

"THAT the total membership of the Halifax County Industrial Commission shall be increased from 11 members to 14 members, with a minimum of 4 Councillors, one of whom shall be the Warden and further that a policy be adopted whereby at least two of the Councillors represent Districts 15, 16, 18, 19 or 20 and two other members shall be either elected or appointed, one from each of the Sackville Advisory Board and the Sackville Chamber of Commerce."

During the discussion of this issue, many Councillors indicated their concern that Sackville would be over-represented on the Commission if the membership were increased as per the recommendation. Councillors sharing this view were: Councillor Smith, Councillor Walker, Councillor Topple, and Councillor Poirier who also expressed concern that if the proposed increase in Sackville membership occurred, the Lakeside Industrial Park would not be completed but left in the background.

However, Deputy Warden MacKay, Councillor Wiseman and Councillor MacDonald agreed with the recommendation, bringing Council's attention to the large increase in cost-sharing to be received from the Department of Development. Councillor Benjamin as well, although agreeing that Sackville would be somewhat over-represented, indicated that the Industrial Commission and himself as a member, felt they could live with the increase without any problems. He advised that regardless of where the members were from, it would be a Halifax County Industrial Commission working together for the benefit of the entire County and not individual districts.

It was agreed by Council that Lorne Denny, the Halifax County Industrial Promotion Officer be given an opportunity to address Council on this issue.

Mr. Denny provided some information with respect to the Eastern Shore Industrial Commission, for comparison, to indicate to Council the problems which can arise with more than one Industrial Commission. He advised that the Eastern Shore Industrial Commission do not accept any advice from Mr. Denny, they do not advise him of any projects they have undertaken and in no way wish to communicate with him or with the County of Halifax and there is a definite competitive factor between the Eastern Shore Industrial Commission and the Halifax County Industrial Commission. Mr. Denny also advised that to date there have been no instances within the Halifax County Industrial Commission of members favouring their own districts when making decisions and he sees no problems with the increased Sackville membership.

There was further brief discussion of this issue in which Councillor Eisenhauer, Councillor Deveaux, and Deputy Warden Mackay indicated their agreement with the increased membership and reiterated the earlier remarks of Councillor Benjamin with respect to the Halifax County Industrial Commission working together for the benefit of the entire County.

Subsequently, the question was called on the motion:

Moved by Councillor Adams, seconded by Councillor Gaetz:

"As previously written."
Motion Carried.

REPORT, RE: COMMON AREA RATE FOR GARBAGE COLLECTION

Mr. Wilson came forward to outline and explain to Council several Reports which had been prepared and included in the Council Agenda upon the request of Council. These Reports outlined the Estimated Cost of Garbage Collection and included summary sheets regarding the combined rate for garbage collection using the 1982 budget data and estimates for districts where taxpayers pay the contractor directly, a Report on the Garbage Surpluses and Deficits for individual districts as of December 31, 1981, and several lengthy reports regarding the distribution and allocation of operating grants to individual districts as well as the methods by which this grant is calculated. (Please refer to agenda for information and clarification of this information.)

The following information regarding the grants was presented, in summary of these reports:

1. Current allocation based on prior Municipal Services Act allocation.
2. Grant and guarantee allocated on basis of percentage of grants received.
3. Current amount allocated on basis of percentage of grant received.
4. Urban remains at current amount and represents 70% of total grant.
5. Rural remains at current amount and represents 30% of total grant.

Subsequent to Mr. Wilson's presentation to Council, Mr. Meech reviewed the background of the Garbage Rate Issue, as follows:

"A request was received from Councillor Lichter, to investigate the cost for provision of refuse collection and disposal by the Municipality in his District. Information on assessments, total units, estimates of weights to be collected and disposed, as well as discussions with a contractor were carried out by Staff to arrive at an estimated cost for this service to the district."

"After further direction from the Councillor, only that portion of the district known as the Dutch Settlement Fire District, was considered for the service."

"The enclosed calculations of area rates (Please see agenda for rates) which were requested by Council reflect the costs to this portion of the district. In summary, the calculations indicate a rate of approximately 32.1 cents per \$100 of assessment to cover the cost of garbage collection and disposal for the Dutch Settlement area of District 13. A combined area rate for all districts with garbage collection and disposal results in a rate of 9.3 cents. It is my view that this service meets the criteria for inclusion in a common rate."

The recommendation of Mr. Meech was, as follows:

"...I recommend the establishment of a common area rate for those Districts receiving garbage collection and disposal provided by the Municipality at an estimated rate of 9.3 cents for 1982."

Subsequent to brief discussion of Council, in which Deputy Warden MacKay indicated that a policy should be developed for next year, as there would not be time to implement one this year in time for the setting of the tax rate, and in which Councillor Eisenhower suggested it might be feasible to apply all the operating grants to the general fund and then implement the combined area rate, the following motion was made:

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

"THAT Council consider introducing a common garbage rate of 9.3 cents for the 16 districts that now receive garbage collection and disposal and that portion of District 13, known as the Dutch Settlement Fire District."
(See Motion to Amend.)

Councillor Lichter further gave some history of the garbage collection problems in District 13, advising: "The individual who previously collected the garbage in District 13 quit because he received a better contract with an adjacent Municipality; another individual took over the contract but died within two weeks of that take-over. Around Christmas time there was no garbage collection at all for several weeks. However, another individual came forward advising that he would take over the garbage collection and disposal temporarily until some other arrangements could be made. This individual, using his own truck, drove through the district and took the garbage over to Colchester County. However, now this man is also quitting as he is running into problems collecting his money for the service he is providing. This means that District 13 will soon be left without garbage collection unless something is done as soon as possible. I was then informed that 32.1 cents is the area rate which would be required to serve the 300 households. This is the reason I have come forward to Council and requested assistance in implementing a garbage collection and disposal system with the rest of the County."

Councillor Benjamin indicated that he would be unable to support the motion, due to the necessity of raising the tax rate in his District and the burden this would put on fixed and lower income residents in his community.

Councillor Walker also spoke in opposition to the motion and made the following amendment:

It was amended by Councillor Walker, seconded by Councillor Benjamin:

"THAT Districts 1 and 14 be exempted from the common area rate for Garbage Collection and Disposal."
(See Motion to Defer).

Councillors Wiseman, Eisenhauer, Poirier, Topple and Deveaux as well as Deputy Warden MacKay were concerned with the amendment as the whole point of the motion was to implement a common area rate. They indicated that if districts began to opt out, it would not be a common rate. Councillor Poirier indicated she would also prefer to have her District exempted from the common rate as well.

Subsequent to further discussion, and due to bad weather conditions and the lateness of the hour:

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

"THAT the issue of the common area rate for Garbage Collection and Disposal be deferred until the next Council Session."
Motion Carried.

