

Councillor Lichter also expressed his strict opposition to the motion; he advised that the County exists under a democracy and he felt it was only fair to have all the facts which could be heard at a Public Hearing with speakers in favour and opposed.

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

"THAT a Public Hearing be held to deal with rezoning application No. 4-82, July 19th, 1982 at 7:00 P.M."
Motion Dfeated.

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

"THAT a Public Hearing be held to deal with Rezoning Application No. 4-82, July 27th, 1982, at 7:00 P.M."
Motion Defeated.

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

"THAT this motion be deferred until the next Council Session, July 6, 1982, when more Council Members will be in attendance."
Motion Defeated.

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

"THAT a Public Hearing be held to deal with Rezoning Application No. 4-82."
Motion Carried.

Subsequent to discussion in Council, it was AGREED that a date for the Public Hearing to deal with this item be July 12th, 1982 at 7:00 P.M.

REPORT OF THE DIRECTOR OF DEVELOPMENT

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

"THAT the Report of the Director of Development be received."
Motion Carried.

Subsequently, Mr. Birch retired from the Council Session.

MANAGEMENT COMMITTEE REPORT

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

"THAT the Management Committee Report be received by Municipal Council."
Motion Carried.

Request for Loan - Beechville-Lakeside-Timberlea Fire Hall and Community Centre

Mr. Meech outlined this item advising: "The Management Committee received a request for a loan in the amount of \$290,000. for the purpose of constructing a new Fire Hall and Community Centre to serve the communities of Beechville Lakeside and Timberlea. The land for this building was donated by the Canadian Legion.

It was the recommendation of the Committee, that Council approve a loan advance in an amount of \$290,000 for construction of the Beechville-Lakeside-Timberlea Fire Hall and Community Centre with a 20-year repayment term of principal and interest through the levying of an area rate in District No. 2."

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

"THAT a loan be advanced in an amount of \$290,000 for construction of the Beechville-Lakeside-Timberlea Fire Hall and Community Centre with a 20-year repayment term of principal and interest through the levying of an area rate in District No. 2, if necessary."
Motion Carried.

Additions to the 1982 Suburban Street Paving Program

This item was also reviewed by Mr Meech who advised: "The Management Committee received a report from Mr. Wdowiak, Director of Engineering and Works, respecting the addition of two "B" type streets, i.e., First Street, Sackville and Howe Avenue (Part) Fletcher's Lake to the 1982 Suburban Street Paving Program.

The Management Committee recommend to Council for approval, the addition of First Street and Howe Avenue (part) to the 1982 Suburban Street Paving Program, subject to receiving the required majority of signatures and also subject to approval of the Minister of Transportation."

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

"THAT Council approve the addition of First Street and part of Howe Avenue to the 1982 Suburban Street Paving Program, subject to receiving the required majority of signatures and also subject to receiving the approval of the Minister of Transportation."
Motion Carried.

Subsequent to the passing of the above motion, Councillor Topple indicated his concern that additions to the street paving program were being approved prior to receiving the required number of signatures on a completed petition and prior to the approval of the Minister of Transportation. He felt this was a deliberate attempt to have certain districts prioritized before other areas have an opportunity to be dealt with.

Deputy Warden MacKay also expressed some concern regarding the addition of streets to the suburban paving program before the completion of circulation of petitions.

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

"THAT Staff write to the Minister of Transportation requesting a list of streets which will go ahead this year for paving under the Suburban Street Paving Program."
Motion Carried.

Councillor Topple also gave his Notice of Intent to place a Motion of Reconsideration before Council at the end of the Council Session, relative to the motion to approve the additions to the Suburban Street Paving Program.

Improvements in County Pension Plan

The Management Committee had held a discussion with Mr. H. G. Bensted, Chairman, Pension Advisory Task Force and Brian Burnell, of Wyatt and Company, Actuarial Consultants, respecting changes to the County Pension Plan. It was recommended by the Task Force that the following changes to the Pension Plan be implemented:

1. The benefits of the surviving spouse on death, prior or subsequent to retirement, be increased to 60% of the pension payable at the time of death from the current 50% level. This would include an increase in the pension of those spouses that are already receiving the survivor's benefit by 10% effective January 1, 1982.
2. That all existing pensions be increased by 5% for each year or part thereof, since January, 1980, to be effective on January 1, 1982. This would be calculated after the survivor's pension has been adjusted according to step one. Also, if any person who was on pension at January 1, 1980, and after the two adjustments have been made, is receiving less than \$70 per month, that the pension of those individuals would not be less than \$70. per month. (present minimum was \$60.)
3. ~~That the rate of interest on contribution refunds be increased to 6% per annum in respect of accruals after January 1, 1982 from the present 4.5%.~~
4. That it be clearly understood that in all cases spouse means both widow and widower.

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

"THAT the changes in the Halifax County Pension Plan, as proposed by the Pension Advisory Task Force be approved by Municipal Council."

Motion Carried.

Request For Loan, Lawrencetown Fire Department

Mr. Meech outlined this item as well, advising: "The Management Committee received a request from the Lawrencetown Fire Department for a loan in the amount of \$40,000 for construction of a fire substation in the area. Subsequent to discussion of the request, it was the recommendation of the Management Committee that Municipal Council approve a loan for the Lawrencetown, District 9A Volunteer Fire Department, in the amount of \$40,000 with a ten-year repayment term of principal and interest at prevailing rates with the provision that Council may levy an area rate sufficient to recover the annual principal and interest repayments.

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

"THAT Municipal Council approve a loan for the Lawrencetown, District 9A, Volunteer Fire Department, in the amount of \$40,000 with a ten-year repayment term of principal and interest, at prevailing interest rates with the provision that Council may levy an area rate sufficient to recover the annual principal and interest repayments."

Motion Carried.

Grants to Organizations, County of Halifax - 1982 Budget

Mr. Ken Wilson, Director of Finance, joined the Council Session at this time, to provide Council with information relative to the Grants to Organizations for 1982.

Renewal Requests For Grants

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

"THAT a Grant be approved for the Dartmouth General Hospital in the amount of \$10,000; a grant be approved to the Middle Musquodoboit General Hospital in the amount of \$4,000; a grant be approved for the Grace Maternity Hospital in the amount of \$12,000 and a grant be approved for the Black Cultural Society in the amount of \$17,000."

Motion Carried.

It was agreed by Council, that the Atlantic Child Guidance Centre be provided with a Grant in the amount of \$960.00.

It was agreed by Council, that the Canadian National Institute for the Blind be provided with a Grant in the amount of \$1,750.00.

It was agreed by Council, that the Canadian Paraplegic Association be provided with a Grant in the amount of \$1,500.00.

