exists to zone them other than R-1;
3. Zoning other than R-1 will promote high density problems such as severly increased traffic flow, increased pedestrian traffic, the possibility of increased vandalism all leading to a decrease in the value of existing properties;
4. Statements made to several residents by the developer of Colby Village at the time the residents purchased their homes, clearly indicated that Single Family Residences were to be built on these lots."

The letter concluded as follows: "We feel that any zoning other than R-1 on these properties prior to formal approval of the Municipal Development Plan, is inappropriate. .. It is our intention to make our view known to the committee currently studying the Municipal Development Plan."

The letter was signed by the following persons:

Mr. Donald and Mrs. Bernice Dawe, 120 Hampton Green.
Mr. & Mrs. G. S. MacLeod, 112 Hampton Green.
Mr. Robert G. Harris, 71 Hollyoake Lane.
Mr. Doug Rawle, 110 Hampton Green.
Mr. Stan and Mrs. Barb Riley, 108 Hampton Green.

The above named residents were in attendance in the Council Chambers.

Speakers in Favour of the Zoning Application

Mr. Mike Lawd, Clayton Developments Ltd.: Mr. Lawd advised: Lots 1139 to 1143 inclusive, as well as Block E-9 have been given final subdivision approvals for R-2 (Residential Two Family Dwellings). However, he advised that Clayton Developments did not want to proceed under the R-2 zone, as in that manner, one person may end up owning the whole structure, with one other family renting the other half, or you could end up with two renters. As well he substantiated Ms. Smith's statements in regard to the separate hook-ups for sewer and water, etc. He felt it would be a good idea to have Housing Units on the market in a good price range, which is not available, presently, in Colby Village.

He reminded Council that Clayton Developments had a Public Hearing in regard to these same lots, in 1977, at which time they had requested Commercial Zoning, which was turned down by Council. He proceeded to outline to Council the zoning of the surrounding areas and the structures built on these lands, as well as pointing out the Green Belt. He advised that he did not know why the residents have been expecting R-1 zoning in the area when it has been obvious all along that the area would be a mixture of Commercial and Residential Zoning.

In response to questioning from Councillor MacDonald, Mr. Lawd advised that the price range for this housing would be approximately the middle sixties.

There were no more Speakers in Favour of the Zoning Application.

Speakers in Opposition to the Zoning Application

Mr. Greg MacLeod, 112 Hampton Green, Colby Village: Mr. MacLeod was one of the residents who had signed the aforementioned letter in opposition to the zoning requests.

Mr. MacLeod reiterated the concerns of the residents expressed in that letter and further advised that when he had gone to purchase his home, he had asked the Developer point-blank, what type of dwellings or other structures would be built on the vacant properties. He had been advised that they would be single family dwellings. It was his contention that R-1 zoning would be the most appropriate zoning for lots 1139 to 1143 inclusive; it was his feeling that any other zoning would impair his property value and the properties up as far as Heathland Way. He advised that the Housing on the other side of the road up to Hollyoake Drive is all Single Family Residences and he felt the same would fit in with this area.

In regard to the comments by Clayton Developments Limited; that the Townhouses would provide a buffer between the Housing and the Commercial areas, it was his contention that the Green Belt that is already there, serves as an adequate buffer zone and no additional buffer is needed.

Councillor Margeson questioned whether the Planned Unit Development Plan called for any particular type of zoning and Mr. Lawd indicated his understanding that once the PUD is in effect all existing unzoned land will become R-1 and any requested development after that point in time would have to apply for a rezoning.

Councillor Eisenhower indicated that if the Developer could build his Townhouses under the present zoning, but they could be rented rather than owned; the Developer has, of his own free will, applied for a TH Zone status which would enable the units to be sold; it would seem to him, that the neighbourhood would be better off with the proposed zoning status than with the present status. He reiterated Ms. Smith's comments in regard to the fact that the owner of a home would generally take better care of it, than a renter, which would probably mean that the Townhouses under TH Zoning would lend themselves more aesthetically to the neighbourhood.

However, since the residents seemed to desire the R-1 Zone, Councillor Eisenhower questioned the Solicitor as to whether or not it would be legally possible to zone the Lots in question to that status this evening, when it had not been advertised that this would be a possibility.

The Solicitor advised that Council could make a more restrictive decision, but not one that would be less restrictive; in effect, Council could, if it desired, zone the lots to the R-1 Zone. However, there were also other options; 1) Council could deal with the application in its present form and reject it, leaving the property in its present status, 2) Council could reject part of the application, and rezone either Block E-9 or Lots 1139 - 1143, or approve the whole application; 3) or zone to a more restrictive status.

At this point in the meeting, Mr. MacLeod was requested by Councillor Lichter, to go to the map and point out exactly where he lived. Also, upon the request of Deputy Warden Deveaux, Mr. MacLeod pointed out where the other persons who had signed the letter lived.

In response to further questioning from Councillor Lichter, Mr. MacLeod advised that he had resided there since September of 1980, at which time there were Townhouses on Hampton Green.

Councillor Lichter then questioned, how Mr. MacLeod could have stated that he had been given the impression by the Developer, that the surrounding area would be all Single Family Dwellings when there were Townhouses already constructed on Hampton Green.

However, Mr. MacLeod replied that he and his wife had made that request to the Developer, as there was still a good deal of vacant land there and after hearing about the recent Public Hearings in 1977 which requested Commercial Zoning, they had wanted to protect themselves against any other uncomplimentary zoning.

There were no more questions for Mr. MacLeod

Mr. Sheldon Hawes, 115 Henneberry Lane: Mr. Hawes advised that, if the Residents only had a choice between zoning the area to a status which would allow the Townhouses to be semi-detached and sold, as opposed to a status which would allow them to be rented only, then it was his feeling that the residents would prefer the TH zoning. Otherwise, they would desire the area to be zoned R-1 only.

Councillor Toppie made the point that the Developer was not required to come here this evening and apply for the rezoning. He advised that the townhouses could have been constructed under the present zoning, but he has only come forward at this time, to clear up the situation, when he could have waited to be certain that his Townhouses were in and come back to Council when it would be safe to request the rezoning as Council would not likely reject it when a lot of money and work had already gone into the project.