NEW BUSINESS

Harrietsfield Ratepayer's Association - Councillor Baker

Councillor Baker indicated that the Harrietsfield Ratepayer's Assoc. had requested last week, that a feasibility study regarding sewer and water services in Harrietsfield be undertaken by the Municipality.

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

"THAT the Municipality undertake a feasibility study regarding water and sewer services in Harrietsfield."
Motion Carried.

Report of the TRI Committee, Councillor Poirier

Councillor Poirier indicated that the Report of the TRI Committee had not yet been dealt with. However, due to the increasing lateness of the hour and the anticipated length of discussion of this Report, it was agreed by Council, upon the suggestion of Councillor Smith, that this Report be dealt with at the next Council Session early in the agenda.

Environment Award - Councillor Wiseman

Councillor Wiseman indicated that yesterday in the Legislature, Councillor Margeson had received a prestigious award from the Province for his efforts in promoting tree planting and for promoting other environmental issues in the County and the Province. She indicated this should be recognized by Council and that a letter of congratulations should be sent to him.

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

"THAT a letter of congratulations from Municipal Council be sent to Councillor Margeson, for his receipt of the prestigious Environmental Award for 1982 which he received from the Legislature."
Motion Carried.

ADJOURNMENT

It was moved by Councillor Walker:

"THAT Municipal Council adjourn."
Motion Carried.

Therefore, Council adjourned at 10:55 P.M.

ANNUAL COUNCIL SESSION

APRIL 20, 1982

PRESENT WERE: Warden Lawrence, Chairman
Councillor Walker
Councillor Poirier
Councillor Baker
Councillor Deveaux
Councillor McInroy
Councillor Topple
Councillor Adams
Councillor Gaetz
Councillor Smith
Councillor MacKenzie
Councillor McCabe
Councillor Lichter
Councillor Benjamin
Councillor Margeson
Deputy Warden MacKay
Councillor Eisenhower
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. P. J. Fawson, Personnel Co-Ordinator
Mr. Keith Birch, Chief of Planning & Development
Mr. Ken Wilson, Director of Finance
Honorable Laird Sterling, Minister of Human Affairs &
Minster Responsible for the N.S. Human Rights Comm.
Mr. George McCurdy, N.S. Human Rights Comm.

SECRETARY: Christine E. Simmons

OPENING OF COUNCIL - THE LORD'S PRAYER

Warden Lawrence brought the Annual Council Session to order at 2:08 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 Benjamin:

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

ITEMS DEFERRED FROM APRIL 6, 1982 REGULAR COUNCIL SESSIONTabling of Petition

Mr. Meech outlined this item to Council, advising that a petition signed by approximately 372 persons has been received respecting possible violation of the Municipal Building and Zoning By-Law by Mr. Hillyard Shaffer, property owner at 939 Herring Cove Road.

Two letters were included in the Council agenda; one from Mr. Slauenwhite, Assistant Chief Building Inspector for the Municipality and one from Mr. Hefler, Chief Building Inspector. These letters outlined the data respecting the zoning of the property and the issuance of permits to the property owner. (Please refer to data for further information.)

Mr. Meech advised that this was for Council's information only and that the matter would be coming before the Courts as early as tomorrow.

Report of the Tri Committee

Councillor MacKenzie outlined this Report which had been tabled at the previous Council Session. He advised: The Committee was set up to discuss and bring back recommendations concerning Committee structure and Council salaries. The Committee met on four occasions to discuss these items.

Subsequent to discussion, the Committee recommended the following:

"That the Council Committee structure remain as is, except that the budget session could remain as a Committee of the Whole. Also, that the Councillors get an increase of 12% to their stipend, which is the present cost of living, this would be reviewed one year after the new Council is in office; also that the Warden should receive an increase of \$1,000 on the present base salary of \$24,000.00."

Mr. MacKenzie advised that although, the Committee approved the above recommendation, Councillor Poirier, a member of the Committee, had gone on record opposing the salary increase of 12% as she felt it should be a 10% increase and Councillor Smith, also a Committee member, went on record as opposed to the present Committee structure as she felt the Council should be going to the Committee of the Whole on a six-month trial period.

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

"THAT the Council Committee structure remain as it is at present, except Budget Sessions remain as in Committee of the Whole and Councillors receive a salary increase of 12% to their stipend to be reviewed one year after the new Council is in office and further that the Warden receive an increase of \$1,000 on the present base salary of \$24,000."

It was amended by Councillor Walker, seconded by Councillor Margeson:

"THAT the issues of Meeting Structure and Councillors Salaries be dealt with separately."
Amendment Carried.

Discussion of Committee Structure

Councillor MacKenzie indicated his concern that with the Committee of the Whole System, Council would have difficulty attaining a quorum. He advised this had been a problem with the Budget Sessions when Council barely had a quorum on several occasions. he did not want to see Councillors paid for attending a meeting and then not have the required attendance.

Councillor Walker indicated his opinion that Council should attempt to hold Committee of the Whole Council Sessions for at least a month trial period. He advised that he had never found the Budget Sessions to be cumbersome.

Warden Lawrence indicated that in order to try the Committee of the Whole for a trial period, the By-Laws would have to be changed to reflect this new procedure. However, Councillor Walker indicated that the Sessions could be termed Special Council Sessions.

Subsequent to the above discussion, the question was called on the amended motion:

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

"THAT the Council Committee Structure not change, except that Budget Sessions be dealt with in Committee of the Whole Sessions."
Motion Carried.

Motion and Discussion of Councillor's Salaries

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

"THAT Halifax County Councillors shall receive an increase of 12% to their stipend, which is the present cost of living, which will be reviewed one year after the new Council is in office and also that the Warden receive an increase of \$1,000 on the present Warden's base salary of \$24,000."
(See Motion To Amend.)

Councillor Lichter spoke briefly on the motion advising that the amount of increase to the Warden's salary, as recommended in the TRI Committee Report was an insult to the Position (not the person) of Warden. He indicated that the \$7,000 stipend which Councillors receive is misleading in comparison to the Warden's base salary of \$24,000, in that the Warden does not receive any payment for Committee Meetings which in itself narrows the gap between the \$7 and \$24 thousand, received by the Warden and a Councillor who is a member of several committees. In

view of the this fact, Councillor Lichter indicated that he could not justify what he termed the "Stingy" manner in which the Warden's salary had been dealt with.

Councillor Poirier advised that no disrespect for the position of Warden had been intended. She advised that the Committee had investigated the files of Department of Finance to determine the Salary range of the last Warden. They had found that the Warden had earned a \$7,000 stipend, plus committee pay which amounted to a total of approximately \$17,000 the last year he was in office. She also advised that, at the time the Warden's salary had jumped from that amount to the \$24,000 base salary, there had been a great deal of difficulty in getting it over the \$20,000. mark. It had been the Committee's opinion, that in view of the budget restraints Council is attempting to achieve, it would be beneficial to set an example. Councillor Poirier further advised that in January of 1980, Councillor's Salaries had risen by 26%, while the salary of the Warden had increased by 40-50%. In addition, she indicated that the 12% increase recommended today to the Councillor's Salary was only on the stipend and not on the Committee Pay or mileage.

