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T U E S D A Y , S E P T E M B E R 7 a n d 21 , 1982

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

S E P T E M B E R 13 a n d 22 , 1982

PUBLIC HEARING

REZONING, DORIS COOPER - AMENDMENT TO W. P. Verge, PUD

SEPTEMBER 13, 1982

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

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
Mr. G. J. Kelly, Municipal Clerk
Mr. Robert Cragg, Municipal Solicitor
Mr. Bob Gough, Director of Development
Mr. Keith Birch, Chief of Planning & Development
Mrs. Dorothy Cartledge, Staff Planner
Mr. Mike Hanusiak, Staff Planner

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.

APPOINTMENT OF RECORDING SECRETARY

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

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

REZONING APPLICATION, NO. RA-24-9-82-04

Warden MacKenzie advised that the first item to be dealt with this evening was Rezoning Application No. RA-24-9-82-04, a request to rezone Estate Lot of the G. Redmond Subdivision located on the Penn Road Shad Bay, Halifax County, District No. 4 to T (Mobile Home Park Zone), while retaining its present R-2 (Residential Two Family Dwelling Zone) status.

This property was owned by Doris Cooper.

STAFF REPORT

Mr. Mike Hanusiak, Staff Planner came forward at this time to present to Council the Staff Report relative to this application. He first advised that the application to rezone had been duly advertised in the newspaper as per the provisions of the Planning Act and that no correspondence had been received either in favour or in opposition to the application.

The Staff Report indicated:

"An application has been received requesting that the Estate Lot of the G. Redmond Subdivision, located on the Penn Road at Shad Bay, be zoned T, Mobile Home Park zone, while retaining its present R-2 Zone. It is the intention of the applicant, Mrs. Doris Cooper, to locate a mobile home on the site.

The land in question was purchased by the applicant on March 9, 1979. Prior to purchase, the applicant rented the property and accompanying dwelling for approximately 12 years. In light of the fact that the existing dwelling has rapidly deteriorated over the past few years, it is the intention of the applicant to have it demolished. A permit authorizing the demolition was granted on July 28, 1982."

The Staff Report also gave a detailed description of the lot and surrounding area (please refer to Staff Report for information).

The Report outlined the comments of the Building Inspection Department as follows:

"In speaking to staff of the Building Inspection Department, concern was expressed over the present condition of the Cooper dwelling. In light of prohibitive costs in repairing the structure, staff feels its demolition and the establishing of a mobile home on a permanent foundation would be acceptable."

The comments of neighbours in the immediate area were:

"On July 30, 1982, the Department of Planning and Development received two proclamations containing the names of 28 individuals who are in support of Mrs. Cooper's proposal. It should be noted that the names of all property owners within the immediate vicinity of the subject property appear on the proclamations."

Mr. Hanusiak outlined the comments of the Department of Planning and Development, advising:

"The Department of Planning and Development recommends that this application be approved for the following reasons:

1. The size of the lot all but dictates that any new dwelling to be established must be of a small scale or size. Given the dimensions of the intended mobile home (60' X 12'), it can be considered as falling within this requirement.
2. While the intended mobile home may interrupt the continuity of housing design on Penn Road, the mode of housing accommodation (i.e. the single family dwelling) will be preserved.
3. The proposed rezoning would create the potential for a considerable improvement in the quality of living accommodation on the site.
4. The proposed rezoning is in direct response to the wishes of citizens on the Penn Road, many of whom urged the applicant to seek approval for locating a mobile home."

Questions From Council

None.

Speakers in Favour

None.

Speakers in Opposition

None.

Motion and Discussion From Council

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

"THAT the Estate Lot of the G. Redmond Subdivision, located on the Penn Road at Shad Bay, be zoned T (mobile home park) Zone, while retaining its present R-2 (two family dwelling) zone."
Motion Carried.

Mrs. Doris Cooper retired from the Council Chambers.

APPLICATION NO. 1-77 - REQUEST BY W. P. V. CONSTRUCTION LIMITED TO AMEND THE VILLAGE VILLAS P.U.D. AGREEMENT

Mr. Bog Gough, Director of Development came forward at this time to provide Council with information relative to the requested amendment to the PUD. He advised that the request was for the following purposes:

1. Assigning the last remaining interests in the Village Villas PUD Agreement to co-operative housing operation be it the form proposed by the Neighbourhood Housing Association or another co-operative organization;
2. Permitting four large lots (i.e. Blocks I, J, K, L) to be approved rather than the 22 individual lots as provided for under the agreement; and
3. Permitting services to be installed to the individual units on four lateral service lines rather than the 22 individual lines as provided for under the agreement.