It was agreed by Council, that the Canadian Red Cross be provided with a Grant in the amount of \$2,100.00.

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

"THAT Municipal Council approve a Grant in the amount of \$3,000.00 for the City Market Maintenance."

(See Motion to Defer)

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

"THAT the Grant Approval for the City Market Maintenance be deferred for two weeks pending the receipt of additional information."

Motion Defeated.

Subsequent to further discussion, the question was called on the motion,

Moved by Councillor Gaetz, seconded by Councillor Baker:

"As previously written."
Motion Defeated.

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

"THAT Municipal Council approve a Grant in the amount of \$2,000.00 for the City Market Maintenance."
Motion Carried.

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

"THAT Municipal Council approve a Grant in the amount of \$2,000.00 for the Cole Harbour Rural Heritage Society."
Motion Defeated.

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

"THAT Municipal Council approve a Grant in the amount of \$1,000.00 for the Cole Harbour Rural Heritage Society."
Motion Carried.

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

"THAT Municipal Council approve a Grant in the amount of \$1,000.00 for the Musquodoboit County Exhibition."
Motion Carried.

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

"THAT Municipal Council approve a Grant in the amount of \$3,000.00 for the Eastern Shore Tourist Association; a Grant in the amount of \$1,000.00 for the Ecology Action Centre; a Grant in the amount of \$600.00 for the 4H Clubs; a Grant in the amount of \$500.00 for the Halifax East Hants Federation of Agriculture; a Grant in the amount of \$1,500.00 for the Halifax Musquodoboit Livestock Health; a Grant in the amount of \$1,500.00 for the Halifax-South Livestock Health, and a Grant in the amount of \$1,000.00 for the Nova Scotia Fire Fighter's School."
Motion Carried.

Grant in 1981 - No Request for 1982

It was agreed by Council that a Grant in the amount of \$150.00 be approved for the Atlantic Winter Fair.

It was agreed by Council that a Grant in the amount of \$200.00 be approved for the Musquodoboit Harbour Ground Search Team.

It was agreed by Council that no Grant be approved for the Metro Commission for the Year of the Disabled and that no Grant be approved for the Nova Scotia Golf Association.

It was agreed by Council that a Grant in the amount of \$1,500.00 be approved for the South Shore Tourist Association.

New Requests for Grants

It was agreed by Council that no Grants be approved for the Herring Cove Block Parents, for the Sackville Lakes Block Parents or for Dalhousie Legal Aid.

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

"THAT the request for a Grant in the amount of \$9,000.00 for the Institute of Public Affairs, be rejected by Municipal Council."
Motion Carried.

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

"THAT no Grant be approved for the Lacrosse Association."
Motion Defeated.

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

"THAT Municipal Council approve a Grant in the amount of \$500.00 for the Lacrosse Association."
Motion Defeated.

Subsequently, it was agreed by Council that no Grant be approved for the Lacrosse Association.

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

"THAT Municipal Council approve a Grant in the amount of \$5,000.00 for the Pan American Handicapped Games."
Motion Defeated.

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

"THAT Municipal Council approve a Grant in the amount of \$2,500.00 for the Pan American Handicapped Games."
Motion Carried.

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

"THAT Municipal Council approve a Grant in the amount of \$11,000.00 for the Halifax Branch of the V.O.N."
Motion Defeated.

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

"THAT Municipal Council approve a Grant in the amount of \$9,999.00 for the Halifax Branch of the V.O.N."
Motion Defeated.

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

"THAT Municipal Council approve a Grant in the amount of \$5,000.00 for the Halifax Branch of the V.O.N."
Motion Carried.

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

"THAT Municipal Council approve a Grant in the amount of \$5,000.00 for the Dartmouth Branch of the CAMR."
Motion Carried.

In regard to a request from the Sackville Branch of the CAMR in the amount of \$20,000.00, it was clarified by Mr. Meech that this amount had already been committed.

Council agreed not to approve a Grant for HOPE, the Handicapped Organization Promoting Equality; this decision was based on the Management Committee recommendation to disapprove the request.

This concluded the Requests for Grants for 1982.

Mr. Wilson and Mr. Mason retired from the Council Session.

POLICY COMMITTEE REPORT

It was agreed by Council, that the Policy Committee Report be received.

Request for Grant from District 13 Capital Grant Fund

Mr. Meech outlined this request, advising: "The Policy Committee received a request for a Grant in the amount of \$4,000.00 from the District 13 Capital Grant Fund for the purpose of clearing the outstanding balance of the purchase price of a fire vehicle for the Dutch Settlement Volunteer Fire Department.

It was the recommendation of the Policy Committee that Council approve the Grant.

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

"THAT Municipal Council approve a Grant in the amount of \$4,000 from the District 13 Capital Grant Fund for the purpose of clearing the balance of the purchase price of a fire vehicle for the Dutch Settlement Volunteer Fire Department."
Motion Carried.

NEW BUSINESS

Dutch Settlement School - Councillor Lichter

Councillor Lichter expressed his appreciation to Council, in particular, the Management Committee, Mr. Meech, and Mr. Wdowiak for all the hard work, in the past eight years, that has gone into achieving construction on the Dutch Settlement School Addition which has begun today.

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

"THAT a letter be written to the Minister of Education, expressing the Municipality's appreciation for final approval of the Dutch Settlement School Addition."

Motion Carried.

Speed Limit, Grand Lake - Councillor Benjamin

Councillor Benjamin indicated that he had received a letter pertaining to a speed zone in the Grand Lake area which is now 80 kilometers and which the residents wish to have reduced to 60 - 65 kilometers. He also advised that a petition was presently being circulated in the area in this regard.

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

"THAT a letter be written to the Department of Transportation requesting a reduction in the speed limit in Grand Lake from 80 kilometers to 60 - 65 kilometers."

Motion Carried.

Prior to the passing of the motion, Councillor Benjamin indicated the reasoning for the request was a new Recreational Facility in the middle of this section of road, which attracts many children during the day.

Water Lines, Lakeview Village - Councillor Benjamin

Councillor Benjamin also indicated that the Residents of Lakeview Village in District 14, off the Cobequid Road, were desirous of tapping into to the water lines going past, down to the Waverley area. He advised that a petition was being circulated with regard to this request at the present time and so far approximately 95% of the abutters are in favour of hooking into the system. He suggested that Council request the PUB to look into the situation.

Mr. Meech advised that it would be necessary to obtain the cost of such a hook-in and suggested that the matter be referred to Staff to prepare a report and that subsequently the matter be submitted to the PUB.

Councillor Benjamin agreed with this procedure.