Warden Lawrence spoke briefly on the recommendation, based on the Office of Warden and not on the person of Warden. She advised that one of the strengths of her election campaign had been her offer of full-time service; she indicated her opinion that the Municipality of the County of Halifax deserves nothing less than a full-time Warden. The Warden also advised that the salary increases of 12%, are based on the cost-of-living, which she indicated affects the Warden as well as individual Councillors and should, therefore, be applied to both. She also supported Councillor Lichter's previous statements regarding the lack of supplementary remuneration for the position of Warden; there being no Committee Pay and no mileage. She advised there was a provision for mileage under certain circumstances which had been too complicated and cumbersome to persue. The Warden summarized her discussion, indicating that due to the above, the Warden's salary was fixed.

Councillor Smith indicated that one of the issues which had arisen at the TRI Committee as a factor in deciding the Warden's increase, was the expense account. She advised they could not receive any information on the amount of the account, which is why the Committee had considered it part of the on-going salary.

Warden Lawrence indicated her dismay that the TRI Committee had been unable to obtain such information as she had assumed it was a matter of Public Record. She explained that she was given a credit card to be used for her expenses and advised that her receipts, which must be authorized when they arrive, were available in the County's Department of Finance.

Councillor Topple advised that the Warden of the County of Halifax was doing as good, if not a better, job than the Mayors of the Cities of Halifax and Dartmouth and earning considerably less. He agreed with Councillor Lichter and Warden Lawrence that the salary of Warden should

be increased at least comparable to the increases of the Council members. His reasoning was that the job of Warden was definitely a full-time job. However, in regard to the motion approving Councillor's salary increases to 12%, he advised he could not support it. He also advised that the Federal Government would consume the raise in salary through income tax. He felt it would be far wiser to approach the Federal Government and attempt to obtain an increase in expense exemption to 50%, which would cost the taxpayers no additional money.

Councillor McCabe spoke briefly in agreement with Councillor Topple's views.

Councillor MacKenzie indicated the Committee had felt it was justified in making the small \$1,000 increase; however, he advised that what the Committee might investigate, would be making a car allowance available to the Warden. In regard to Councillor Topple's opinion that the Municipality should be approaching the Federal Government; he did not feel this would be of any benefit.

Deputy Warden MacKay spoke at length indicating his opposition to any raise as he felt the Councillors had already received a raise. He advised that when he took office, Councillors were earning \$5,000 a year. He advised that if a raise of 12% had been granted each year they would now be receiving \$7,024.64; Councillors are now receiving \$7,000. However, he felt the salary structure should be seriously reviewed for a 10-12% pay raise effective the first of November for the incoming Council.

Councillor MacKenzie advised that the pay raise would become effective upon Council's decision to accept it; if that be Council's decision. Councillor MacKenzie also advised that for Aldermen in the Metropolitan area, the pay scales range from \$10,175 to \$14,000. Compared with the list of Council members in the County of Halifax there is a low of \$10,900 and \$14,000. Therefore, he felt that Halifax County was in a good position with comparison to other neighbouring Municipalities.

It was clarified that these figures were inclusive of Committee Pay but exclusive of mileage.

Councillor Wiseman indicated her understanding that the salaries had been investigated with a view to future implementation at such time as a new Council is sworn in. Therefore, she urged that it be approved in time for the new Council and not before.

The Councillor also advised that the lack of mileage being included in the Warden's remuneration was a huge oversight and should be corrected in time for the new Warden being sworn in.

It was amended by Councillor Wiseman, seconded by Councillor MacDonald:

"THAT Salary increases for the Warden and Councillors be effective November 1st, for the incoming Council."
Amendment Defeated.

Prior to the defeat of the amendment several Councillors spoke on the motion and amendment.

Councillor Topple spoke in agreement with the amendment to have the increase implemented in time for the new Council and not before.

Councillor McInroy spoke in opposition to the motion advising that the position of Warden was, in his opinion, substantially underpaid. Also he advised that he had only been in Council for a short time and did not offer for the position for the remuneration. Also since, he has been attempting to be firm with respect to budget restraints, etc. he felt this would not be the time to vote in a raise.

Councillor Smith advised that in making her recommendation at the TRI Committee she had kept in mind that when the present Council had been sworn in, Councillors had been concerned that the previous Council had not taken care of the salary situation, which would have removed the necessity for the present Council to do so. She felt this was the reason the Committee had been set up; to provide this service for the next Council.

Councillor Poirier advised that the Committee had recommended what they felt was reasonable in response to comments and requests from Councillors. She also agreed that mileage should be considered for the Warden's remuneration.

Subsequent to the defeat of the above amendment, the following amendment was proposed:

It was amended by Deputy Warden MacKay, seconded by Councillor Eisenhauer:

"THAT in the motion regarding Councillor's and Warden's Salaries, the \$1,000 allocated to the Warden be substituted by "12%."

Councillor Eisenhauer spoke at length regarding the importance of the position of Warden, wholly supportive of the 12% salary increase.

It was amended by Councillor Margeson:

"THAT the Warden and Councillors receive an 8% increase in salary."
(Amendment Lost - No Secunder.)

Subsequently, the question was called on the previous amendment,
Amended by Deputy Warden MacKay, seconded by Councillor Eisenhauer:

"As previously written."
Amendment Carried.

Subsequently, the question was called on the main motion as amended.

"THAT Halifax County Councillors shall receive an increase of 12% to their stipend, which is the present cost-of-living, to be reviewed one year after the new Council is in office, and further that the Warden receive an increase of 12% on the present Warden's base salary of \$24,000."

Motion Carried.

Warden Lawrence advised that the appropriate By-Law would be amended by the Municipal Solicitor.

In regard to the issue of raising the amount of tax exemption for Council members from 30% to 50%, which had been brought up by Councillor Topple; Councillor Deveaux questioned whether this should be discussed at the FCM Meeting.

Warden Lawrence indicated that it could be discussed at the upcoming U.N.S.M. Regional Meeting.

Councillor Eisenhower also expressed concern with the fact that in the position as Councillor, both mileage and hotel bills as well as any other expenses incurred, are considered part of a Councillor's income, during income tax time, which further reduces the one-third tax deduction. Councillors also are not permitted to take advantage of the \$500 employment expense deduction.

Mr. Meech provided Council with some clarification regarding the Department of Revenue and the Income Tax Act.