Mr. Gough further outlined the recommendation of the Planning and Development Department, advising that the Department has no objection to the proposed transfer provided that the following conditions are satisfied:

1. That any party wishing to assume liability for the last remaining interests in the agreement meet with the approval of the County Solicitor.
2. That the water and sewer services for this final phase are installed to the satisfaction of the Municipal Engineer.
3. That the extension to Matador Court be bonded and eventually built and paved and furthermore conveyed to the Department of Transportation as provided for in the Agreement.
4. That all areas designated for parkland be upgraded to the satisfaction of the Department of Recreation and conveyed in such condition to the Municipality.
5. That any existing drainage problems be rectified to the satisfaction of the Municipal Engineer.
6. That any proposed servicing system (be it 22 separate lines or a series of lateral lines) meet with the approval of the Municipal Engineer.
7. That the design and construction of the buildings conform to standards as set forth under the National Building code; That the original intent of all specific terms and conditions as well as the nature of the Agreement as a whole be preserved.
- 8.

Mr. Gough had also distributed to Council copies of a letter to the Planning Department from Mr. Walter Verge. This letter indicated:

"...this is to confirm the Company's desire to see the land we presently own on Matador Court completely developed.

Unfortunately due to the economic climate today this project has not been able to proceed as originally planned.

We do understand Council's desire to act in the best interest of its citizens and that one way to do this is to have a public meeting. However, we would once again simply wish to state that because time limits on financing and also the changing cost factor we felt that by the time a Public Hearing took place the project would be lost. There still is a possibility that this particular Co-operative might not be able to proceed.

However, we believe there is still a possibility that it could and if not a similar project could be undertaken in the Spring. If the present project is to proceed time still is very much of the essence.

In these difficult times, I am sure Council realizes that there just is not that much home construction going on. This project would not only provide more housing in the Sackville area but would provide much needed jobs for the people in the Construction Industry.

Our Company has built in the Sackville area 150 homes and we want to see home construction continue in the Sackville area. The value of these homes which we have built have gone up approximately \$10,000 per unit.

After having consulted with our prospective purchaser, suppliers tradesmen and others we have decided to once again request that Council approve of the sale of the land in question to Matador Court Co-operative or in the event that the Co-operative not be able to proceed, a sale to a similar Co-operative be allowed.

Our company would finish the parklands, playgrounds and roads as set out in the PUD agreement and we would also put in the sewer and water prior to any conveyance.

If the sale to a Co-operative is approved by Council we would like to be able to install four main sewer and water lines, one to each building, rather than twenty-two individual laterals as this would cut down on infiltration and cost. We would also prefer to give the Co-operative a deed for each block as opposed to each unit."

Mr. Gough also advised Council, that as per the provisions of The Planning Act, tonight's Public Hearing had been advertised in the local newspaper, and no correspondence, either in favour or in opposition had been received in response.

Mr. Gough then provided Council with a brief history, advising that in 1978 an agreement was requested from W. P. V. Construction to construct row houses in Sackville which would eventually lead to the individual units being sold. This agreement had been reached and the development proceeded. The agreement was divided into three phases and the first two phases of construction have been completed along with one block of buildings in phase three. This is in error. The legal subdivision plans and surveyors certificate all indicate that this block of units were in phase two yet the agreement indicates they were in phase three.

He continued to advise that two weeks ago the residents had a meeting with staff and advised of the above mentioned concerns and also that the agreement provided for street paving. Please be advised that the agreement does provide for street paving and that the residents also submitted a petition for street paving and hence it was paved under the suburban street paving program and the bonds which were held for the street have since been released since the street was paved. This matter is presently under investigation by the Department of Engineering and Works.

Deputy Warden MacKay requested clarification as to why construction had been done in part of phase three, when it was supposed to be phase two only.

Mr. Gough advised that some of the residents had advised the Planning and Development Department that some of the third phase had been done. He advised that the Department checked this with the Registry of Deeds and found it to be true. However, the Subdivision Plan Documents had indicated that the lots on which work had been done were in phase two.