Additions to the Agenda - Deputy Warden MacKay

The Deputy Warden requested that the following be added to the Agenda for the next Council Session:

1. Up-Date on the Sackville Industrial Park, Municipal Approvals;
2. Up-Date on Council Motion, Re: Transit, relative to the Metropolitan Authority:
 - a) That Council request Metro Authority to review the Provincial Grant toward the subsidization of Transit for the respective participating Municipalities;

- b) Whether or not the Authority has held debates as yet on Methodology of Cost Allocation and Revenues, relative to the Report prepared by David Darrow;
3. Fences around Swimming Pools.

The Deputy Warden was advised by the Solicitor that a lengthy Report initiated upon the request of Councillor Williams on the same subject was prepared and discussed in September of 1981. It was, however, agreed by Council that this item to added to the Agenda of the July 6, 1982 Council Session for further discussion.

Notice of Reconsideration - Councillor Topple

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

"THAT Municipal Council reconsider its previous motion relative to the Additions to the Suburban Paving Program."
Motion Defeated.

ADJOURNMENT

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

"THAT the Regular Council Session adjourn."
Motion Carried.

Therefore, there being no further business, the Regular Council Session adjourned at 5:45 P.M.

MINUTES & REPORTS

OF THE

THIRD YEAR MEETINGS

OF THE

FORTIETH COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

JULY COUNCIL SESSION

TUESDAY, JULY 6 and 20, 1982

&

PUBLIC HEARING

MONDAY, JULY 12, 1982

PUBLIC HEARING

SHAFFER PROPERTY - JULY 12, 1982

PRESENT WERE: Warden MacKenzie, Chairman
Councillor Walker
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. G. J. Kelly, Municipal Clerk
Mr. Robert Cragg, Municipal Solicitor
Mr. Keith Birch, Chief of Planning & Development
Mrs. Dorothy Cartledge, Planner
Mr. Hillyard Shaffer, Applicant
Mr. Bruce Waterfield, Solicitor
Mr. Barry Brennan, Resident, Herring Cove
Mr. Wallace Mills, Chairman - Herring Cove Ratepayers
Association
Mrs. Josephine Wight, Resident - Herring Cove
Mrs. Marion Canning, Resident - Herring Cove
Mr. Arthur Canning, Resident - Herring Cove
Mr. Don Brown, Resident - Herring Cove

SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

Warden MacKenzie brought the Public Hearing to order at 7:00 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

PUBLIC HEARING

Warden MacKenzie then advised that this Public Hearing was called to deal with Rezoning Application No. RA-24-4-82-05 to Zone Lot 1, F. A. Shaffer Subdivision, located at 939 Herring Cove Road from R-2

(Residential Two Family Dwelling Zone) to R-4 (Residential General Zone). The Warden outlined to those present in the Council Chambers the procedure which would be followed for the Hearing indicating that subsequent to a Staff Report and questions from Council, first those in favour of the proposed rezoning would be asked to speak and then those in opposition.

PLANNING STAFF REPORT

Mrs. Dorothy Cartledge then came forward to outline to Council a Staff Report which had previously been circulated to Council.

She also advised that the Public Hearing had been advertised in the newspaper in accordance with the provisions of the Planning Act and correspondence had been received from the following:

Opposed

1. Mrs. Alice Pelham
2. Mr. John Ross Pelham
3. Mr. J. J. Spearns
4. Mr. Morton I. Pelham
5. Mr. & Mrs. James Weaver
6. Mr. Semard H. MacDonald
7. Mr. & Mrs. E. MacDonald
8. Mr. Wallace Mills, Chairman - Herring Cove Ratepayers Association

In Favour

1. Mr. Warren H. Baker

Mrs. Cartledge advised Council that the lot in question was situated on the west side of the Herring Cove Road approximately 3/4 of a mile from the intersection at Hebredean Drive and has an area of approximately 19,000 square feet. It is occupied by a two storey structure with a ground floor area of approximately 2,250 square feet. Adjacent, and to the north of the site, at 937 Herring Cove Road is located Halifax Automatic Sprinkler Limited. This operation is contained within a structure of approximately 3,300 square feet. The surrounding yards, which are partially bounded by vegetation, are used for outdoor storage.

The surrounding area, she advised, is characterized by residential development on relatively large lots. A cemetery and four commercial uses are located in the immediate vicinity, the major one being Colt Industries Moto-Ski and Repair Shop situated approximately 1,200 feet to the south on the opposite side of the highway.

Mrs. Cartledge also advised that Mr. Shaffer's automatic sprinkler business located immediately adjacent, and the surrounding area were zoned to R-2 under the extensive zoning and rezoning of the Herring Cove area carried out in 1974.

In 1979 Mr. Shaffer applied to rezone his two properties located at 937 and 939 Herring Cove Road from R-2 (Residential Two Family Dwelling) Zone to C-2 (Commercial General Business Zone) in order to permit the expansion of his business, Halifax Automatic Sprinkler Limited which was, at the time, a non-conforming use.

This request which the Planning & Development Department recommended against for a variety of reasons including the land use of the area and the wishes of the local residents, was rejected by County Council at a public hearing held on November 26, 1979.

Mrs. Cartledge continued, outlining the Staff Report which advised: "Mr. Shaffer subsequently appealed County Council's decision to the Provincial Planning Appeal Board, who on August 15, 1980, directed Council to rezone No. 937 and No. 939 Herring Cove Road to C-2 Zone.

However, Mr. Shaffer did not carry out the planned expansion of Halifax Automatic Sprinkler Limited and in May of 1981 applied to rezone No. 939 Herring Cove Road back to an R-2 status. In his letter of application, Mr. Shaffer stated that: "this lot unfortunately was rezoned with 937 Herring Cove Road to C-2 and through necessity we wish to build our home on this lot and would be obliged if you could arrange for rezoning to R-2 as soon as possible..." This request was granted by Council on June 22, 1981.

On July 28, 1981 Mr. Shaffer made application to the Building Inspection Department to construct a two family dwelling, and the permit for it was granted in August. Upon receipt of a report from the Building Inspector for the Herring Cove area, stating that in his opinion, the structure could be converted to a four unit dwelling, a letter was forwarded to Mr. Shaffer requesting that plans of the building be submitted. These plans indicated that the building was a two family dwelling.

In October, the Chief Building Inspector wrote to Mr. Shaffer stating that an occupancy permit would be issued for a two family dwelling but that any conversion to a four unit building would require a zone change, building permit and occupancy permit.

In February of this year the Chief Administrative Officer received a letter from an area resident indicating that the building was being used as a four unit dwelling and on February 20, 1982, the property was advertised for sale in the Chronicle-Herald as a four unit apartment (The real estate firm concerned, later stated that the advertisement was intended to indicate only that the structure had potential as a four unit and was in fact listed as a duplex).