ADDITION TO AGENDA

Meeting with District School Board - Warden Lawrence

Warden Lawrence indicated that there was to be a meeting between both Councils of the The Town of Bedford and Halifax County and the District School Board to discuss the District School Board budget for 1982, this Thursday, April 22, 1982 at 2:00 P.M.

The Warden further requested whether Municipal Council would like to meet prior to that meeting at 1:00 P.M. Subsequent to brief discussion, Council agreed to meet at 1:00 prior to the Joint Council meeting.

ITEMS DEFERRED FROM APRIL 6, 1982 COUNCIL SESSION

Report, Re: Common Area Rate for Garbage Collection and Disposal

Councillor Lichter briefly reviewed the history of the Common Area Rate for Garbage Collection and Disposal; advising that in November or December of last year, there had been an intention to adopt a Common Rate for Garbage Collection and Disposal for 16 Districts in the County, not inclusive of District 13. He advised that Council should decide today, whether or not it definitely wants to adopt the common

rate in those 16 Districts, which would entail levying a rate of 9.2 cents in those Districts; and then decide whether it wants to allow the Dutch Settlement Fire District portion of District 13, to opt into the rate which would raise the rate to approximately 9.3 cents.

It was clarified by Councillor Walker, that remaining from the April 6 Session of Council was an amendment and a motion concerning this issue, which had been on the floor prior to a motion to defer.

It was determined that the correct procedure to follow would be to deal with the amendment (to exempt districts 1 and 14 from the Common Rate) and then the main motion to approve the common area rate.

Councillor Poirier indicated her reasoning for requesting that her district be included in the amendment (motion to defer had prevented this inclusion) exempting her District from the rate, was that with the two districts 1 and 14 opting out, the cost was steadily rising. It was her opinion that "all districts should bear the rate or no districts, otherwise it would not be a common rate." This opinion was shared by Councillors Lichter, Eisenhauer, MacDonald, Wiseman Topple and Deputy Warden MacKay.

Councillors Benjamin and Walker spoke in strict opposition to the levying of a common area rate on the basis that they could not support a higher rate than that levied on their districts at the present time.

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

"THAT a Recorded Vote be taken on the amendment and the main motion."

Motion Carried.

It was amended by Councillor Walker, seconded by Councillor Benjamin:

"THAT Districts 1 and 14 be exempted from the common area rate for Garbage Collection and Disposal."

Amendment Defeated.

Question on the Amendment:

Favour

Councillor Walker
Councillor Poirier
Councillor Topple
Councillor Benjamin
Councillor Margeson

Opposition

Councillor Baker
Councillor Deveaux
Councillor McInroy
Councillor Gaetz
Councillor Smith
Councillor MacKenzie
Deputy Warden MacKay
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman
Warden Lawrence

Subsequently, the question was called on the main motion:

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

"THAT Council approve a common garbage rate of 9.3 cents for the 16 districts that now receive garbage collection and disposal and that portion of District 13, known as the Dutch Settlement Fire District."

Motion Carried.

Favour

Councillor Baker
Councillor Deveaux
Councillor Smith
Councillor Gaetz
Councillor Adams
Councillor Topple
Councillor McInroy
Councillor Lichter
Councillor Margeson
Deputy Warden MacKay
Councillor MacDonald
Councillor Wiseman

Opposed

Warden Lawrence
Councillor Eisenhauer
Councillor Benjamin
Councillor Poirier
Councillor Walker

Subsequent to the motion being carried, Council entered into discussion regarding the Provincial Operating Grants.

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

"THAT the Provincial Operating Grants received by the Municipality, be added to the general rate."
(See Motion to Refer)

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

"THAT the issue of the Provincial Operating Grants received by the Municipality, be referred to the Policy Committee for consideration."

Motion Carried.

This concluded the items deferred from the April 6, 1982 Council Session.

ADDITION TO AGENDA

Landfill Site - Councillor Margeson

Councillor Margeson requested that the Policy Committee investigate the amount of garbage which is hauled to the Landfill Site as opposed to that which goes to a transfer station, and which districts are paying the full price only to go to the transfer station.

Mr. Meech advised that a Report on the issue could be prepared for Councillor Margeson.

Policy, Re: Garbage Collection on Holidays - Councillor Margeson

Councillor Margeson indicated that the Municipality should have a definite policy regarding Garbage removal on Holidays; in this way only one newspaper advertisement per year would be required to alert taxpayers when their garbage should be put out.

Warden Lawrence indicated that citizens require constant reminding throughout the year.

LETTERS AND CORRESPONDENCELetter From Mayor Ron Wallace

Mr. Meech read to Council, a letter contained in the agenda from Mayor Ron Wallace of the City of Halifax which advised that a Regional Meeting of the U.N.S.M. would be held May 12 at 2:00 p.m. in the City Council Chambers at City Hall and that each member unit is permitted a maximum of five voting delegates at a regional meeting. The letter also requested that all resolutions to be forwarded to the Annual Meeting must be received by the U.N.S.M. Office no later than June 28, 1982.

Mr. Meech indicated that one such resolution had been discussed at the April 19, 1982 Urban Services Committee Meeting relative to recovery of transit costs. As well, the recommendation in the Walker Commission Report regarding the deletion of two-tier bargaining with the N.S.T.U.; Mr. Meech advised that the Government has not yet decided to change that practice. He questioned whether Council felt that should be reviewed and suggested, if so that it be a resolution to be dealt with by U.N.S.M. Regional Meeting.

Councillor Wiseman advised, in regard to the two-tier bargaining with the N.S.T.U., that the legislation would be before the Law Amendments Committee in the next few weeks. As it had not been approved yet, she felt that Council should examine the legislation and make a presentation to the Law Amendments Committee rather than dealing with it at the U.N.S.M. Regional Meeting.

Councillor Wiseman also felt that two other issues which could be discussed at the Law Amendments Committee, were the retention of Trustees and retention of the ability to set area rates.

It was agreed by Council that Mr. Kelly would be requested to place "Resolutions for U.N.S.M. Regional Meeting" on the next Council Agenda, at which time Councillors would be requested to put forth any resolutions.

Letter From Statistics Canada

The following letter was from Statistics Canada, Halifax Regional Office and contained the final census population count for the Municipality as of June 3, 1981 as follows:

	<u>1976</u>	<u>1981</u>
Population:	90,298	104,448

The population of the Town of Bedford was excluded from both figures.

Warden Lawrence indicated, at this time, that the two cities of Halifax and Dartmouth had both dropped in their population count; however, Bedford and the County of Halifax have both grown in population.

This letter was for Council's information only.

Letter From Department of Municipal Affairs

The following letter was in response to a letter written by Mr. Kelly upon the request of Councillor Margeson, with respect to a "Metropolitan Government". The letter advised:

"At the present time, I discern very little disposition on the part of the four municipal units in this area to seriously consider the idea of a metropolitan or regional form of government for this area. Consequently, it seems to me that a study on this subject would not be very productive or beneficial. If the four municipalities collectively and seriously wished to study this subject, then my Department would respond positively and participate in such activity."