The Deputy Warden also questioned the Agreement which called for street paving which ended up being under suburban street paving which the residents had paid for.

Mr. Gough advised that the Planning and Development Department were of the opinion that the Developer was to do the paving; however, the Municipality's Engineering and Works Department received a petition and the residents received a bill. He reiterated that this was under investigation.

The Deputy Warden then questioned what problems were presently existing at the site and was advised by Mr. Gough that there is a drainage problem of some concern. He indicated that the rear of the lots are on a walkway and a park area and water runs off this area into the yards. Some people have put up sand banks and some have even dug troughs. The Engineering Department has, however, indicated many methods by which these problems can be remedied.

Councillor Wiseman questioned why the Department of Planning and Development would recommend approval of amendments to the PUD with Mr. Verge when such serious problems are already in existence.

However, Mr. Gough advised that his Department was not recommending approval, but were recommending that Council consider it since there is no reason to disapprove.

Councillor Topple indicated concern over the issue of the paving which was to be done by the Developer but was instead carried out by the Department of Transportation at the expense of the residents.

Mr. Gough indicated that he had spoken with the Developer regarding this issue at great length in the last several days and there is no question but that the Developer was responsible for the paving. The Developer did provide funds to the Department of Transportation; however, the residents did somehow get hold of a petition which was received by the Engineering and Works Department and the paving was paid for by the residents. Subsequently, the Contractor received his money back. However, some of the residents have refused to pay their paving bill.

Referring to the conditions to be met before the Planning and Development Department could recommend approval of the amendment to the PUD, Councillor Deveaux questioned whether these conditions were part of the original agreement or due to the requested amendment.

Mr. Gough advised that the conditions specified in his report were as a result of WPV's requested amendment.

Councillor MacDonald questioned whose responsibility it would become to carry out the Amended PUD once it was approved.

Mr. Gough advised that the Building Inspection and Engineering Departments would be responsible to ensure that the PUD was carried out in the proper manner.

Councillor MacDonald then questioned how the construction in phase three had been managed, without anyone in the Municipality knowing about it.

Mr. Gough advised that it had been a legitimate mistake as the plans came in under the title of Phase Two; therefore, the Municipality has legal documents from the Developer referring to Phase Two.

Deputy Warden MacKay referred to an excerpt from the Developer's letter, which read as follows: "We would also prefer to give the Co-operative a Deed for each block as opposed to each unit." He questioned the Solicitor regarding the exact meaning of this statement.

The Solicitor advised that the Developer is requesting that instead of conveying all lands with 22 separate conveyances, he be permitted to convey four blocks with four separate conveyances.

The Deputy Warden expressed his concern that once the Developer is finished with his construction, his responsibility would end. However, the Solicitor advised that if the Developer completes the project and everything is acceptable to the Municipality then the intent of the agreement would be satisfied.

There were no further questions for Mr. Gough.

SPEAKERS IN FAVOUR OF AMENDMENT TO PUD

Mr. Don McGrath, Solicitor for WPV Construction and Mr. Walter Verge, President of WPV Construction: Mr. McGrath advised that WPV Construction has requested the amendment to the PUD in order to see the project finished and, due to the economic times, he felt this was the best way to finish the project.

Mr. Verge added that the only way to complete the project, considering the present economic conditions, especially the interest rates, would be to develop the project through Co-operative Housing.

He further advised that he knew of a Group the Neighbourhood Housing Association, who were interested in the property. He indicated that these people ranged from accountants to school bus drivers and even secretaries; all good people. He indicated that the drainage problems could be partially eliminated once the park areas were developed. In regard to the paving, he reiterated the comments of Mr. Gough which

indicated that he had put up funds for the paving and did not know why he had received them back. He advised that this is the first he had heard of the road being paved and paid for by the Residents. He requested that Council approve the amendment in order that the project could be completed also indicating that a lot of men needed the work this project offered.

In response to Mr. Verge's statement that he had not known the residents had paid for the paving, the Deputy Warden questioned whether he had not found it strange when he received his funds back from the Department of Transportation.

Mr. Verge replied that he had originally put up a \$20,000 bond and had received the bond back prior to the road being paved. Then he had given the Department of Transportation an additional \$4,000 bond which he assumed was for the paving. He received that bond back a year or so later. He admitted he had been surprised to get it back as he had thought it was for paving; however, he did not investigate the matter further.