Mr. Hawes advised that the only point he was trying to make was that the Residents were attempting to obtain some protection against any development other than R-1; Residential Single Family Dwellings.

This brought the conversation back to the more and less restrictive options that Council would have in zoning the area to another status, other than TH. This issue was discussed at length and it was determined that Council, could, if it so desired zone the area to R-1.

Councillor Margeson questioned whether Mr. Hawes had taken an active part in his Public Participation Committee and was advised by Mr. Hawes, that he was indeed a member of this Committee. He also advised that this particular issue had not been discussed at length, at that Committee level, as it was a relatively new issue. It has, however, been discussed more recently, since the Public Hearing has been advertised.

Mr. Hawes also advised, in response to a question from Councillor Margeson, that he had lived in the area for three years.

Councillor MacKay questioned Mr. Hawes, in regard to a statement he had made earlier in his presentation, in which he had suggested another area, presently zoned R-1 which would be a more logical area to build Townhouses. Mr. Hawes went to the map and pointed out this area.

Mr. Hawes advised that the owner of the property in question was also Clayton Developments and advised that their plans for this property would be to construct Townhouses or something similar and further advised that Clayton Developments would be presenting to the PPC Committee the Master Plan for this proposal, on the following day. Therefore, it would be premature to discuss this particular development at the present time, as the residents have not yet had an opportunity to review the proposal.

Councillor MacKay advised Mr. Hawes along the same lines as Councillor Toppie had previously, explaining that the Townhouses could be constructed under the present zoning and he pointed out as well that the Developer has already been given subdivision approval.

Councillor MacKay also pointed out that the Developer has already made a large financial commitment in the land at the present time and he felt that if Development is stopped at this stage, the Developer would have to go to someone to recoup his losses.

Councillor MacKay then questioned the Solicitor as to whether the Developer could legally come back and try to recoup his financial losses from the Municipality, to which the Solicitor replied that he did not think either the Municipality or the Residents Association could be made to bear the brunt of such a large financial burden, unless it could be proven that some kind of negligence had taken place on the part of the residents or the Municipality in zoning the property to status which was not usable for the Developer.

Councillor MacDonald questioned whether the Townhouses on Linden Court and Heathland Way were owned or rented and was advised by Mr. Hawes that they were owned.

Councillor MacDonald then questioned whether the residents had experienced any problems with the people living in the Townhouses and he was advised that no problems whatever were experienced.

Councillor McInroy clarified some confusion in regard to the Semi Detached units on Linden Court, advising that they were not part of Colby Village but that they are on the other side of Cole Harbour Road. Also he indicated his understanding that building permits had already been granted to the Developer for the Semi Detached Units which were being proposed this evening.

Mr. Gough of the Planning Department advised that building permits have not been issued but subdivision approval has.

Councillor McInroy then questioned what would happen if subsequent to these subdivision approvals, the land was downgraded or zoned to a more restrictive nature to exclude the possibility of the Townhouses being constructed. He requested whether the Municipality's options included zoning the area to R-1.

Solicitor Cragg advised the Councillor that subdivision approval means that the Developer has approval to divide the land into 6,000 sq. ft. lots. At present duplexes can be built on these lots and can be entirely rented out, which is not what the residents want. The applicant proposes putting up Townhouses on these lots which means each lot will have 2,000 sq. ft. more than what is actually required; each side of these Townhouses would have separate sewer connections and be owner occupied. He further explained that except for the fact that they will be fixed together they are in fact single family houses.

There were no further questions for Mr. Hawes.

Mrs. Jennifer MacLeod, 112 Hampton Green: Mrs. MacLeod came forward to re-emphasize that when she and her husband had purchased their lots they had asked the Developer point-blank what kind of development would be taking place in the area, to which he had replied it would be Single Family Dwellings only. She then went to the map on the wall and pointed out the location of her home, as her husband had done earlier and pointed out all the different types of development in the surrounding area. She also substantiated her husband's statements in regard to the lack of necessity for another buffer zone, as there was already a natural "Green Belt" buffer zone between the residential area and the Commercial Area bordering the Cole Harbour Road.

Deputy Warden Deveaux indicated that it was unfortunate that Council did not have any evidence of a written statement, from the Developer, advising of his intention to build residentially only.

Mrs. MacLeod also pointed out that the children who will be eventually living in the Developer's Townhouses will be attending Caldwell Road School and would have to cross through the backyard of those people in her area in order to get to school.

Councillor Margeson requested whether Mrs. MacLeod was on the Public Participation Committee for her area and was advised that she was not on the Committee, explaining that she and her husband had only moved to the area a year ago.

Councillor Tople felt that there should not be much emphasis put on the PPC Committee as these Committees have no effect on planning as yet and cannot prevent something from happening in the Community. He advised that the mandate of that Committee is not to change existing zoning; that is a role it will have input into, in the future.

Councillor Tople then questioned Mrs. MacLeod as to whether she was confusing Townhouses with Row Housing, to which she replied she was not. She realized that they would be semi-detached houses, one on each lot and she was objecting to that.

Councillor Tople pointed out that the Townhouses are a good form of affordable housing, to which Mrs. MacLeod replied that Colby Village was not a difficult area in which to sell homes.

Councillor Poirier indicated that, in her view, the Developer should be commended because he has the residents interests at heart, in trying to ensure that the Townhouses will be owner-occupied rather than rented out; especially since he can build the Townhouses anyway, under the present zoning. She also pointed out that there is a great shortage of affordable housing available and she also indicated that Townhouses fit in quite well with single family homes in all the cities. She did not feel they would be difficult to live in or live beside.

Mrs. MacLeod advised that she and the residents who signed the letter which had been read tonight, are hoping that Council will defer the zoning application until the MDP plan is implemented.

Ms. Smith of the Planning Department advised, at this time, that the zoning application, because of the MDP, was forwarded to the PPC who had no objection to it.

There were no more questions for Mrs. MacLeod.