The letter was for Council's information only.

Letter From Minister of Education

A letter was included in the agenda from Terrance B. Donahoe, Minister of Education. This letter was in regard to Council's decision to request a deletion of the school area rates from the Education Act. The letter advised: "...amendments to the Education Act have been prepared and introduced during the current session of the Legislature. As you will be aware from that Legislation, the "area rate" provisions will continue, hopefully in a somewhat improved form. Simply stated, it is the Government's view, that in appropriate situations, an area rate may well be desirable."

Councillor Topple indicated his concern over retention of the school area rate, advising that the Municipality of the County of Halifax and one other Municipality are the only two in the entire Province which still have Trustees who have the ability to set school area rates. He felt that Municipal Council had been almost unanimous on several occasions in requesting the Department of Education to remove the school area rate section from the Education Act.

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

"THAT the Policy Committee investigate and make a request to the Provincial Department of Education that they either remove the provision for school area rates completely from the Education Act or share any costs incurred by area rates."
Motion Carried.

Councillor Topple also requested that the Policy Committee point out to the Province that the Municipality has the ability to levy an area rate for any necessary purpose without the inclusion of school area rates in the Act.

Subsequent to discussion of Council the above motion was carried with the understanding that should the Law Amendments Committee meet in the near future, the Policy Committee would present to it, the above resolution.

Letter from Department of Environment

The last letter included in the agenda was from the Department of the Environment in regard to the Rocky Lake Quarry Operation in Waverley. The letter responded to the County's letter of February 8, 1982 respecting clarification of the program to improve the environmental aspects of the operation. It advised:

"We have discussed with County Officials, items that require immediate action to improve the overall operation, related to both air and water discharges, prior to resuming operations in April. We have has assurances from the Company that they will respond favourably to these items and incorporate them with the proposed work program for 1982."

"In addition to the immediate action as noted, we have also instituted a program to determine the actual concentrations of discharges from the site. This information is essential to determine the additional treatment required to ensure that the facility satisfies environmental requirements for the long term. Please be assured that we will work closely with the Company to ensure that the essential short-term and long-term waste management strategies are developed for this operation."

Councillor Benjamin expressed grave concern regarding the spillage of rock piles at Rocky Lake Quarry, onto the highway and also regarding the sludge discarded at the side of the road at Mobile Concrete.

He advised that is is in direct conflict with the resident's desire for beautification of the highway between Bedford and Waverley.

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

"THAT the Municipal Solicitor investigate the possible encroachment of Municipal By-Laws on the part of Mobile Concrete and Rocky Lake Quarry, who are allowing debris from their operations to overflow onto the roadside at the locations of their businesses in District 14."

Motion Carried.

SIGNING OF THE AFFIRMATIVE ACTION STATEMENT

At this point in the Council Session, the Honourable Laird Stirling, Minister of Human Affairs and Minister responsible for the Nova Scotia Human Rights Commission as well as Mr. George McCurdy of the Human Rights Commission arrived in the Council Chambers for the official signing of the Affirmative Action Plan.

Subsequent to the Warden's introduction of Mr. Stirling, he addressed Council, advising them of the significance of the step taken today in being the first to officially sign an Affirmative Action Statement. He felt this was appropriate, as Halifax County is the largest Municipality in the Province. He advised that because of the fine example being set by Halifax County Council, he, his Director Mr. McCurdy, as well as his Department wished to draw the Legislature's attention to this fine example; therefore, he invited the Warden and Members of Council to attend the Speakers Gallery as guests tomorrow, at which time he would introduce each Councillor who attends and commend Council publicly for this progressive move.

The Minister then briefly reviewed some of the terms of the Affirmative Action Statement and emphasized the fact, that in the case of the Municipality, he realized the Plan was merely a confirmation of present hiring practices. He also indicated his gratitude that the Municipality has made such a fine example to the remaining Municipalities in the Province of Nova Scotia.

Warden Lawrence also spoke briefly, prior to the signing of the document, advising that this would not be the first time that the Municipality has been innovative in the Province and indicated her opinion that the Municipality has not always been given its due for the amount of pioneering it has done in the fields of legislation and new programs. She also advised that by signing the Affirmative Action document it was a confirmation only of the Municipality's present hiring practices as the Municipality is in no way a discriminating employer. Warden Lawrence also thanked the Minister for the invitation to attend the Legislature and expressed her hope than many of the Halifax County Councillors would be in a position to attend.

Subsequent to the above discussion the Affirmative Action Documents were signed by Warden Lawrence on behalf of the Municipality and by the Honorable Laird Stirling.

The Minister also took this opportunity to congratulate Warden Lawrence on her new appointment to the Municipal Board.

As well, Councillor Adams was recognized for his role in the adoption of the Affirmative Action Statement and Mr. McCurdy the Chairman of the Affirmative Action Concept.

Subsequently, the Minister and Mr. McCurdy retired from the Council Chambers.

PLANNING ADVISORY COMMITTEE REPORT

Undersized Lots

Warden Lawrence outlined an item with respect to an undersized lot to be approved under the Undersized Lot Legislation; Lot X of the Scott Hubley Subdivision, Tantallon, District 3. She advised that the Planning Advisory Committee has reviewed the application and is recommending to Council that the subdivision application be granted approval as the

Departments of Transportation and Municipal Affairs have no objections and the Municipal Solicitor has advised that the application meets the criteria of the Undersized Lot Legislation.

As well, the Planning Advisory Committee reviewed an application for an undersized Lot, Lot M-2 of the James McPhee Subdivision, Sambro, District 5, under the Undersized Lot Legislation. With respect to this application, the Planning Advisory Committee recommended that this lot also be granted approval as the Departments of Transportation and Municipal Affairs have no objections and the Municipal Solicitor has stated that the application meets the criteria of the Undersized Lot Legislation.

Both Lots have dwellings on them; Lot X, Scott Hubley Subdivision has a frontage of 73.6' and an area of 1.22 acres while Lot M-2 James McPhee Subdivision has a frontage of 59.06' and an area of 37892 square feet.

It was recommended by PAC that a public hearing date of May 18, 1982 at 2:00 be approved. (Regular Council Session.)

It was moved by Councillor Eisenhauer, seconded by Councillor Tople:

"THAT Council approve a Public Hearing date of May 18, at 2:00 P.M., a Regular Council Session date, be set to deal with Undersized Lot applications for Lot X, Scott Hubely Subdivision, Tantallon and Lot M-2 of the James H. McPhee Subdivision, Sambro."
Motion Carried.

PHOTO SESSION

Council adjourned briefly (approximately 15 minutes) in order that a photo of the entire Halifax County Council could be taken.