The Deputy Warden advised Mr. Verge that before the Department of Transportation is willing to take over a road, it must be brought up to standard. He indicated his surprise that a Developer would hand over \$24,000 in the first place if he did not know what it was for.

Mr. Verge explained that he knew he would get the \$20,000 back but did not know he would be getting the \$4,000 returned. When he got that back as well, he had assumed that the Department of Transportation had paid for it.

The Deputy Warden then questioned Mr. Verge about the "Good Group" of people who were interested in locating in Co-op Units in Phase Three of the WPV PUD.

Mr. Verge advised that this Group had waited for a long time but finally could wait no longer so they began to look elsewhere. However, he was confident that a similar Group of people could be found to enter into a Co-operative Housing arrangement.

Deputy Warden MacKay questioned at what stage the lateral services are installed.

Mr. Verge advised that they are normally installed before the house goes up.

Deputy Warden MacKay then indicated that in the first two phases there appeared to be many problems with regard to trucks getting stuck, etc. He questioned how Mr. Verge intended to avoid these problems in the future installations.

Mr. Verge advised this was one of the reasons he wished to get Phase Three finished soon.

Councillor Wiseman advised that when the request had come to her it was understood that there was a bond to be used for street paving. She

also understood there was to be a petition. She felt that the residents would appreciate receiving the \$4,000 back toward their paving bill.

Councillor Topple questioned Mr. Verge as to whether the price of the paving was included in the price of the units. Mr. Verge replied that it was included.

Councillor Topple then asked Mr. Verge if he would be willing to give the \$4,000 back to the residents to which Mr. Verge replied that he would definitely be willing to do so.

Mr. McGrath advised that there was a question as to how best to do this. He advised there had been a misunderstanding when Mr. Verge had put up the bond in good faith.

Councillor Topple felt, however, that since Mr. Verge had included the price of paving in the unit price that he should be prepared to give this money back to the residents.

Councillor Margeson questioned whether Mr. Verge was willing to comply with the conditions set out by Mr. Gough, should the amendment to the PUD Agreement be approved, to which Mr. Verge replied that he was willing to comply with these conditions.

Mr. Gordon Stokel, Neighbourhood Housing Association, Spring Garden Road: Mr. Stokel advised Council that his Group had been interested in the project some time ago.

He advised that this Association was formed to assist people in the development of Co-Operative Housing Programs. He indicated that, although his particular organization was no longer interested in the WPV Development, he did wish to speak to Council in favour of Co-operative Housing in general. The following were some of the points he brought out:

1. The Co-Operative Housing Developments are well maintained by those living in them;
2. They are low-cost housing which is a necessity in this day and age;
3. People do not profit from selling them as they earn no equity living in them;
4. One person can not own several;
5. Although, it is relatively low cost housing, the same type of people live in these homes as in normal residential housing developments.

Several Councillors indicated their opinion that Mr. Stokel's information was irrelevant to the application. However, Mr. Stokel indicated that he only wished to clear up some misconceptions about Co-operative Housing which might be detrimental to Mr. Verge's success in the amendment.

Councillor Wiseman indicated that the people of Matador Court were not objecting to Co-operative Development specifically, but they were opposed because they live in an area where their homes are individually owned and not leased. The opposition, she advised had nothing to do with fearing that a lower class of people would be moving in. It was more a feeling that property values would go down.

Mr. Russ Smith: Mr. Smith advised that he wanted to give the Warden and Councillors assurance that Co-operative Housing would not take away from the local residential environment. He gave numerous examples of such developments in Halifax, Dartmouth and vicinity which were witness to this fact.

Mr. Brian Gifford, Neighbourhood Housing: Mr. Gifford merely reiterated the comments of Mr. Stokel and Mr. Smith. However, Mr. Gifford having resided for a length of time in Co-operative Housing, felt he had first-hand experience of the efficient manner in which the programs were run and advised that the properties and units were too well maintained to deteriorate surrounding property values.

He advised that the income range of persons living in Co-operative Housing units was \$9,000 to \$30,000 with the average income being 15,000 to \$20,000.

Councillor Margeson questioned whether Mr. Gifford had viewed the WPV Site and whether or not he felt it was suitable for Co-operative Housing.