Mr. Ken Robb, Caldwell Road: Mr. Robb advised that he had been a resident of the Caldwell Road area for 24 years. He made it clear to Council that he was opposed to any zoning other than R-1, due to the overcrowding of highways, schools and especially the overloading put on sewage systems. He felt it was ludicrous that the County was still using general zoning and advised that all lands in the County should be zoned R-1, with any intrusion into that zoning, requiring a subsequent Rezoning Public Hearing. He was extremely concerned that the County was ignoring the problems it already has with regard to the overcrowding of schools and sewer systems and that the County was willing to overburden these systems even more by building so many new homes on such a small parcel of land.

Mr. Robb engaged in heated conversation with several Councillors over the above-mentioned issues for quite some time. It was pointed out to him that the Engineering Department had approved of this proposal and although he had some knowledge as a surveyor, the County could not ignore the advice of its own knowledgeable Engineers.

Councillor Margeson questioned whether it would be possible to defer the decision of this Public Hearing, subsequent to the upcoming Cole Harbour PPC Meeting.

Solicitor Cragg advised that it was possible but it was his suggestion that it be dealt with expeditiously this evening, as the Planning Appeal Board would be surprised that it had not been dealt with, since it was such a straight forward application.

Councillor Poirier pointed out that the matter had already gone through the appropriate Public Participation Committee who had approved of it.

Councillor Lichter, however, was in agreement with Mr. Robb, in regard to the overburden of the Sewer Systems. He quoted from the Planning Department Report, "The proposed density of Block E is only about 23 per acre,..." Councillor Lichter spoke on the issue further, advising that this problem should have been taken in hand many years ago, but since it hasn't is no reason to continue to make errors in planning.

There were no more questions for Mr. Robb, and no more speakers in opposition to the zoning application.

Comments and Motion From Council

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

"THAT Lot E-9 and Lots 1139 to 1143 inclusive, located on Colby Drive and Hampton Green at Colby Village, Cole Harbour, District 7, be rezoned from an unzoned general status to an R-1 Status."
Motion Defeated.

Councillors Topple, MacKay and Eisenhower spoke in opposition to the motion, in light of the expense incurred by the Developer in the development to this point; in regard to the expense incurred by requesting, in the first place, a Public Hearing for a rezoning which he did not require, to go ahead with his project.

Councillor Lichter, then suggested that, as in the case of Big Acres Subdivision, in which the Municipality paid for the rezoning Hearing, the Municipality could reimburse the Developer for money spent on the Hearing tonight.

Councillor Benjamin advised that he had seconded the motion, because Council is always requesting Public input; he advised that tonight Council has heard an example of public input on the part of those people opposed to the application.

Councillor McInroy could not support the motion on the floor because he was only certain of his decision for one of the parcels in question and would need further public input to make a decision on the best zoning suited to the upper portion of land in question.

Councillor Poirier was also strongly opposed to the motion on the floor, while Councillor Smith, subsequent to receiving further clarification, also advised that she would have to vote against the motion.

Councillor Gaetz was opposed to the motion, based on the fact that the application had been forwarded to the Executive of the Public Participation Committee, who had not voiced any objection to it.

Subsequent to the above comments from Council, the motion as put forth by Councillors Lichter and Benjamin was defeated.

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

"THAT the request to zone Block E-9 and Lots 1139 to 1143 inclusive, located on Colby Drive and Hampton Green at Colby Village, Cole Harbour, District 7, to TH (Townhouse) Zone, be approved by Municipal Council."
Motion Carried.

Councillor Lichter spoke in opposition to the motion, pointing out that in some cases even 10 acre lots are not approved in Rural areas, for one home; while in this case the Council is approving of 60 homes on a total of 7.5 acres.

ADJOURNMENT

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

"THAT the Public Hearing adjourn."
Motion Carried.

Therefore, the Public Hearing adjourned at 9:30 P.M.

COMMITTEE OF THE WHOLE MEETING

OCTOBER 28, 1981

PRESENT WERE: Deputy Warden Deveaux
Councillor Williams
Councillor Poirier
Councillor Baker
Councillor Topple
Councillor Adams
Councillor Gaetz
Councillor Smith
Councillor Lichter
Councillor Benjamin
Councillor Margeson
Councillor MacKay
Councillor Eisenhower
Councillor MacDonald
Councillor Wiseman

ALSO PRESENT: Jim Henneberry, P.P.C. Chairman, Cole Harbour
Paul Hyland, P.P.C. Chairman, Sackville
Ray MacGillivray, P.P.C. Chairman, Timberlea-Lakeside
Elizabeth Kwindt, P.P.C. Chairman, Cow Bay
Mr. Lucas, P.P.C. Chairman, Eastern Passage
Mr. Keith Birch, Chief of Planning & Development
Mr. Bill Campbell, Planning Department
Ms. Valerie Spencer, Planning Department
Mr. Glen Robertson, Planning Department
Mr. Chris Reddy, Planning Department

SECRETARY: Mrs. Kay Beazley

Deputy Warden Deveaux called the meeting to order at 7:15 p.m.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Mrs. Kay Beazley be appointed recording secretary."
Motion Carried.

DISCUSSION RE CHAIRMAN OF P.P.C.'s

Councillor Topple wished to clarify whether or not the P.P.C. Chairmen for the respective committees would be free to speak at the meeting as the meeting had been called as a Committee of the Whole meeting.

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

"THAT the Chairmen for the P.P.C.'s be permitted to take part in the meeting."

Motion Carried.

URBAN MUNICIPAL PLANNING UPDATE, REPORT OF THE MUNICIPAL DEVELOPMENT PLAN COMMITTEE TO COMMITTEE OF THE WHOLE

It was agreed that since the members of Council present were basically members of the Municipal Development Plan Committee there would be little point in discussing the above report in detail.

Mr. Campbell advised that there are a few points in the report which should be gone through. He mentioned that one item in Councillor Topple's report which should be dealt with is whether or not detailed presentations on the Municipal Development Plan's should be given to Council.

Councillor Topple advised that some sort of detailed presentations of areas concerned should be given to Council on the four plans as there are significant differences.