In March a petition was submitted to the Building Inspection Department signed by some 372 residents of the area, stating that:

"We, the undersigned hereby protest against the operation of a four unit apartment building at 939 Herring Cove Road, by Mr. Hillyard S. Shaffer, a property zoned R-2 at Mr. Shaffer's request in order for him to erect a duplex. Not only is the building being misrepresented as a duplex, but it is now being advertised for sale as a four unit apartment building against the wishes of his neighbours in Herring Cove, who wish to live in a residential area and who went to great efforts to obtain R-2 zoning generally for this area. We would like action taken to see that the building is maintained at R-2 only."

The Planning Advisory Committee subsequently invited Mr. Shaffer to the April 9th meeting in order that his comments with respect to the situation could be heard. At the Planning Advisory Committee meeting, Mr. Shaffer stated that he had simply built a two unit duplex, not a four unit apartment and that there were only two families residing in the structure.

As a result of investigations carried out by the Building Inspection Department, Court proceedings against Mr. Shaffer were initiated by the Municipal Solicitor for violation of the Municipality's Occupancy By - Law. On May 10th Mr. Shaffer pleaded guilty to the charges and was fined the sum of \$100.00. In the interim period Mr. Shaffer applied to have the property in question rezoned from R-2 Zone to R-4 zone."

Mrs. Cartledge then advised Council with regard to the existing zoning, indicating that other than the lot immediately adjacent is zoned C-2 Zone, the subject property and surrounding land on both sides of the Herring Cove Road is zoned R-2 Zone to a depth of 1,500 feet from the road.

The comments of the Department of Public Works, regarding the requested zoning change were: "The sewerage system on the Herring Cove Road is owned and maintained by the City of Halifax. Civic No. 939 Herring Cove Road is presently connected to that system. The Engineering and Works Department would have no objection regarding this re-zoning application."

The Comments of the Planning & Development Department of the Municipality were as follows:

1. The zoning and rezoning of Herring Cove in 1974 was the result of detailed planning and considerable discussion with area residents. In addition, the zoning plan adopted by Council was reviewed and revised by the Provincial Planning Appeal Board.

Throughout the zoning process, residents of Herring Cove expressed strong feelings against the types of commercial and residential development which could alter the historical character of the community, a view which was supported through zoning. The area was zoned for low density residential development (R-1 and R-2), a few local commercial uses (C-1) and the maintenance of the traditional fishing industry (F-1).

Based on the petition received by the Building Inspection Department, containing signatures of 376 area residents opposed to the type of use and zoning desired by Mr. Shaffer, there is nothing to suggest that this feeling has changed.

2. Mr. Shaffer was warned several times both by letter and verbally, that a four unit dwelling on the site in question ran contrary to the provisions of the Municipality's R-2 zone. Nevertheless, and with full knowledge that this was the case, Mr. Shaffer proceeded with the project in violation of the Zoning By-Law.

Generally speaking, rezoning to a conforming status, uses that have been established illegally, negatively affects the credibility of the Zoning By-Law. In the first instance, the assurance of protection against incompatible uses that zoning is to provide may be seriously eroded if uses are permitted to establish in an illegal manner. Approval of rezoning in these cases may serve to encourage other individuals to proceed with projects regardless of County regulations, a practice that is contrary to the best interests of the Municipality. In addition, approving projects that are established in flagrant violation of the Zoning By-Law does not do justice to those individuals and companies who respect and abide by the laws adopted by County Council for the protection of all residents.

The Staff Report, concluded:

"For these reasons, (above) the Planning and Development Department recommends that this application be rejected by County Council and that no public hearing be held."

Questions From Council

Councillor Benjamin questioned Mrs. Cartledge regarding the prosecution of Mr. Shaffer. Mrs. Cartledge advised that he had been prosecuted for violation of the Occupancy By-Law, had pleaded "Guilty" and had been subsequently fined.

There were no further questions from Council at this time.

PUBLIC PORTION OF HEARING

Warden MacKenzie then declared the Public Portion of the Hearing open.

Speakers in Favour of Rezoning Application No RA-24-4-82-05

Mr. Hillyard Shaffer, 939 Herring Cove Road: Mr. Shaffer first indicated his appreciation of the democratic system which allowed him to speak to Council on this matter.

He then advised that during construction of the building in question a complete set of drawings were available at all times, and a copy of these drawings were sent to Mr. Hefler's Office; as well, Mr. Hefler was invited to review the site. After visiting the site a permit had been issued to Mr. Shaffer to build a two-unit dwelling.

Subsequent to Mr. Shaffer's receipt of the permit he applied for a rezoning to R-4. A petition was then circulated in the neighbourhood in opposition to this zoning. Mr. Shaffer alleged that on this petition there were names of people aged only thirteen years, as well as people living as far away as Sambro. He also felt it was significant that many names on the petition were bearing the same surnames. He advised Council that he had become so concerned about this petition that he had taken his own survey; from the 70 homes surrounding him only 14 signed in opposition to his requested rezoning from R-2 to R-4.

He also advised that two years ago when he had asked for C-2 zoning he had received little opposition and did not know why he should now be singled out for such harsh opposition to his present request.

There had also been allegations made that he had advertised the building for sale as a four-unit building. In response to this suggestion, he indicated this had been an error on the part of Royal Trust who had listed the property; Royal Trust had since explained the error and apologised for it. As well, it had been indicated that the building looked like a four-unit. Mr Shaffer advised this was due to the two new doors which he had installed for the purpose of ensuring that his smoke detectors worked properly.

Mr. Shaffer proceeded to distribute to Council, pictures of the property at 937 Herring Cove Road, which had been rezoned to C-2.

Mr. Shaffer indicated his opinion that there were more serious problems in the area, which Council should be concerned with and the residents should be interested in. These were, the smelley fish plants and water and sewer problems.

Councillor Benjamin expressed his concern that, although Mr. Shaffer professed a desire to remain within the confines of the Municipal By-Laws, he had proceeded against the Occupancy By-Law.

Councillor Gaetz questioned Mr. Shaffer regarding the size of the building and was advised that its size was 68' by 30'. He also questioned if the Building Inspector had come along to visit the site after Mr. Shaffer had put on the extra doors and was advised that the Inspector had not come to visit the site until after the petition had been circulated because he had thought that Mr. Shaffer had been building a four unit building.

Mr. Shaffer advised that he now wishes to turn the building into a four-unit building, which is why he is making the application before Council tonight, but that was not his intention all along.

Councillor Gaetz indicated that if Mr. Shaffer had proceeded unjustly then it was a matter of principal that Council should deal with the application accordingly.