Mr. Gifford indicated that he had not actually visited the site.

Mr. Terry Kiley: Mr. Terry Kiley was also a resident of a Co-op Housing Development and advised that the reason most of his neighbours and himself are in Co-op Housing is that they cannot afford to buy a home and because renting is so expensive. He advised that they can control their rates and that they do not make a profit from the Housing Program. He advised that they also have a maintenance budget to keep their homes up. He reiterated that they can live in better accommodations than persons who rent for up to \$500 or more; that, he stated, is what Co-op housing is to those who live in them.

There were no further speakers in favour of the Application for Amendment to the WPV Village Villas PUD Agreement.

SPEAKERS IN OPPOSITION TO AMENDMENT TO PUD

Mr. Paul Martin, 32 Matador Court: On behalf of the residents of Matador Court, Mr. Martin advised he was present to oppose the application. He advised that in the County of Halifax, years ago there were no planning restrictions governing development; this resulted in haphazard development. He advised that two and one-half years ago, he had moved to Matador Court from Riverside Drive and purchased from WPV, new when they moved in. He felt that he and the other residents of Matador Court have the right to expect that the remainder of the PUD be carried out as per the original agreement. He indicated that he is not

in opposition to Co-ops but there is an agreement for phases one, two and three. The residents have expectations arising out of that agreement and expect to have them carried through.

He also advised in regard to the street paving issue, that when the residents were asked to sign the petition, they did so with the understanding that they were not going to be paying for it as it was intended to be paid for by the Developer.

Mr. Martin also distributed pictures taken just several weeks ago depicting the severe drainage problems being suffered which he hoped would soon be corrected.

Mr. Martin was questioned briefly by Council with regard to the paving and the drainage problems.

There were no further speakers in opposition to the application.

MOTION AND DISCUSSION OF COUNCIL

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

"THAT the requested amendments to the Village Villas PUD Agreement be denied by Municipal Council."
Motion Carried.

Prior to the passing of the above motion, Councillor Wiseman spoke at length in opposition to the application. In doing so the Councillor raised the following four major objections:

1. The existing residents were sold their townhouses with the assurance from the Developer that the whole of Matador Court would be developed in a like manner;
2. That because of the lack of control over the development as it has progressed to this point by the County Inspection Department because of the deficiencies that have occurred, because of violations of the PUD Agreement and of County By-Laws, there is not willingness to leave anything including ownership of the land to chance;
3. There is objection on behalf of the existing residents to the possibility of group ownership of the property;
4. No definite buyer has been identified.

The Councillor concluded her comments by requesting Council to listen carefully to the concerns expressed by the homeowners and to support denial of the requested amendments.

Deputy Warden MacKay also spoke in opposition to the requested amendments, echoing many of the comments of Councillor Wiseman.

The motion was carried unanimously by Municipal Council.

ADJOURNMENT

It was moved by Councillor Gaetz:

"THAT the Public Hearing adjourn."
Motion Carried.

Therefore, there being no further business, the Public Hearing adjourn-
ed at 9:10 P.M.

PUBLIC HEARING

SEPTEMBER 22, 1982

BY-LAW TO AMEND, MDP FOR SACKVILLE

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

ALSO PRESENT: Mr. Robert Cragg, Municipal Solicitor
Mr. Dale Reinhardt, Administrative Clerk
Mr. Keith Birch, Chief of Planning & Development
Ms. Valerie Spencer, Supervisor, Planning Policy Division
Mrs. Dorothy Cartledge, Planner
Mr. Mike Hanusiak, Planner
Mr. Brant Wishart, Planner
Mr. Bob Gough, Director of Development
Mr. MacEachern, Sackville
Mrs. MacEachern, Sackville

SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING

Warden MacKenzie brought the Public Hearing to order at 7:15 P.M.

ROLL CALL

Mr. Birch then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Margeson, seconded by Councillor MacDonald

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

PUBLIC HEARING

Warden MacKenzie advised Council that this Public Hearing was called to deal with a By-Law to amend the Municipal Development Plan for Sackville.