Councillor Benjamin asked what the procedure would be with respect to public hearings, advertising of maps, etc. He felt there should be an avenue for greater public Participation by the entire communities.

Subsequent to discussion, it was moved by Councillor Lichter, seconded by Councillor Benjamin:

"THAT detailed presentations of the four draft plans be made to Council at the next regular session of Council."

Motion Carried.

Mr. Campbell outlined the format that would be followed during the next few months. The format is as follows:

1. Detailed presentations be given to Council by the P.P.C.'s Chairmen.
2. Staff, Department of Municipal Affairs and P.P.C.'s Chairmen review and co-ordinate documents to ensure everything is correct and there are as few omissions as possible. (to ensure documents are legally sound)
3. In January bring documents forward to Council for their review, bring the final draft to Council in January for Council to give intention to adopt and set a date for a public hearing.

Councillor MacKay expressed concern that the original target date of November or December will now be sometime in March or April. He felt that time is of the essence and any delays could be detrimental to the plan. Other Councillors also expressed concern with the time frame.

Mr. Campbell advised the members that the plans are still substantially on schedule. However, he pointed out that it is essential for staff to review and co-ordinate the four plans. He added that the substance of the documents would not be changed.

Mr. Birch explained that from a staff point of view as far as administration of the plans is concerned it is imperative to have the plans in as best shape as possible. Any policies which are made must be understandable to the people who administer them.

Ms. Spencer explained that the purpose of pulling the plans together is that other agencies will be using them and therefore these people must be comfortable with the documents in order to use them efficiently. They should be asked to learn only one new system.

Councillor Wiseman expressed concern that in dealing with four or five different areas is it not possible to generalize. She added that if this was the case then there had been no point in creating individual documents.

A great deal of concern was raised by other members of the Committee that the individuality of the plans would be lost if staff tried to make the plans the same.

Mr. Birch explained the object is to have similar terminology in the documents. He ensured that the individuality of the plans would not be sacrificed for conformity. He added that he could not give a specific time frame when this would be completed.

Subsequent to further discussion on this matter Mr. Campbell clarified that staff is speaking of grouping plans only from an administrative point of view. He stressed that staff wish to ensure that all four documents are consistent in terminology and it is not the intent to change policies. He used the Zoning By-Laws as an example and explained that the Zoning By-laws must have the same format, headings, etc.

Mr. MacGillivray asked if the same wording would be kept in the Lake Major Plan as the four Municipal Development Plans.

Mr. Campbell replied that in some cases it would be and in others it would not. He explained that staff learn from going through a process and therefore improve on it.

Councillor MacDonald asked if each district would be dealt with individually at the same time of the public hearing and Mr. Campbell replied that this would be the case, however, he pointed out that staff would like to be satisfied with all the documents together.

Councillor Eisenhauer expressed concern that 80,000 sq. ft. is required in the Timberlea area for lot approval while in other areas lots are created with lesser amounts of land. He referred to an area between Sackville and Timberlea where there is a fair amount of rock formation and problems with water.

Mr. Birch advised that those policies have been selected by the individual areas and have not been suggested or recommended by staff so if a plan is being done in that particular area it would depend on what the people of the area want as to the appropriate lot size for the area.

Councillor Eisenhauer had major concerns with respect to well and septic tank developments.

Mr. Campbell advised that staff have recognized this problem and a policy should be included in the MDP stating Council may want to make amendments at any time that policies conflict.

Councillor Benjamin reminded members that regulations for Health are standard across the country regardless of the restrictions of any given area and could go down to 20,000 sq. ft. per lot providing all factors are satisfactory.

Mr. Birch commented that lot sizes cannot be recommended that are less than Provincial Health regulations.

A further discussion took place with respect to this matter.

Councillor Smith felt that if the Committee were to accomplish anything at the meeting then they should move on to the implementation sections of the plans.

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

"THAT the Committee move to the implementation sections of the plans."

Mr. Campbell reminded the Committee that if they were to keep within the time frame for the meeting it would not be possible to deal with this item this evening. He felt this would better be left to an entire session.

After discussion on this matter Councillor Smith withdrew the above motion.

Councillor Lichter said there is still considerable work to be done with respect to Zoning By-laws etc. He pointed out that the four plans being discussed will have no effect whatsoever on the other plans which will be worked on at a later date being the fringe and rural areas. Councillor Lichter went on to say that the Regional Development Plan had been designed basically to concentrate population close to the metro area and restrictions in the outlying areas were put on to make it more difficult and less desirable to live in those areas. He was concerned with what will take place when the time comes for the fringe areas and the rural areas to develop plans. He did not feel that the rural areas are going to agree with 80,000 sq. ft. per lot. He was concerned that the Regional Development Plan would not permit these areas to develop their own plans in respect to lot sizes etc. He

added that he would like a clear cut indication from the Department of Municipal Affairs stating the rural areas will be permitted to develop their own plans.

Mr. Campbell advised there is a letter on file from the Minister of Municipal Affairs indicating that this will be the case and said he would bring the letter forward for the members of the Committee.

Deputy Warden Deveaux suggested that if members wished to pursue this matter it could be brought up at the next regular session of Council.

Councillor Gaetz advised he had read an article in the Free Press that Alderman Hart in Dartmouth is pressing the Minister of Municipal Affairs to implement the Regional Development Plan in the Lawrencetown area to restrict building in that area until land in Dartmouth is developed. He did not think it was fair for an Alderman in Dartmouth to make reference to restricting development in his district just to further development in Dartmouth.

Mr. Birch advised that he had spoken to the Director of Planning and Development in Dartmouth and had been informed that the Alderman is under misapprehension.

DISCUSSION RE BUDGET FOR MUNICIPAL DEVELOPMENT PLAN

Mr. Birch made reference to the report and advised that expenditures are listed last year to December 31 and from January 1 to September 30 which is the last figure received from the Finance Department. This figure is a total of \$346,000.00 and covers all the woework that the #346,000.00 and covers all the work that the Policy Section does and not only work done on the Municipal Development Plan.