Derelict Vehicle Program

Mr. Meech outlined this item, advising that the the Planning Advisory Committee had discussed a March 15, 1982 letter from the Department of the Environment which had indicated that the Provincial Derelict Vehicle Program is to be discontinued. The letter had also noted that the program had been intended to be a short term program, to encourage Municipalities to develop their own programs. During discussion, the Committee noted that the geographical location of the County was such that vehicles were probably being dumped in the County from the three metropolitan municipalities and that perhaps the problem should be dealt with on a metropolitan basis. The Committee passed the following resolutions:

1. That the Metropolitan Authority be requested to examine the problem of disposal of derelict vehicles.
2. That the Nova Scotia Union of Municipalities be requested to approach the Province to:
 - a) continue the program because of its obvious benefits to the province overall, i.e. tourism and;
 - b) the Union be requested to ascertain approaches in other provincial jurisdictions.

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

"THAT the Metropolitan Authority be requested to examine the problem of disposal of derelict vehicles and that the Nova Scotia Union of Municipalities be requested to approach the Province to: a) continue the program because of its obvious benefits to the Province, overall, i.e. tourism, and; b) the Union be requested to ascertain approaches in other Provincial jurisdictions."
Motion Carried.

Deputy Warden MacKay spoke briefly in support of the motion. Councillor MacKenzie also spoke in support of the program advising that to discontinue it would be a regressive step on the part of the Municipality, especially with respect to the impact on Tourism, should the program be discontinued.

Councillor Margeson as well spoke in support of the program and added a note of commendation to the Municipal Staff who had administered the Derelict Vehicle Program in the past. The Councillor also suggested that each individual Councillor investigate a means of financing a continued program.

Subsequent to further brief discussion of the program in which Councillor Deveaux also spoke in support of the motion, Mr. Meech indicated that the Department of the Environment was about to re-examine the issue with regard to a possible re-implementation.

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

"THAT the Municipality write to the Minister of Finance and request that a percentage of the gasoline tax be used for the control of Derelict Vehicles."
Motion Carried.

Lake Eagle - Community Status

Mr. Meech advised that at the April 15, 1982 Meeting of the Planning Advisory Committee, the Committee discussed community status of the area known as "Lake Eagle". As a result of this discussion, a resolution was passed by the Committee, requesting that Council write the Minister of Transportation, asking for directional signage on the Highway in order that "Lake Eagle Drive" can be easily located.

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

"THAT Council write to the Minister of Transportation requesting that directional signs be posted on the highway in order that sufficient signage is provided to easily locate "Lake Eagle Drive"."
Motion Carried.

REPORT OF THE DIRECTOR OF DEVELOPMENT

This report was included in the agenda for Council's information only.

MANAGEMENT COMMITTEE REPORTInmate Volunteer Work Program

The Management Committee Report indicated that the Committee had discussed the Inmate Volunteer Work Program which permits inmates in correctional facilities in Nova Scotia to obtain temporary absence to participate in community projects. This program was discussed with John Markesino relative to the possibility of implementing it in Halifax County through the Department of Recreation. It was recommended by the Management Committee that the Municipality consider implementing this Community Inmate Volunteer Work Program if suitable supervision is provided from other agencies.

It was moved by Deputy Warden MacKay, seconded by Councillor Wiseman:

"THAT the Municipality consider implementing the Community Inmate Volunteer Work Program if suitable supervision is provided from other agencies."

Motion Carried.

Prior to the passing of the above motion, Deputy Warden MacKay and Councillors Wiseman and MacDonald spoke at length in support of the Volunteer Community Inmate Work Program advising that they had had experience with the program which had proven to be beneficial to all concerned parties.

Councillor MacKenzie also supported the program; however, he requested information as to what extent (in what areas) the services of the program would be available and also expressed a concern regarding a stipulation in the program which indicated that the inmates should be provided with a hot lunch. He advised that many working people did not have a hot lunch.

Councillor MacDonald advised that the workers would be made available to any part of the County as long as supervision and transportation could be provided.

SUPPLEMENTARY MANAGEMENT COMMITTEE REPORT

It was agreed by Council that the Supplementary Report of the Management Committee be dealt with at this time.

Enumerators Fees

Mr. Kelly outlined this item to Council advising that the Management Committee had discussed the fees for enumerators for conducting the enumeration of voters for the 1982 Municipal Election.

The Committee had been informed that enumerators will be appointed shortly in order to have the enumerating undertaken as soon as possible.

The Management Committee recommended to Council for approval that the enumerators fees include an amount of \$50.00 expenses, plus .40 cents for each name obtained for the voter's lists.

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

"THAT the enumerators fees include an amount of \$50.00 expenses, plus .40 cents for each name obtained for the voter's lists."
Motion Carried.

Sidewalk Construction Agreement, 6-V

Mr. Meech advised that the Management Committee had reviewed a Sidewalk Construction Agreement, 6-V, with the Department of Transportation under the usual cost-sharing arrangement with the Municipality. The Agreement provides for the construction of 0.8 miles of sidewalk from the Dartmouth City Line to Hines Road area of Eastern Passage and is carried out in conjunction with highway improvements in the area. In accordance with the recommendation of the Management Committee:

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

"THAT Council approve Sidewalk Construction Agreement 6-V with the Department of Transportation, and further that the Warden and Municipal Clerk be authorized to sign the Agreement."
Motion Carried.

It was moved by Deputy Warden MacKay:

"THAT Council request the Department of Transportation to provide the Municipality with the criteria and list of expenses that are shareable and non-shareable for sidewalk construction."

Mr. Meech advised that this information was already available; he advised that all costs associated with works necessary to the Water Utility will be paid by the Municipality but recovered from the Dartmouth Water Utility. He assured the Deputy Warden that this issue has been raised on many occasions with the Department of Transportation and they have not been prepared to change their policy respecting the sidewalk or paving program as it relates to raising manholes or locating water or sewer pipe.

Deputy Warden MacKay advised that when the Department of Transportation decides to widen a street, he did not think the Municipality should have to pay for this. He was also concerned that this cost was not cost-shareable.

Subsequent to discussion, Deputy Warden MacKay withdrew his motion; however, he indicated reservations with regard to the present policy.

POLICY COMMITTEE REPORT

Council Delegates to Attend the 1982 FCM Conference

Mr. Meech advised that for the past two years Council has appointed three voting delegates and three alternate delegates to attend the FCM Conference. Subsequent to discussion, the Policy Committee recommended that this procedure be changed this year.

In accordance with the recommendation of the Policy Committee:

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

"THAT the Warden and two Council Members be appointed voting delegates and one additional Council Member be appointed as an alternate to attend the 1982 Federation of Canadian Municipalities Conference."
Motion Carried.

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

"THAT the delegates and the alternate be chosen by the Warden."
Motion Carried.