STAFF REPORT

Mr. Brant Wishart came before Council to outline the Staff Report with regard to this application No. PA-S-2-82-18. The Report read:

"On June 14, 1982, the Planning Advisory Committee of the Municipality of the County of Halifax requested that staff advise the Committee on means of accomodating the expansion of an existing sheet metal shop on the Old Sackville Road. The business, A. F. MacEachern Sheet Metal Company Limited, had become non-conforming as a result of the adoption of the Municipal Development Plan and accompanying Zoning By-Law for Sackville.

The Planning Advisory Committee was expressly concerned with the non-conforming status of this business as it had been in existence for a number of years, was situated on a minor road and was compatible with the surrounding land use.

When informed that the property was in the Rural Residential Designation, a designation which supports residential and resource uses but not general business or industry as the main use of land, and that expansion could therefore only be accomodated by actually changing the provisions of the Plan, the Committee forwarded the matter to Council. Council in turn instructed staff to prepare amendments to the Municipal Development Plan for Sackville such that the A. R. MacEachern Sheet Metal Company would be permitted to expand by development agreement. Both the Department of Municipal Affairs and the Municipal Solicitor have stated they have no objection to the proposal.

Therefore, it is recommended that County Council pass a by-law to amend the Sackville Municipal Development Plan as follows:

A By-Law to Amend the Municipal Development Plan for Sackville

The Municipal Development Plan for Sackville is hereby amended by inserting immediately after Policy P-46 the following:

"Within the Rural Residential Designation there is a sheet metal operation on the Old Sackville Road which has been in operation for a number of years. Although it is not proposed that new sheet metal or like operations be permitted to establish within the designation, the existing use is compatible with uses in the immediate area.

P-46A - Notwithstanding Policy P-44 it shall be the intention of Council to consider the expansion of the existing A. F. MacEachern Sheet Metal Company Limited (LRIS Index Number 458331) according to the provisions of Section 33(2)(b) and 34 of the Planning Act. In considering any agreement, Council shall have regard to the following:

- i the adequacy of vehicular access and egress;
- ii the location and extent of open storage and-or display;
- iii the provision of adequate screening from uses in the immediate area; and
- iv the provision of Policy P-104"

It is further recommended that County Council approve in principal a development agreement between the Municipality of the County of Halifax and Angus F. and Mabel MacEachern of Lower Sackville. The Municipality cannot formally enter into the agreement until such time as the amendment to the Municipal Development Plan has received the approval of the Minister of Municipal Affairs.

However, by adopting the development agreement in principal at this time Council may, at the next regularly scheduled Council Session after the amendment has received Ministerial approval, enter into the agreement without the necessity of holding an additional public hearing."

There were no questions for Mr. Wishart from Council Members.

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

SPEAKERS IN FAVOUR

None.

Although there were no "speakers in favour", the Deputy Warden questioned Mr. MacEachern who was in the Gallery, as to whether or not he was in agreement with the amendment and the subsequent contract which would be drawn up between himself and the Municipality.

Mr. MacEachern advised Council that he was in full agreement.

SPEAKERS IN OPPOSITION

None.

MOTION AND DISCUSSION FROM COUNCIL

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

"THAT Municipal Council of the County of Halifax approve a by-law to amend the Sackville Municipal Development as specified in the above staff report of the Planning and Development Department."
Motion Carried.

The above motion was passed unanimously by Municipal Council.

APPROVAL IN PRINCIPAL OF THE AGREEMENT BETWEEN THE MUNICIPALITY AND ANGUS AND MABEL MACEACHERN

Mr. Wishart then reviewed with Council the Draft Agreement between the Municipality and Mr. & Mrs. MacEachern, asking Council for its approval in principal. (Refer to Copy of Agreement for details).

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

"THAT Council approve in principal a development agreement between the Municipality of the County of Halifax and Angus F. and Mabel MacEachern of Lower Sackville, as presented by Planning and Development Report."
Motion Carried.

The above motion was also carried unanimously.

ADJOURNMENT

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

"THAT the Public Hearing adjourn."
Motion Carried.

Therefore, there being no further business, the Public Hearing adjourned at 7:45 P.M.