He explained that specific hours spent on the Municipal Development Plan by staff have not been identified, although the majority of their time is spent on this matter. He added that the budget is supported 50% by the Province.

Mr. Birch said the total amount is not committed to the Municipal Development Plan and some staff time is spent on other projects. Mr. Birch added that this is common to other municipalities.

Mr. Campbell outlined the other general projects as follows:

1. Special Rural Task Force
2. Regional Development Plan Review
3. Annexation Reports
4. Musquodoboit Railway Lines Commission
5. Mapping Services
6. Sackville Mainstreet
7. Rivers Advisory Board
8. Lake Major Plan
9. Urban Study
10. Millwood
11. Private Roads Report

Councillor Wiseman was concerned that these projects are included under the MDP budget from which the County receives 50% cost sharing by the Province.

Discussion followed respecting this matter and concern was raised by other members that the County is taking advantage of the 50% cost sharing by the Province to cover other projects.

Mr. Birch ensured that the County of Halifax is not doing anything which is not practiced by other Municipalities.

Councillor Smith pointed out the end result is that these projects are indirectly related to the Municipal developemnt Plan.

It was also pointed out that it had been the Province who had requested a Municipal Development Plan.

Councillor Wiseman was concerned that an actual figure had not been forwarded dealing specifically with expenditures for the Municipal Development Plan.

Mr. Birch felt that there was nothing wrong with utilizing the expertise in the Policy Section for other matters. He added that to extract what is being spent on the Municipal Development Plan would require an expenditure of further funds in staff keeping track of every minute of their day. He further added that the true cost of the MDP would be close to 75% of the total figure.

Councillor Wiseman asked how Council could explain to the public that the budget was over without saying other projects had been included in the expenditures.

Mr. Campbell advised that the budget is under for this year as the total figure reflects a two year period.

Mr. Birch then explained the work of the Policy Section and the Planning and Development section and the transfer of workload between the two sections.

Considerable discussion took place with respect to the budget and it was agreed that a detailed budget be brought forward to the Committee.

SUMMARY OF MEETING

Mr. Campbell summarized the meeting as follows:

1. That the aforementioned report be forwarded to Council with a recommendation that Council hold separate meetings with detailed presentations on the four Municipal Development Plans.
2. That in the final review by staff the substance of the documents not be changed.
3. On November 2, 1981 members will continue with the implementation sections of the plans.

4. Public Participation Committees (P.P.C.) and MDP Committee continue with scheduled meetings which are for the most part in November and beginning of December.
5. Final draft will go to Council in the new year. (January)
6. Staff bring back letter from the Minister of Municipal Affairs respecting the terms of the individual plans for individual areas.
7. Bring back detailed budget for the Municipal Development Plan process.

Councillor Benjamin asked if the P.P.C. chairmen would be paid for this evening's meeting and Deputy Warden Deveaux said he would look into this matter.

Councillor Lichter advised that he would like to have the Municipal Development Plan Committee review the draft Zoning By-Laws.

ADJOURNMENT

It was moved by Councillor Gaetz:

"THAT the meeting adjourn."
Motion Carried.

The meeting adjourned at 9:50 p.m.

MINUTES & REPORTS

OF THE

THIRD YEAR MEETINGS

OF THE

FORTIETH COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

NOVEMBER COUNCIL SESSION

TUESDAY, NOVEMBER 3 and 17, 1981

November Council Session - 1981

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REGULAR COUNCIL SESSION

NOVEMBER 3, 1981

PRESENT WERE: Warden Lawrence, Chairman
Councillor Walker
Councillor Poirier
Councillor Williams
Councillor Baker
Deputy Warden Deveaux
Councillor McInroy
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

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
Mr. G. J. Kelly, Municipal Clerk
Mr. Robert Cragg, Municipal Solicitor
Mr. John Markesino, Co-Ordinator of Recreation
Mr. Ed Wdowiak, Director of Engineering and Works
Mr. Keith Birch, Chief of Planning and Development
Mr. Douglas Harlow, Ferguson's Cove

SECRETARY: Christine Harvey

OPENING OF COUNCIL - ROLL CALL

Warden Lawrence opened the Council Session at 2:05 P.M. with the Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Christine E. Harvey be appointed Recording Secretary."
Motion Carried.

PLANNING ADVISORY COMMITTEE REPORT - (PUBLIC HEARING)

It was agreed by Council that the PAC Report would be received at this time in order to deal with the first item included in that Report; Public Hearing, Re: Undersized Lot CB1, Lands of Douglas and Hazel Harlow, located at Ferguson's Cove, District 5.

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

"THAT the Planning Advisory Committee Report be received."
Motion Carried.

Public Hearing

Warden Lawrence outlined the procedure to be used for the Public Hearing, subsequent to which Mr. Birch spoke briefly on the application advising that the information contained within his Report in the agenda was self-explanatory. The information in the PAC Report was as follows:

"...Your Planning Advisory Committee has reviewed the above-noted application and is recommending that subdivision approval be granted since the lot meets the requirements of the Nova Scotia Department of Transportation, and Department of Health and does not require a Regional Development Permit since there is an existing structure on the lot.

The undersized lot CB1 has a frontage of 51.97 feet on Highway No. 253 (main road between Herring Cove and Purcell's Cove) with a dwelling located on the lot and a total area of 1.064 acres.

The application is supported by information from the Harlow's attending physician advising of hardship due to medical problems, solicitor's letter and sketch attached." (Please see the attachments for further detail and clarification)

There were no questions from Council for Mr. Birch.

Speakers in Favour of the Request for Subdivision Approval

Mr. Douglas Harlow, Ferguson's Cove: Mr. Harlow advised that although he had outlined in his letter, the reasons why he is requesting subdivision approval, he would like to elaborate on that information. He advised that he and his wife and family are living on the lot in question now in Ferguson's Cove and would like to remain there. However, due to Health problems they find that they must make arrangements to become independant of employment, and to do that, they cannot remain in the present dwelling, but require a smaller home, which they would like to build on the same lot. Therefore, they are requesting that the lot be subdivided so that they may sell their present dwelling and the land surrounding it and build a smaller home on the remaining land.