In response to Mr. Shaffer's statement regarding the sewage problems in Herring Cove, the Deputy Warden advised him that these were problems that were the responsibility of the City of Halifax to correct and not the Municipality.

Councillor Walker questioned whether there were any more than two families living in the building at any one time, to which Mr. Shaffer replied there were never any more than two families in the building.

Councillor Walker then questioned why the County would prosecute Mr. Shaffer under the Occupancy By-Law if there were never more than two families in the building at one time.

Solicitor Cragg advised that the information he had received at the time of the prosecution had indicated that the building was being used as a four-unit building, hence the charge under the Occupancy By-Law. He also advised that his information had come from the Building Inspector.

Mr. Shaffer advised that he had originally pleaded "Not Guilty" to the charge, but subsequent to a discussion with Mr. Cragg, had changed his plea to "guilty" for the sole purpose of reducing legal costs which he would have incurred had he retained his "Not Guilty" plea.

Solicitor Cragg at this time, verified that at no time did Mr. Shaffer ever admit to being guilty; however, he had indicated that he did not want to spend a great deal of money to go to Court.

Mr. Shaffer then clarified that at no time had he been using the building as a four-unit building but that he wanted to do so in the future which is why he was now applying for an R-4 zoning.

Councillor McInroy expressed concern with regard to the large size of the building. He could not understand why the building would have been built so large unless there were plans of turning it into a four-unit at some time in the future. However, Mr. Shaffer denied that this had ever been his intention until very recently.

Councillor MacDonald indicated his opinion, after a review of the plans, that it could not have been built with the intention of having any more than two units in it.

Councillor Lichter asked Mr. Shaffer whether he had changed the lay-out of the building in any way from the original plans submitted to the Building Inspector and subsequently to PAC.

Mr. Shaffer advised that the only change made was the installation of the extra doors, which he reiterated were required for the purpose of ensuring that the smoke detector system worked properly.

Councillor Lichter also advised Mr. Shaffer, he had read in Mr. Shaffer's correspondence, that in changing his plea from "Not Guilty" to "Guilty" four charges against him were dropped.

Mr. Shaffer advised this was true; there were two charges against his wife and three against himself all pertaining to non-occupancy permits and for constructing a building not in compliance with the Building Code.

Solicitor Cragg clarified this advising that two charges each were dropped against both Mr. & Mrs. Shaffer; under section No.7 dealing with change in use thereby requiring an occupancy permit.

Councillor Lichter was concerned that a person would have to plead "guilty" to a charge in Court rather than try to defend himself. He also advised that his decision to have a Public Hearing on this issue was through no personal knowledge of Mr. Shaffer but rather because he

felt that any individual asking to be heard by Council should have the opportunity to be heard.

There were no further questions for Mr. Shaffer.

Mr. Bruce Waterfield, Solicitor on behalf of Mr. Joseph Parker, Connaught Avenue, Halifax: Mr. Waterfield advised that Mr. Shaffer had come upon some bad times recently regarding this property and further advised that the Sherriff had placed a mechanics lien on the property. As a result of this action, he advised that Mr. Parker was now the owner of the property as of noon today. He also advised that the Sprinkler System business was sold to a different buyer. Therefore, he advised that what Council should be discussing this evening is only the property at 939 Herring Cove Road.

He advised that Mr. Parker would be very happy if Mr. Shaffer's rezoning application were to go through as it would enhance the return on his investment. He requested that the application be approved by Municipal Council.

Mr. Waterfield further advised that his client, Mr. Parker has had nothing to do with what has gone on in the past regarding this property and the allegations that Mr. Shaffer was attempting to utilize the building as a four-unit dwelling. However, having seen the plans of the building Mr. Waterfield advised that this was quite possible and his client would be happy to convert the building to four-unit use.

Councillor Topple asked Mr. Waterfield whether the property had been sold in a bankruptcy sale. He was advised by Mr. Waterfield that it had been sold by an advertisement under a mechanics lien under the name of Dartmouth Building Supplies. He also advised there was a question of the number of lien holders waiting to pursue this action. He advised that both this property and the Sprinkler Business property was purchased by creditors.

Councillor Topple questioned the reason why Council would even deal with the rezoning application now that the property was not even owned by the applicant.

Solicitor Cragg advised that the property was successfully bid upon by Mr. Parker; However, he did not think that Mr. Parker could have secured a deed today. Therefore, the registered owner, Mr. Shaffer, was still legally the property owner and Council could still deal with his application. At the time, Mr. Parker secures his deed, the zoning which applies to the property will still apply, whether it remains the same or Council approved a change to R-4.

Councillor MacDonald questioned Mr. Waterfield as to Mr. Parker's intent when he bid on the property. Mr. Waterfield advised that Mr. Parker's intent was to make an investment; he has four other buildings in the Halifax-Dartmouth area.

Mr. Meech questioned Solicitor Cragg as to the possibility of Mr. Shaffer redeeming his property within a specified amount of time. Mr. Cragg advised that the sale by mechanics lien was no different than a foreclosure; there is the option of placing 10% of bid price and paying the rest off in 30 days. In this particular instance, he advised that Mr. Parker had paid the money so technically, he has some claim to the property.

Mr Meech than asked what vested interest, Mr. Shaffer had in appearing at the Hearing this evening unless it were possible to get back title to the property.

The Solicior advised that it was still possible that Shaffer could retain the title to the property.

Deputy Warden MacKay indicated his belief that Mr. Parker would have full knowlege of the terms of sale and he also advised that Council does not guarantee any rate of investment and advised that he saw no reason to continue the Hearing.

Councillor Deveaux questioned the Solicitor with regard to how long the Municipality had known that the property in question was to be sold.

Solicitor Cragg advised that he had seen the sale advertisement some time ago but did not know that the property had actually been sold until 4:00 this afternoon.

Councillor Deveaux felt that someone in the Municipality should have been advised of the sale somewhere along the line.

Councillor Benjamin was also concerned that a Hearing was being held when the applicant was no longer the owner of the property. He felt the new owner may eventually desire an even different zoning; perhaps C-2. He saw no reason to continue the Hearing in light of this new information.

Councillor MacDonald questioned Mr. Waterfield if Mr. Parker had purchased the property on behalf of Mr. Shaffer, to which Mr. Waterfield replied he had not.

Councillor Smith asked Mr. Waterfield what description had been given of the structure regarding the number of units, at the time Mr. Parker had been bidding on the property.

Mr. Waterfield read the description of the buidling subsequent to which Councillor Smith noted that the number of units were not specifically mentioned.