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REGULAR COUNCIL SESSION

SEPTEMBER 7, 1982

PRESENT WERE: Warden MacKenzie, Chairman
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
Deputy Warden MacKay
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
Mr. G. J. Kelly, Municipal Clerk
Mr. Robert Cragg, Municipal Solicitor
Mr. Ed Wdowiak, Director of Engineering & Works
Mr. Keith Birch, Chief of Planning & Development
Mr. Bob Gough, Director of Development
Mr. Ken Wilson, Director of Finance
Mr. Mort Jackson, Executive Director, Metropolitan
Authority
Mr. Gerry Isnor, H. J. Porter & Associates Ltd.
Mr. Darrel Hynick, Department of Environment
Mr. Willard D'Eon, Atlantic Health Unit
Mr. Ronnie McEachern, Solid Waste Management,
Metropolitan Authority
Ms. Valerie Spencer, Supervisor, Planning Policy Div.
Mr. MacDonald, Resident - Timberlea
Mr. Alan Hayman, Solicitor

SECRETARY: Christine E. Simmons

OPENING OF COUNCIL - THE LORD'S PRAYER

Warden MacKenzie brought the Council Session to order at 2:04 P.M. with
The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

APPROVAL OF MINUTES

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

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

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

"THAT the Minutes of the August 17, 1982 Regular Council Session be approved as amended."
Motion Carried.

MEETING WITH OFFICIALS, RE: SACKVILLE SANITARY LANDFILL OPERATION

At this time the following persons came forward to address Council:

1. Mr. Mort Jackson, Executive Director, Metropolitan Authority;
2. Mr. Gerry Isnor, H. J. Porter & Associates Ltd.;
3. Mr. Darrell Hynick, Department of the Environment;
4. Mr. Willard D'Eon, Atlantic Health Unit;
5. Mr. Ronnie McEachern, Solid Waste Management, Metropolitan Authority.

Mr. Mort Jackson addressed Council first advising that the Report on the Landfill Site which had been completed last week indicated there is no evidence that the Sackville River is being polluted; however, it indicated that the existing leachate treatment system is reaching capacity and will have to be expanded in the near future. A standard procedure which will be carried out is to have the leachate recirculated back over the site and this will be undertaken within the next two weeks.

Mr. Jackson reviewed the Report completed in January, 1982 which identified Council's concerns with respect to the Landfill and also the above-mentioned, recently-completed report with recommendations to eliminate these concerns. (Please refer to Reports for Detail).

The latter Report included six major recommendations, five of which were being undertaken at the present time or had been completed. However, there were two siltation ponds yet to be cleaned and leachate lagoons which would be undertaken at a later date when the treatment method has been updated. Hydroseeding had been done within the last two weeks.

Mr. Isnor also reviewed the recommendations contained in the Report and spoke to Council at length in regard to these recommendations. He also indicated that no polluting factors were entering the Sackville River; however, he could not confirm that no leachate was entering groundwater. This question had been posed by Deputy Warden MacKay.

Mr. Darrel Hynick also spoke with Council at length concluding with his opinion that the Landfill Operation has been run adequately.

Mr. Willard D'Eon of the Atlantic Health Unit advised Council that the role of his Department was minimal with the exception of inspections. He advised that future site reports and accompanying chemical test results would be made to the Metropolitan Authority in writing; this procedure differed from the usual visual inspections.

Subsequent to still further lengthy discussion, Mr. Mort Jackson, prompted by Councillor Wiseman, agreed that he would personally assume responsibility for the future monitoring of the landfill site. This had been of major concern to all Councillors.

Mr. Jackson also indicated that he would keep both elected officials and representatives of the Sackville Advisory Board well-informed of the landfill site conditions in the future.

This concluded the nearly two-hour debate; Mr. Jackson, Mr. Isnor, Mr. D'Eon, Mr. Hynick and Mr. McEachern retired from the Council Chambers.

REPORT OF THE PLANNING ADVISORY COMMITTEE

Upon the request of Councillor Poirier, Council agreed to deal with the Planning Advisory Committee Report contained in the agenda at this time. The request was made as Mr. MacDonald of Timberlea was present in the Council Chambers.

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

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

MacDonald Property - Timberlea

This Report dealt with the situation on the MacDonald property in Timberlea which Councillor Poirier had eluded to on several previous occasions in Council.