Mr. Harlow requested that Municipal Council support his application.

Councillor Baker requested clarification from Mr. Harlow in regard to the exact location of the lot in question. Upon receiving this information, Councillor Baker informed Council that a petition had been circulated in the area and the majority of the residents were in favour of the requested subdivision approval, there being only one person opposed to it.

There were no more questions from Council for Mr. Harlow.

Speakers in Opposition to the Request for Subdivision Approval

None.

Comments and Motion From Council

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

"THAT Subdivision Approval be granted for Lot CB1, lands of Douglas and Hazel Harlow located at Ferguson's Cove, District 5."
Motion Carried.

Mr. Harlow retired from the Council Session.

APPROVAL OF MINUTES

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

"THAT the minutes of the September 28, 1981 and the October 5, 1981 Public Hearings as well as the minutes of the October 20, 1981 Regular Council Session, be approved."
Motion Carried.

LETTERS AND CORRESPONDENCE

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

"THAT the Letters and Correspondence be received."
Motion Carried.

Letter From Minister of Lands and Forests

A letter had been received from the Minister of the Department of Lands and Forests acknowledging the Municipality's letter requesting that some controls be implemented to regulate the Black Bear population.

The letter informed that: "...Today the bounty system has been practically eliminated in North America and the black bear is regarded as an important component of the wildlife community. Thus some protection is afforded through designation of seasons for hunting and trapping....While clearly defined solutions to black bear problems, have not been developed anywhere, it is important that property owners

make a sincere attempt to ensure that crops and livestock are more difficult for animals to obtain than their natural food items...In terms of managing the black bear, the Department has one technician assigned in each of the twenty forest districts to handle nuisance wildlife problems. They are responsible for investigating all black bear complaints and to decide which action to take which may include the use of traps, snares, etc. In some instances staff become fully involved with the stalking and capture of nuisance bears...Although the black bear is listed as being protected it should be noted that existing regulations are very lenient. Provisions are made for a hunting season of one month duration; a trapping season encompassing a three month period; no bag limit; a property owner may kill a black bear at any time if such animal is doing or about to do damage...the value of this animal ...is significant. This...in combination with the role of the black bear in the natural system make it important that this species be recognized and managed as an important component of the wildlife scene in this Province. ...It is encouraging to note staff reports from Eastern Halifax County indicate the lowest number of bear problems in many years."

This letter seemed to address itself to all the concerns expressed by Council during its previous discussion of the issue; however, Councillor MacKenzie was not satisfied with the response received. He quoted from the letter, "...indicate the lowest number of bear problems in many years." He advised Council that he had received many reports from his residents, to the contrary and voiced his opinion that something would eventually have to be done, at such time as a life is lost or such other equally serious damage is caused by these animals.

Letter From the Minister of Transportation

A letter had been received from the Minister of Transportation in regard to the Municipality's letter of September 14, 1981 regarding Planned Unit Developments and Cottage Developments under the Planned Unit Development Agreements.

The letter advised that: "The Department of Transportation's policy regarding Cottage Subdivisions is that they shall be treated the same as any other Subdivision."

The letter also advised that the Deputy Minister of Transportation has proposed two alternatives addressing the problem of private subdivisions, for consideration by the Municipality. These suggestions, however, were put forward for discussion only and were as follows:

1. "Alternative One requires the alignment and sufficient right of way for future development be approved by the Department of Transportation, and the (b) part of that alternative was that if at somepoint in the future a request, concurred in by the Municipality, is received by the Department of Transportation to list the roads as public highways then the Municipality would at that time accept responsibility to insure the roads in question are upgraded to D.O.T.'s

requirements. Following the upgrading and transfer of right-of-way, the roads could be taken over by the Department of Transportation and maintained as Provincial highways.

2. The second alternative suggested that in the event the Municipality wished to allow private subdivisions to develop, the Municipality would list and maintain the roads as Municipal roads, and these would then be separate from the Provincial highway system."

As this item was closely related to an item to be brought forward in the Planning Advisory Committee Report, it was agreed that there would be little discussion of the letter at this time.

Councillor Lichter, however, did indicate his satisfaction with the fact that the Minister had included several proposed alternatives.

Letter From Minister of Transportation, Re: Unpotable Water

This letter was received as a supplementary item of correspondence and was from the Minister of Transportation concerning complaints received with respect to alleged arsenic contamination.

The main body of the letter was as follows: "In order that there should be no misunderstanding with respect to Government's position in this regard, it bears repeating. The Government has by Special Order in Council made provision to cost share on a 50-50 basis, funds required to provide potable water to those persons whose wells are affected by toxic mineral contamination. The Municipality, in turn, may elect to cost share with the homeowner, absorb the costs entirely, or bill the homeowner in its discretion."

The Minister indicated in the letter that Council should be fully aware of this Government policy as a result of the situation in Waverley and in Harrietsfield. He further indicated that this same cost-sharing formula applied in all areas of the Province and is still in effect; he was therefore, at a loss to see the need for a meeting between himself, the Minister of Health and Representatives from the Municipality, seeing this as an exercise in futility.

He requested that he be advised of the difficulties foreseen by the Municipality in that regard.

In discussion of this letter several Councillors expressed concern that the 50-50 cost sharing information came to them from the Minister of Transportation rather than the Minister of Health.

Also discussed was, whether or not to proceed with the scheduled meeting with the Minister of Health on November the 18th. As the Councillors were not able to come to a firm decision in this respect:

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

"THAT this supplementary correspondence received from the Minister of Transportation, in regard to cost-sharing for the supply of potable water, be referred to the Policy Committee."
Motion Carried.

MEETING WITH DEPARTMENT HEADS

Mr. John Markesino, Co-Ordinator of Recreation

Mr. Markesino had no Report to put forward to Council but advised that he would be pleased to answer any questions Council may have.

Councillor Wiseman questioned Mr. Markesino in regard to the Federal "Summer Grant" money which the Municipality requested to implement summer programs throughout the Municipality.