SETTING OF 1982 TAX RATE

Mr. Meech advised that this item had been placed on the Council Agenda in the hope that the two Councils would have come to some concensus regarding the District School Board Budget, at the recent Meeting between the two Councils. However, he advised this had not been the case, and therefore, it is not possible to set the rate today. He advised that another meeting was set for April 22, 1982 at 2:00, as previously discussed, at which time, it is hoped that such a concensus will be reached.

Subsequent to brief discussion of the School Board Budget, it was AGREED by Municipal Council that the setting of the tax rate be deferred until a concensus is reached, hopefully by the following Council Session, May 4, 1982.

NEW BUSINESS

Transit - Councillor Tople

As a result of the April 19, 1982 Urban Services Meeting at which Transit was discussed, Councillor Tople wished to place the following motion on the floor for discussion:

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

"THAT the County of Halifax seek the support of the City of Halifax, City of Dartmouth, and Town of Bedford through the Regional Authority to explore the possibility of supporting Regional Transit on a sales tax in the Metropolitan Area and further, that if found feasible, the Provincial Government be requested to increase the present 8% sales tax to 9% on sales in in the Metropolitan area to provide the revenue needed for the Transit operation, thereby relieving the burden from the present real property owners."
Motion Defeated.

The motion was defeated subsequent to brief discussion in which Councillor Eisenhauer and Councillor Lichter expressed strong opposition; especially in view of the fact that, if the higher tax rate was

levied in the Metropolitan area only, people would make major purchases in other Municipalities, thereby affecting the economy in the Metro area business district.

Social Services Delivery, District 8 - Councillor Adams

Councillor Adams tabled a memo with Council, for information only with respect to the delivery of provincial social services in District 8. The memo advised: "On December 15, 1982 I raised a motion in Council, relative to concerns respecting the delivery of Provincial Social Services in my District... which...called upon the Minister of Social Services to investigate allegations of undue delays residents of my District were experiencing in receiving Family Benefits, as well as occasions of disrespect and insensitivity on the part of the Provincial Workers."

"The Minister of Social Services, the Honourable Edmund Morris, has recently submitted a Report to our Municipality. It substantiates beyond question that most of the allegations were without foundation. I wish to publicly thank the Honourable Edmund Morris and His Deputy Minister, Mr. J. A. MacKenzie and staff, for their quick and thorough response as well as the co-operative manner in which the investigation was concluded....I would ask that the confidentiality of the report be protected..."

Street Lights - Councillor Baker

Councillor Baker related an experience in his District regarding streets lights being repeatedly broken by vandals. He questioned whether there were any By-Laws under the Municipality's jurisdiction which could address this situation.

The Councillor was advised by the Municipal Solicitor that there was a section of the Criminal Code, 387, entitled a "Mischief Section" which is universally used by Police Authorities such as the RCMP for things such as vandalism, tearing up lawns, peeling tires, breaking street lights, etc. He advised this was an easy section of the code under which to prosecute. Also, in response to further questioning from Councillor Baker, he advised that this section of the criminal code does come under the jurisdiction of City Police and the RCMP, although these bodies generally would rather not handle such cases.

Environmental Control Council Hearing - Councillor Margeson

Councillor Margeson advised that a letter had been sent from the Municipality to the Minister of Environment, with a request for the Environmental Control Council to hold a Hearing with regard to an Industrial Park on the Eastern Shore. He questioned whether a reply to that letter had yet been received.

Mr. Kelly advised that a response had not yet been received.

Councillor Margeson then requested that the Municipality write the Minister again, indicating that the area MLA is interested in having that Hearing conducted as soon as possible.

It was determined from brief discussion that the MLA was not interested in a Hearing which would unduly delay the development of the Park; however, upon the request of Councillor Margeson, it was agreed that a follow-up letter would be written to the Minister requesting a reply.

Adjournment of Annual Session - Warden Lawrence

Warden Lawrence advised that, as the tax rate was not set at today's Council Session, the annual session should be adjourned until another date.

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

"THAT the Annual Session of Council be adjourned until the May 4, 1982 Session."
Motion Carried.

Resignation of Warden - Warden Lawrence

Warden Lawrence also advised that her resignation from Council should be accepted by a motion from Council.

It was moved by Deputy Warden MacKay, seconded by Councillor MacDonald:

"THAT Municipal Council accept the resignation of Warden Elizabeth Lawrence, as both Councillor for District 3 and Warden of the Municipality of the County of Halifax."
Motion Carried.

Election Procedures, New Warden - Deputy Warden MacKay

Deputy Warden MacKay requested some clarification regarding the upcoming election of a new Warden.

He was advised by the Municipal Solicitor that the new Warden would be elected as the first item on the agenda of the May 4, 1982 Council Session. He also clarified for the Deputy Warden, the voting procedure to be followed in the eventuality that there is not a majority of votes, after the first ballot counting.

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

"THAT All Councillors running for Warden, have ballots drawn up bearing their names, as in the Provincial Elections."
Motion Carried.

ADJOURNMENT

It was moved by Councillor Walker:

"THAT the Council Session Adjourn."
Motion Carried.

Therefore, Council adjourned at 6:25 P.M.

M I N U T E S & R E P O R T S

O F T H E

T H I R D Y E A R M E E T I N G S

O F T H E

F O R T I E T H C O U N C I L

O F T H E

M U N I C I P A L I T Y O F T H E C O U N T Y O F H A L I F A X

M A Y C O U N C I L S E S S I O N

T U E S D A Y , M A Y 4 a n d 1 8 , 1 9 8 2

&

P U B L I C H E A R I N G S

M O N D A Y , M A Y 1 0 & 1 7 , 1 9 8 2

PUBLIC HEARING - MDP
EASTERN PASSAGE - COW BAY
MAY 10, 1982

PRESENT WERE: Warden MacKenzie, Chairamn
Councillor Poirier
Councillor Baker
Councillor Deveaux
Councillor McInroy
Councillor Topple
Councillor Gaetz
Councillor Smith
Councillor Lichter
Councillor Benjamin
Councillor Margeson
Deputy Warden MacKay
Councillor Eisenhauer
Councillor MacDonald

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
Mr. Robert Cragg, Municipal Solicitor
Mr. G. J. Kelly, Municipal Clerk
Miss Valerie Spencer, Planner
Mr. Chris Reddy, Planner
Mr. Bill Campbell, Supervisor, Policy Planning Division
Mrs. Cathy MacKay, Planning Secretary
Mr. Brant Wishart, Planner
Mr. Bob Gough, Director of Development
Mr. Keith Birch, Chief of Planning & Development
Mr. Neil Bowlby, Chairman, Eastern Passage-Cow Bay
Ratepayers Assoc.
Mr. Jim Henneberry, Chairman, Cole-Harbour-Westphal, PPC
Ms. Elizabeth Kwindt, Chairperson, Cow Bay, PPC
Mr. Harry Sarson, Eastern Passage, PPC
Mr. Clarence Lucas, Chairman, Eastern Passage, PPC
Mr. Steve Larkin, Eastern Passage, PPC
Mr. Parklington
Mrs. Anne Green, Biologist
Mr. Alan Ruffman, Ferguson's Cove
Mr. Robin MacDonald, Silversands Limited
Mr. John Jenkins
Mr. Alan Hayman, Solicitor
Mr. W. Charbonneau
Mr. George Noble, Eastern Passage, PPC
Mrs. Joan Filshie, Cow Bay, PPC
SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

Warden MacKenzie brought the Public Hearing to order at 7:05 P.M. with the Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

PUBLIC HEARING

Warden MacKenzie then outlined to those present in the Council Chambers, the procedure to be followed during the Public Hearing.