Councillor McInroy indicated his opinion that Mr. Parker was likely aware of the pending Public Hearing and had gambled that the application would be approved and that he would be able to utilize the structure as a four-unit.

Mr. Waterfield advised that the property was a sound investment as it was but agreed that should the application for an R-4 Zone be approved, this would represent an additional bonus.

In response to the opinion of several Councillors this evening who felt that the Public Hearing should be terminated due to the change of ownership, Councillor Poirier indicated her own opinion that the Hearing should continue. She advised that Mr. Shaffer could still redeem ownership of the building. As well, she indicated her feeling that if Mr. Shaffer had been granted R-4 Zoning earlier, he may not have lost the property.

Councillor Lichter indicated that should the rezoning application be approved, it was unlikely that Mr. Parker would be paying Mr. Shaffer anything more for the property; therefore Mr. Shaffer does not stand to gain anything by attending the Hearing this evening.

Mr. Waterfield agreed with Councillor Lichter and advised that Mr. Shaffer made no money from what had occurred at noon today.

There were no further questions for Mr. Waterfield and no further speakers in favour of the rezoning application.

Speakers in Opposition to Rezoning Application No. RA-24-4-82-05

Mr. Barry Brennan, Churchill Subdivision: Mr. Brennan advised that he was opposed to the Rezoning Application based on the tampering against the R-2 zoning which the citizens fought for and received in 1974. He further advised that three years ago, when Mr. Shaffer lived in the same Subdivision, and he had gone around requesting people to sign a petition for R-1 Zoning, Mr. Shaffer had signed the petition. He now questioned why Mr. Shaffer would want his own property to be rezoned from R-2 to R-4.

There were no questions for Mr. Brennan.

Mr. Wallace Mills, Herring Cove: Mr. Mills advised that he was here this evening in a dual capacity; on behalf of himself and on behalf of the Herring Cove Ratepayer's Association, of which he was Chairman. He read to Council the following brief on behalf of the Association:

"A special meeting to discuss the application to rezone the property at 939 Herring Cove Road from R-2 to R-4 was held in Herring Cove on June 29th. That meeting was attended by approximately 70 people and I have been instructed to convey the feelings of those in attendance as embodied in a series of resolutions.

The Following resolutions were passed by unanimous vote:

1. This meeting of Herring Cove Ratepayers opposes any tampering which would undermine the zoning by-law ordered by the Nova Scotia Planning Appeals Board in 1974 and subsequently adopted by the Municipal Council of Halifax County.

2. This meeting of Herring Cove Ratepayers believes that the rezoning proposal to change the present zoning of 939 Herring Cove Road from R-2 residential to R-4 residential zoning would undermine and destroy the integrity of the zoning in effect in the area of Herring Cove and we wish to declare our deep opposition.

3. This meeting of Herring Cove Ratepayers wishes to record our surprise and indignation that Halifax County Council would consider legalizing a willful and deliberate violation of the zoning by-law. We understood that it was the duty of Halifax County to uphold and enforce its own by-laws, not to reward and congratulate those who violate the law.

4. This meeting of the Herring Cove Ratepayers wishes to record our disapproval of the remarks reported to have been made by Councillor Lazlo Lichter that people in the community are "railroading Mr. Shaffer". We wish to inform Mr. Lichter that we fought long and hard and spent a great deal of time and money to get the zoning by-law passed. We resent the insinuations and charges made by Councillor Lichter.

5. It was moved that the County Building Inspector be charged with ensuring that the building at 939 Herring Cove Road is used in conformity with the R-2 zoning by-laws.

It should be recalled that this association and the majority of residents of Herring Cove expressed very strong and sustained opposition to R-4 zoning in 1973-1974 to the extent of appealing to the Provincial Planning Appeal Board against such a zoning, an appeal that was upheld. The opposition to high-density development is neither new nor is it particular to this application."

Subsequent to reading the above to Council, Mr. Mills elaborated on the submission, referring to the Planning Appeal Board decision of 1974 as follows: Page 26 "The Board...has concluded that it is good planning and in the best interest of the Municipality to preserve Herring Cove in substantially its present state of a low density residentially oriented area..."

He further advised that the appeal hearings lasted for five days over two weeks in May of 1974; during that time an elaborate submission by the Provincial Community Planning Division, including a very detailed analysis and report labelled the Otis Report and a long list of expert witnesses on water, sewage, traffic and planning.

Mr. Mills noted an important factor in the decision of the Planning Appeal Board, which he felt was also significant for today's application; this was taken from page 15 of the Planning Appeal Board transcripts, as follows: "The Board agrees with Mr. Otis' opinion that, "If extensive development is permitted to take place on these soils, development cost will be high and ultimately would be transferred to the consumer and the public level."

Mr. Mills also noted the following problems which would occur:

- inadequate roads;
- uncertain water supplies;
- problems of sewage disposal

Mr. Mills continued his presentation advising that Councillor Lichter had been quoted in the Mail Star as saying that four units was not high density. However, he advised that once granted the R-4 Zone, Mr. Shaffer could then make additions. He indicated that the real objection to the R-4 zoning was the precedent that if granted to Mr. Shaffer, what right would council have to deny anyone else who made the same request.

Mr. Mill's advised that he was not as much concerned then with the Shaffer case but with the entire zoning by-law, now in effect. Therefore, the proposed rezoning was highly undesirable and objectionable.

He further commented on the actions of Mr. Shaffer advising that the present building standing is a consequence of a willful and deliberate violation of the by-law; Mr. Shaffer did not like the law so he broke it. Mr. Mills felt that Mr. Shaffer's application was an invitation for Council to become an Accessory after the fact.

Mr. Mills concluded his presentation advising that if Mr. Shaffer does not have to obey the law, why should anyone else; and why stop at the zoning by-law when the building codes and even tax laws can also be broken.

Councillor Lichter congratulated Mr. Mills and the Herring Cove Ratepayer's Association on the presentation, with one exception. In the fourth resolution of the Association it was stated; "We resent the insinuations and charges made by Councillor Lichter." Councillor Lichter advised that he had made no insinuations at all; he spoke outright.

There were no further questions for Mr. Mills.

Mrs. Josephine Wight, Herring Cove: Mrs. Wight was opposed to the R-4 zoning of the property based on Mr. Shaffer's abuse of the present zoning By-Law. She advised that he had had four families living in the building and indicated that she was in possession of the names of those families.

Councillor Benjamin questioned when there had been four families living in the building and was advised by Mrs. Wight that it had been in October.

Solicitor Cragg confirmed that the information he had been given at the time that Mr. Shaffer was prosecuted indicated that the building was being used as a four-unit, even though Mr. Shaffer had never admitted to this.

Councillor Benjamin expressed grave concern at this serious charge.