She was advised that the Municipality had received \$40,000 Federal Grant money for the Eastern Shore area of the County and none for the area of Sackville or Districts 1, 2, 3, 4 and 5. He explained that the normal procedure in requesting a grant would be for the three constituencies to apply separately but what happens is that the two MLA's in the Eastern Districts get together in making their request. He further advised that he is hoping, this year, to get the MLA's from all three constituencies together on the request. Steps have already been taken in requesting the MLA's to get together in this regard and Mr. Markesino advised that he was hoping to hear back by the 20th of November, in that respect.

He also advised that the Municipality has applied for "Winter Grant" funding to implement programs for the Disabled and Tourism.

Council discussed briefly the reason why funding was received in the Eastern Shore area only; it was determined that it had a good deal to do with the relationship between the Hon. Howard Crosby, M.P., and the Municipality. Mr. Markesino advised that he was loath to enter into discussions with this man again, in regard to grants.

He also advised that in the Eastern Shore area the people in the Manpower and Immigration Department handle the distribution of the Grants while in the Halifax West constituency it is Mr. Crosby who handles it, through his own chosen people.

Mr. Meech advised that there was money from the grant program going into that constituency, but it is being channelled in a different manner. He advised that there is provision under that program to allow each MP to establish an Advisory Committee in terms of putting forward suggestions as to how that money should be expended. With respect to the summer program, Mr. Crosby took the view that he did not wish to have the money channelled through the Municipality for the types of programs that it had identified as being useful from the Municipality's point of view. He therefore, established his own Advisory Committee and on the basis of that, there was money granted to that constituency but in the directions based on the views of Mr. Crosby's Advisory Group.

In response to questioning from Councillor Walker, Mr. Markesino advised that the Municipality had put in a request for \$20,000 for Mr. Crosby's constituency and had received none but received \$6,000 the year before.

He advised that the money received in that constituency in 1980 was expended for the same types of programs which the Municipality had implemented; with the Lake District Recreation Association and Lucasville Recreation and other areas receiving a certain sum of money.

Councillor Walker could not recall any of that money going into his area and Mr. Markesino advised him that he was not in receipt of that information; he did concur with Councillor Walker that this information should be available and regardless of who distributes these monies, they should be distributed proportionately in each district.

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

"THAT a letter be written to the Hon. Howard Crosby, MP, requesting the membership of his Advisory Committee."
Motion Defeated.

Councillor Williams advised that the motion was unnecessary as that information could be made available with a phone call from any member of Council to the Constituency Office.

Councillor Eisenhauer advised that the members of those Committees distribute those funds to the best of their ability and he therefore did not feel that the problem was with the Committee but the problem in his opinion was with the different methods being used by the various MP's, as there were three different MP's using different methods for distribution of these funds. This problem would justify equalized services throughout the County. He advised that he could not support the motion as he saw no benefit in acquiring the names of those persons.

Subsequent to this brief discussion, the motion was defeated.

Councillor Smith requested some clarification as to whether the Municipal Department of Recreation had taken over the Swimming Instruction Program in the Musquodoboit Harbour area, from the Red Cross Society who had previously been implementing this program.

She was advised that this was not the case; the Red Cross was still administering the program. He also clarified that the Red Cross Society did pay its swimming instructors; these were not volunteers, as the Councillor had been assuming. He advised that the Recreation Department may have hired Life Guards to work within the Red Cross standards. He further advised that any time there is a Swimming Program, it is under the jurisdiction of the Red Cross.

The Councillor's concern was that she was under the impression that the Recreation Department had taken over a service and paid persons to do this service, when it had been her understanding that the service had been provided voluntarily prior to this.

However, she was assured that this was not the case, to Mr. Markesino's knowledge, as he was uncertain whether there had been a volunteer there in the past or not.

Councillor Smith was also concerned with an item she had read in regard to the possible hiring of a Recreation Supervisor and three labourers. She was concerned about the financial burden in hiring these four new employees.

Mr. Markesino advised that the cost for this item had been included in his budget for Recreation which had been submitted to the Management Committee. (Partial budget from September through to the end of December) The people in question have already been working with the Municipality on Task Force Projects on part time wages; and these people would be hired full-time.

Councillor Margeson had some questions for Mr. Markesino in regard to the Winter Snow Removal Programs on Sidewalks and Walkways. Mr. Markesino advised him that he has jurisdiction over Walkways only, at the present time; he advised that he is working on a scheme now listing the major and more well-used Walkways in the Sackville and Cole Harbour area for which the Municipality will rent equipment to remove the snow.

Councillor Margeson then asked about the plans for Spring Clean-Up of Green areas, etc. Mr. Markesino advised that there was no program underway yet, but that there would be one planned in time.

Councillor Margeson also advised that there were Sidewalks and Walkways in his District and was concerned that no consideration had been given to the maintenance of these. Mr. Markesino was unaware that there were any Sidewalks or Walkways in that District.

However, Mr. Markesino advised that clean-up be for the whole County. In order to plan the Spring Clean-Up for the Beaver Bank area, Mr. Markesino advised that he would like to meet with the Beaverbank-Kinsac Residents Association to sit down and discuss it.

Councillor Walker requested that Mr. Markesino prepare and present to Council an up-to-date report on the South Shore Recreation Association to inform Council of the good work this Organization is doing for the community and in so doing, encourage Council's support of this Organization in the future.

Mr. Markesino advised that the last Report he had presented at the very last Council meeting he had attended was up-to-date and still is; he also advised that his Tourism Report was also in that Report. He advised that it had been a very successful year in the South Shore and in the Sackville areas.

Councillor Walker then advised Council that he had attended a meeting in the last week at that Association; at that time the people in the Organization had expressed satisfaction with Mr. Markesino and his Department, with their Councillor and with Municipal Council as a whole, in regard to Council's endeavors in respect to the Organization.

Councillor Topple questioned Mr. Markesino in regard to how he was going to fund the removal of snow on Walkways.

Mr. Markesino advised that when the Urban Study had been approved, it was indicated that this would be funded on a 50-50 basis, one half from the appropriate area rate and one half from the general rate.