REPORT ON WRITTEN SUBMISSIONS

Mr. Kelly advised that six submissions had been received regarding the Municipal Development Plan and Zoning By-Law for Eastern Passage, Cow Bay. None of these submissions were in opposition to the documents; however, one request was made for the amendment of a zone which has been placed on a property in Eastern Passage.

Mr. Kelly advised that the six submissions as outlined had been received from the following:

1. Mr. Francis Horne, resident on his own behalf;
2. Mr. Neil Bowlby, Chairman, Eastern Passage-Cow Bay Residents and Ratepayer's Association on its behalf;
3. Mr. Clarence Lucas, Chairman, Eastern Passage Public Participation Committee on its behalf;
4. Mr. George C. Ingram, Superintendent, Halifax Defense Complex on behalf of Parks Canada;
5. Ms. Elizabeth Kwindt, Chairperson, Cow Bay, Public Participation Committee on its behalf;
6. Mr. Norman J. Bertrand, Manager, Distribution and Development, Texaco Canada Inc. on behalf of Texaco.

These letters were circulated to Council for its perusal. (Please refer to them for additional clarification).

STAFF REPORT

Miss Valerie Spencer then outlined to Council a memo from Mr. Keith Birch, Chief of Planning & Development which indicated several amendments to the Plan and Zoning By-Law as follows:

"In order to carry out the intent of the Municipal Development Plan and to make the regulations of the Zoning By-Law consistent with other regulations of the Municipality, it is necessary to amend the Municipality's Subdivision Regulations and Building By-Law. These amendments are of a minor nature and are similar to amendments made at the time of adoption of the MDPs for other plan areas already approved by Council."

In addition, an amendment to the Development Plan and two amendments to the Zoning By-Law are attached....these amendments are recommended as the result of consultations between Municipal Staff, the Department of Municipal Affairs and the Public Participation Committee for Eastern Passage and Cow Bay."

The amendments were as follows:

Amendments to the Subdivision Regulations

"The Subdivision Regulations of the Municipality of the County of Halifax prescribed by the Town Planning Board, approved by the Municipal Council on the 11th day of December 1962, and approved by Minister of Municipal Affairs on the 19th day of July 1963, are amended by:

a) adding immediately following Section 15, the following:

15A Where a lot has been approved prior to the effective date of a Municipal Development Plan and Zoning By-Law or where a parcel of land exists which was in existence prior to the establishment of the Town Planning Board of the Municipality, lands may be added to such lot or parcel notwithstanding that the lot or parcel created by such addition does not comply with the frontage or area provisions of the zone in which the lot or parcel is situated.

b) by adding immediately following Section 16C the following:

16D Notwithstanding the provisions of Section 16, the Board shall not approve a lot within the Plan area of the Municipal Development Plan for Eastern Passage-Cow Bay, being the area outlined on the plan attached to these regulations as Appendix SE, (See Appendix SE) unless the lot complies with the frontage and area provisions of the zone in which the lot is situated as set out in the Zoning By-Law for Eastern Passage-Cow Bay.

c) adding immediately following Section 22B the following:

22 C Where a Zoning By-Law identifies unlisted travelled ways where lands abutting such ways are serviced with municipal central water and sewer services, a lot may be approved notwithstanding that the lot does not abut a public road and provided that the lot complies with the frontage and area provisions of the zone in which the lot is situated."

Amendments to the Building Building By-Law

"Section 28 of the Building By-Law is hereby amended by deleting subsection (3) and substituting therefore the following:

(3) Notwithstanding that provisions of subsections (1) and (2), where a Municipal Development Plan and Zoning By-Law are in effect and where such Plan and By-Law provided for the erection of more than one building on a lot, the provisions of subsections (1) and (2) shall not apply.

Furthermore, Section 29 of the Building By-Law is hereby amended by deleting subsection (6) and substituting therefore, the following:

- (6) Notwithstanding anything else in this By-Law, where there is a conflict between the provisions of subsections (1), (2), (3), and (4) and the provisions of a Zoning By-Law pursuant to a Municipal Development plan, the provisions of subsections (1), (2), (3), and (4) shall not apply."

Amendment to the Municipal Development Plan

"Section III is amended by deleting Policy P-48 and substituting therefore, the following:

- P-48 It shall be the intention of Council to permit certain existing business and to provide for a change of use on these properties notwithstanding that they are beyond the commercial designation. In this regard, Council may consider that lots be dual zoned to provide for a change of use on existing business properties provided that the zones in question may be considered within the designation in which the property is located. Further, where any existing business is identified in Appendix "B" of the Zoning By-Law, Council may consider the expansion of the uses or a change of use according to the provisions of sections 33(2)(b) and 34 of the Planning Act. In considering amendments to the Zoning By-Law or Development Agreements, Council shall only consider a change of use to commercial uses which conform to uses permitted within the commercial designation and which can be accomodated without negatively affecting surrounding residential areas."

Amendments to the Zoning By-Law

"Schedule "A" of the Zoning By-Law is amended to add a C-1 (Local Business) zone to the I-3 (Local Service) zone on the land of F. Horne on the Caldwell Road.

Schedule "A" of the Zoning By-Law is amended to zone all lands within the Special Area Designation which are also within the Regional Park Designation of the Halifax-Dartmouth Regional Development Plan to P-3 (Regional Park) Zone as provided for by Policy P-70 of the Municipal Development Plan for Eastern Passage, Cow Bay."

Subsequent to a lengthy explanation of the above amendments, the Warden declared the Public Portion of the Hearing open.

SPEAKERS IN FAVOUR

Mr. Neil Bowlby, Eastern Passage-Cow Bay Residents and Ratepayer's Association: Mr. Bowlby advised that for the past 20 months, the Committees from Eastern Passage and Cow Bay have been striving to formulate Policies and By-Laws that are compatible to the community through the Municipal Development Plan. He indicated that the committees have been reporting to the Ratepayer's Association on a regular basis and the ratepayer's meetings have shown that the residents and ratepayers have been pleased with the proposals that have come out of the plan.