Councillor Eisenhauer requested clarification of the exact charges against Mr. Shaffer, to which he pleaded "guilty". Solicitor Cragg advised that the charges were pursuant to the Occupancy By-Law. He indicated that staff had physically visited the premises and were able to determine from the visit that the building was being used as a four-unit building.

There were no further questions for Mrs. Wight.

Mrs. Marion Canning, 950 Herring Cove Road: Mrs. Canning advised that her prime objection was to the principal of R-4 Zoning, as herself and her neighbours liked the area the way it existed at the present time; R-2. It was their opinion that R-4 zoning on this property would initiate further apartment building developments. Mrs. Canning also refuted Mr. Shaffer's statements regarding the alleged underaged signatures on the petition and also the allegations that people as far away as Sambro had signed it.

Mrs. Canning, as well, indicated that there had been more than two families living in the building.

Councillor Lichter read to Mrs. Canning, a portion of a letter from Mrs. Canning which indicated her concern that the property in question apparently was going to be rezoned without a Public Hearing. Councillor Lichter advised that this is not the way rezoning is done; he advised that any rezoning request is brought before the Council and made the subject of a Public Hearing. He also advised Mrs. Canning that back in 1973, when her husband and herself owned approximately 10 acres of land in the same area, they had fought exactly the opposite battle as they were fighting today and had been asking that no restrictions be placed on their land.

There were no further questions for Mrs. Canning.

Mr. Arthur Canning, 950 Herring Cove Road: Mr. Canning also spoke to Council with regard to the petition making the same points as had Mrs. Canning. He also indicated his opinion that Council members living outside of the Herring Cove area should have no say in what goes on in Herring Cove with regard to zoning or any other matters.

Warden MacKenzie then asked Mr. Canning if Council had no right to vote on this matter, who would. Mr. Canning replied that the petition would be the democratic way to settle this issue.

Councillor Baker, however, informed Mr. Canning that when a Councillor takes office, it is taken for all of Halifax County, not just the District in which he lives.

Councillor Lichter confronted Mr. Canning with excerpts from the minutes of a PAC meeting, November 26, 1976, in which Mr. Canning had indicated his desire to have his 10 acres of land in Herring Cove zoned "C", commercial. He then questioned Mr. Canning, as to whether he had been as concerned for the heritage aspect of the community at that time, as he apparently was today.

Councillors Benjamin and Topples objected to this line of questioning.

Councillor Smith requested clarification from Solicitor Cragg, as to minimum age one must be to be eligible to sign a petition and was advised by the Solicitor that petitions have no legal effect or weight and are not tendered evidence in a Court of law; therefore, no particular age is really assigned to them.

Mr. Canning advised that one young person from the area did wish to sign the petition and he had felt this was fine as young people should be permitted to show an interest in their community.

There were no further questions for Mr. Canning.

Mr. Don Brown, 555 Herring Cove Road: Mr. Brown advised that he had purchased property in the community knowing it was zoned R-2; he advised that had the property been zoned R-4 he would not have been interested in purchasing it.

There were no questions for Mr. Brown and no further speakers in opposition to the rezoning application.

Warden MacKenzie then declared the public portion of the Hearing closed.

MOTION AND DISCUSSION OF COUNCIL

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

"THAT Municipal Council deny its approval for a rezoning of the property at 939 Herring Cove Road from R-2 to R-4 zone."
Motion Carried.

Prior to the passing of the above motion, Councillor Benjamin advised that he had been disturbed by the untruths of the applicant with regard to the number of families living in the building at 939 Herring Cove Road; he felt that by doing this the applicant had discredited himself. He also advised that there had been ample expression from the Community who were opposed to the application. He also expressed concern regarding the fact that a Public Hearing was held at all in light of the fact that the ownership of the property had changed today.

Councillor Topple indicated his support of the motion as well, but for different reasons. He felt that approval of the R-4 zoning would present an undesirable precedent for the area.

Councillor Lichter also indicated his support of the motion; as well he indicated his support that a Public Hearing was held. The Councillor advised that a petition can be taken lightly or seriously but a Public Hearing must be taken seriously as it gives all parties involved an opportunity to express their views.

ADJOURNMENT

It was moved by Councillor Gaetz:

"THAT the Public Hearing adjourn." Motion Carried

Therefore, there being no further business, the Public Hearing adjourned at approximately 10:00 P.M.

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REGULAR COUNCIL SESSION

JULY 6, 1982

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

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk
Mr. Robert Cragg, Municipal Solicitor
Mr. Ken Wilson, Director of Finance
Mr. Keith Birch, Chief of Planning & Development
Mr. Ed Wdowiak, Director of Engineering & Works
Mr. Donald E. Curren, Exec. Dir., Canadian Paraplegic Association
Miss Linda Mader, Bedford-Svil. Metro Consumers Group
Mr. John Rogers, Canadian Paraplegic Association
Miss. Cheryl Gaudet, Canadian Paraplegic Assoc.
Miss. Marion Duffitt, Canadian Paraplegic Assoc.
Miss. Margaret Hiltz, Canadian Paraplegic Assoc.
Miss. Linda Maynard, Bedford-Svil. Metro Consumer Group
Mr. Laurie Cranton, Canadian Paraplegic Assoc.
Mr. Gerry Cassidy, Bedford-Svil. Metro Consumer Group
Mr. Ted Strong, Bedford-Svil. Metro Consumer Group

SECRETARY: Christine E. Simmons

OPENING OF COUNCIL - THE LORD'S PRAYER

Warden MacKenzie brought the Regular Council Session to order at 2:10 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

APPROVAL OF MINUTES

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

"THAT the Minutes of the May 10, 1982, MDP Public Hearing be approved."
Motion Carried.

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

"THAT the Minutes of the May 17, 1982, MDP Public Hearing be approved."
Motion Carried.

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

"THAT the Minutes of the May 18, 1982 Regular Council Session be approved."
Motion Carried.

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

"THAT the Minutes of the June 1, 1982 Regular Council Session be approved as amended."
Motion Carried.

MEETING WITH DONALD E. CURREN, EXECUTIVE DIRECTOR, CANADIAN PARAPLEGIC ASSOCIATION

Mr. Curren introduced the following people, also in attendance at Council, on behalf of the Canadian Paraplegic Association:

- | | |
|-----------------------------|------------------------------|
| 1. Miss Linda Mader, BSMCG | 2. Mr. John Rogers, CPA |
| 3. Miss Cheryl Gaudet, CPA | 4. Miss Mary Duffitt, CPA |
| 5. Miss Margaret Hiltz, CPA | 6. Miss Linda Maynard, BSMCG |
| 7. Mr. Laurie Cranton, CPA | 8. Mr. G. Cassidy, BSMCG |
| 9. Mr. Ted Strong, BSMCG | |

Mr. Curren then proceeded to read to Council his letter of July 6, 1982 (Please refer to letter which was distributed to all Councillors), which urged: "that County Council take the positive and courageous step of agreeing to cost share with the Province and the other Metro Municipalities, the funding required to provide a vastly improved Access-A-Bus Service, including weekend and increased evening service."