Mr. Meech provided additional clarification on this item advising that the cost of the maintenance function that is now established within the Recreation Department would be shared on the 50-50 cost-sharing basis; 50% being paid for by the Districts which would have the Walkways, in other words, Districts 7, 17 and 20 and the other 50% would come from the general tax rate, in which the above-mentioned Districts would also participate. He advised that the estimates for a full fiscal year in 1982 would be approximately \$80,000 - \$100,000, with the assumption that the Municipality would still be able to take advantage of Government Work Programs to a large degree to supplement the people who will provide the maintenance function.

Councillor Topple advised that in some cases the Walkways amount to Sidewalks so he was uncertain of how they should be paid for as he was expecting these major Walkways to be treated in the same manner as Sidewalks.

Mr. Meech advised that this item should be discussed more fully at the Urban Services Committee because it is intended that plowing of sidewalks will be paid for by those particular areas who receive that service. Also as has been pointed out by Mr. Markesino, Mr. Meech reiterated that mileage had not yet been calculated with respect to Walkways in Cole Harbour and Sackville. He advised that it was not the Municipality's intention to plow all Walkways every time there is a snow-storm but only those which are well-used; especially by School Children.

Councillor Topple advised that he did not think it should be necessary to use the Recreation Budget for this service, as the Municipality should have a system set up, whereby the Municipality can look after its Walkways and Sidewalks under the same program. He felt this would be cheaper in the long run than having two systems.

Mr. Meech advised that this has been considered and is still being considered subject to the Municipality obtaining a little more experience in this program.

Councillor Williams expressed his thanks to Mr. Markesino for the fine job done on all the summer programs, the grass-cutting programs and for the support which Mr. Markesino's Department had given to the Atlantic Memorial People when they were building the Monument to the Atlantic Memorial. He was extremely pleased that there was now a paved highway directly to the Monument; which was a credit to both Mr. Markesino's Department and to the Federal Government.

Councillor Baker advised that Herring Cove will shortly have Sidewalks and he questioned whether his District will be made to assist in the payment for sidewalk maintenance if they expressed their wish not to have this service.

He was advised that his District would not be forced to either receive the service or to pay for it, if it is not received.

Subsequent the above discussion, Mr. Markesino retired from the meeting.

Mr. Ed Wdowiak, Director of Engineering and Works

Mr. Wdowiak advised that he had not prepared a formal report but that he did have a few items to be brought to the attention of Council:

1. The Department has received a request from Councillor MacDonald in regard to an investigation of the Lively Subdivision water situation. He advised that he will be meeting with the area residents, Councillor MacDonald, Mr. Meech, and Deputy Warden Deveaux in this.
2. The Department has received a request for assistance from the Blackpoint Fire Hall, for possible renovations and extensions of that facility, as well as the Lawrencetown Fire Department. He advised that he has met with the Lawrencetown people and there is a proposed extension at that Fire Hall.
3. The Department has also received a request from Councillor Smith with regards to an existing Wharf. This is being investigated through the Management Committee and the Department.
4. He advised that in regard to Garbage Collection for 1982, his Department is in the process of renegotiating contracts with the present contractors, if their service has been satisfactory. He advised that letters have gone out to the various contractors and he is expecting replies from them shortly. The deadline for execution of the Agreements is November 16th. If satisfactory settlements or negotiations cannot be reached at that time, the Department will be prepared to go out to tender.
5. He advised that upon the suggestion of Mr. Meech, his Department has just tried out a two or three level joint advertisement for Garbage Collection in regard to Holiday Pick-Ups. He advised that although he could see some difficulties in that area, the suggestion was followed up.

In regard to the upcoming Remembrance Day collection, he has put out a joint add. He also advised that as Remembrance Day falls on a Wednesday; he indicated that if the Holiday is Wednesday or later, they generally prefer to pick up the garbage on the following week. If the Holiday is Monday or Tuesday the pick-up is carried back to the previous Saturday. However, in this instance, although it is on Wednesday, the garbage collection for that day is being advanced to the

7th due to the repairs which are being done at the transfer station which will be closed for 6 days and which is scheduled to begin November 10th through to the 16th. This transfer station is where most of the contractors deliver their garbage and it will be closed on the following Saturday.

6. In regard to Uplands Park Subdivision; he reminded Council that earlier in the year approval was given to improvements of a small section of the Uplands Park System with the intent of taking over that system. He advised that he was now in possession of the order from the Board of Public Utilities, approving that expenditure and take-over effective January 1st.
7. In regard to the request under the Blasting By-Law for permission to purchase and detonate fire works; he advised that he was not aware that fire works were covered under the Municipality's Blasting By-Law; however, he has since discovered that they are, under section 14 and it appears that the Municipality can grant a permit for these things.

He advised that he had thought this to be illegal but he has found out that the Fire Works Act which is a Fire Prevention Act, of the Province, dated 1965 supercedes the Municipality's Blasting By-Law in this instance. He indicated that he has verified with the Solicitor, Mr. Cragg, that where there is a Provincial Act, it does supercede the Municipality's own By-Laws. He further advised that there were means of obtaining permits for these purposes but he felt that it should not be encouraged to grant these permits under the Fire Prevention Act of the Fire Marshall to private individuals. He advised that sometimes Organized Groups may apply and there are provisions under that Act for permits in this regard.

Mr. Wdowiak advised that this was all the information he had for Council to-date.

Subsequent to brief questioning from several Councillors in regard to the Holiday Garbage Collection, the Transfer Station Repairs and further clarification of the Blasting By-Law, Mr. Wdowiak retired from the Council Session.

Mr. Keith Birch, Chief of Planning and Development

Mr. Birch indicated that since there were several very important items in the Planning Advisory Committee Report and the Supplementary Report of the Planning Advisory Committee, he had not prepared a separate Report for Council but suggested that he spend his time in advising Council on these issues.

Other than the above-mentioned PAC Reports he did have one separate item which would be of interest to Council. He advised that the Sackville Public Participation Committee, charged with the preparation of the MDP Plan for the Sackville area, would like to invite Councillors to a Bus Tour of the Sackville area on the morning of