Councillor Baker questioned Mr. Curren as to what amount of money would be required. Mr. Curren replied that the present budget per fiscal year is \$12,000.00 which would be shared between the four Municipalities of the County of Halifax, The City of Halifax, The City of Dartmouth and hopefully, the Town of Bedford. He indicated that next year's budget, including the addition of three Access-A-Bus vehicles would be approximately \$30,000.00 and the following year approximately \$40,000.00. He advised that the same request put forth at today's Council Session, had been presented at the City of Halifax who approved it at their last Council Session, at the City of Dartmouth who have approved it in principal and at the Town of Bedford who will be debating the issue this evening.

Councillor MacDonald questioned whether there was a regular run in Sackville and was advised by Mr. Curren that the system works on a first called, first served basis and that the system in Sackville is reasonably good for the amount of Access-A-Buses which are presently available.

Councillor Deveaux indicated to Mr. Curren that both he and Councillor MacDonald were members of the Metropolitan Transit Commission; he indicated that this cost-sharing issue had been approved at MTC based on the response from the participating Municipalities. He also indicated his opinion, that being such a worthwhile cause, the taxpayers of the Metro area would not likely voice any objection to a slight increase in taxes to accomodate the extra buses required.

In response to questioning from Councillor Gaetz, Mr. Curren advised that the service is not available in Rural areas where Metro Transit does not have regular runs for the general public.

Councillor Gaetz spoke briefly on this matter, indicating his disappointment that the service was not available to all Halifax County Residents and advising his opinion that this was unfair to the Rural residents, who also have a population of persons requiring such service.

Mr. Curren indicated to Councillor Gaetz that the Rural areas do benefit in an indirect manner to the Access-A-Bus Service as many disabled persons from rural areas of the Province come to the Metro area where there is a greater availability of education and employment. These disabled persons, orginally from the Rural areas, enjoy the Access-A-Bus service while in the Metro area.

Deputy Warden MacKay also clarified that Transit was paid for by the Urban areas only and not by the Rural areas.

Councillor Baker questioned Mr. Curren in regard to the cost to the user of the Access-A-Bus Service. He was advised that the cost per ride, regardless of the length of the run, is \$1.00 and would soon be raised to \$1.20 per ride.

Councillor Smith questioned Mr. Curren as to how many people would be using the Access-A-Bus at one time and was advised that the bus has the capacity to hold four wheel chairs and several disabled persons who can get around on foot.

Mr. Curren also advised that there were approximately 2000 in the City of Halifax who regularly use the Access-A-Bus and there would be a great deal more, if all those who qualified for the service called to received it. He explained that many people knew how inadequate the system was, with so few busses, just did not bother to call.

Subsequent to further discussion, Warden MacKenzie re-introduced Miss Linda Mader who then proceeded to read her June 28, 1982 letter to Council. Miss Mader explained the mandate of the Bedford-Sackville Metro Consumer Group whom she was representing and took this opportunity as well to express appreciation for the time given to the Group to share in their concerns and to participate in the decision making process.

Miss Mader then advised that the Access-A-Bus Demonstration Project for the transportation of disabled persons is a twenty-six month project put in place to identify the public transportation needs of mobility impaired persons. She indicated that although the project has not yet run its term, it has become evident that the Access-A-Bus Program should be permanently integrated in the structure of the Regional Public Transit System. She also advised her opinion that the Access-A-Bus Program should be expanded in the Metro area with respect to daily service and week-ends and holiday service; to do this, there was a definite requirement to increase the number of vehicles in the service from the present number of three. She advised that at the present time, the limited service provided by the three vehicles, is constantly subject to disruption as the result of tight scheduling, allowing little or no time for preventative maintenance to the vehicles. Miss Mader indicated that if major repairs require a vehicle to be out of service for an extended period of time, the minimum service being delivered is reduced to an almost non-existent level.

Miss Mader's letter also advised: "It is the mandate of the Metropolitan Transit Commission to provide public transit. We seek an equal measurable level of service, consistent with the level of service now being provided to those persons who, fortunately, are not faced with having to wrestle with the obstacles which prevent the integration of mobility impaired persons into the fabric of Canadian Society.

The Access-A-Bus Program now requires partial funding from the municipalities which are involved with the Policy Management of the Metropolitan Transit Commission. Without reservation, I can assure you we consider municipal involvement in the Metropolitan Transit Commission, and accordingly the Access-A-Bus Program to be necessary to ensure a transit service which meets the needs of the users of the service.

Municipal commitment must be by way of representation on the Metropolitan Transit Commission, and also, by way of a financial commitment to the operation of the Commission. ...we re-emphasize our position that the Access-A-Bus Program, in an expanded form, should be integrated with the public transit responsibilities of the Metro Transit Commission.

It is our contention that mobility impaired persons wish to contribute to society, each according to his-her ability. The Access-A-Bus program has assisted in this respect.

Your commitment to a transit service which is truly regional and public is respectfully requested."

Subsequent to the above letter, which re-emphasized Mr. Curren's previous address, there were no questions from Council for Miss Mader.

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

"THAT this issue be referred to the Urban Services Committee for further consideration."
Motion Carried.

On behalf of Municipal Council, Warden MacKenzie thanked Mr. Curren, and Miss Mader for their attendance and presentations to Council.

Mr. Curren thanked Council for the opportunity to make their presentation; subsequently, he and his delegation retired from the Council Chambers.

MEETING WITH SPC

Mrs. MacLean, Secretary - Manager of the SPC and Mr. Marsden of the SPC joined Council at this time to answer questions from Council relative to an item concerning the SPC in the Management Committee Report.

In order to deal with the afore-mentioned item, it was necessary for Council to receive the Management Committee Report.

MANAGEMENT COMMITTEE REPORT

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

"THAT the Management Committee Report be received."
Motion Carried.

Animal Control Proposal - SPC

Mr. Kelly outlined this item from the Management Committee Report, advising:

"The Management Committee received a proposal for animal control in the Municipality of the County of Halifax for the following year. .. The proposal requires an amount of \$165,090.00 for animal control ...an increase of approximately 8% over last year. The Management Committee recommend to Council for approval the animal control proposal by SPC for the following year in the amount of \$165,090.00."