Councillor Poirier reiterated her previous position with respect to Mr. MacDonald's property and Mr. Meech outlined the PAC Report which concluded with the following two recommendations:

1. "That the Committee recommend to Council that the Clerk contact the Minister of Municipal Affairs to indicate that a recommendation will be forthcoming on a change to the Timberlea-Lakeside-Beechville zoning schedule and that he withhold signing of the document until such recommendation has been received;

2. That the Committee recommend to Council that the MacDonald property identified in Appendix "B" of the proposed Timberlea-Lakeside-Beechville By-Law be given a C-2 zoning in the new Zoning By-Law; and that any appropriate amendments to the Municipal Development Plan and Zoning By-Law be so carried out."

Also attached to the agenda was a letter from the former members of the Beechville-Lakeside-Timberlea Public Participation Committee, which outlined six reasons why they felt that the change requested by Mr. MacDonald should not be approved by County Council. (Please refer to letter)

Councillor Poirier read to Council, a letter from Mr. MacGillivray, the former PPC Chairman, addressed to Councillor Topple, Chairman of the Planning Advisory Committee. This letter, written previous to Mr. MacDonald's Rezoning Hearing, supported the decision to hold a Public Hearing regarding Mr. MacDonald's rezoning while at the same time having intentions to zone him a certain way during the MDP Process. She also indicated that the Public Hearing at which he had gained his C-1 zoning, had cost him a great deal of money.

Councillor Topple was concerned that he had never received the above mentioned letter which was apparently addressed to himself.

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

"THAT the Municipal Clerk contact the Minister of Municipal Affairs to indicate that a recommendation will be forthcoming on a change to the Timberelea-Lakeside-Beechville Zoning schedule and that he withhold signing of the document until such recommendation has been received; further, that the MacDonald property, identified in Appendix "B" of the proposed Timberlea-Lakeside-Beechville By-Law, be given a C-2 Zoning in the new Zoning By-Law; and that any appropriate amendments to the MDP and Zoning By-Law be so carried out."
(See Motion to Defer.)

Subsequent to placing the motion on the floor, Councillor Poirier requested that Mr. MacDonald be permitted to come forward and present to Council his views. However, this suggestion was not agreed to as many Councillors felt this would lead to a type of Public Hearing at which the opposition, the PPC, would be unable to present its views.

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

"THAT this issue be deferred until the next Council Session at which time, the Chairman of the PPC be invited to give his views regarding the zoning of Mr. MacDonald's property in Timberlea."
Motion Defeated.

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

"THAT Council adjourn for five minutes in order that Councillor Poirier may confer with Mr. MacDonald."
Motion Carried.

Councillor Poirier thanked Council for its indulgence but indicated her disapproval that Mr. MacDonald had not been permitted to give his views in person. She then proceeded to answer some concerns posed by the PPC, on behalf of Mr. MacDonald.

First, in regard to the fact that the MDP was approved by and for residents of District # 2, she indicated that Mr. MacDonald was also a resident of District # 2.

Secondly, in regard to the requested change not conforming with the intent of the plan, she indicated that his rezoning to C-1 had been approved in co-operation with his surrounding neighbours who had no objection to C-1 zoning of his property.

Thirdly, in reaction to allegations that Mr. MacDonald did not approach the committee or speak against the plan, the Councillor indicated this was untrue as he had attended meetings as well as the Public Hearing for his zoning and for the MDP Hearing.

At this time, Mr. Birch came forward, advising that Mr. MacDonald had agreed with the recommendation that he be permitted to expand his facilities through a contract with the Municipality. This information he had gleaned from notes taken at the Public Participation Committee Meetings.

Councillor Poirier questioned whether the Public Hearing at which Mr. MacDonald had received his C-1 Zoning, had been a legal hearing and was advised by Solicitor Cragg that it had been. The Councillor then indicated her opinion that Mr. MacDonald had not been a non-conforming use prior to the approval of the MDP Plan and Zoning By-Law for the area.

Councillor Lichter also spoke briefly on this issue advising his opinion that it would be far wiser for Council to recommend the change to the Minister now, before the MDP is signed, rather than to expend thousands of tax payers dollars in the future to amend the Plan.

Councillor MacDonald also spoke on this issue indicating its similarity to a zoning problem being experienced in his district relative to the Sackville Municipal Development Plan.

Councillors Deveaux and Topple spoke in opposition to the proposed change in the zoning documents with respect to Mr. MacDonald's property. Councillor Topple, in view of the fact that Mr. MacDonald had ample opportunity to express his views prior to approval of the MDP Plan and had not done so, and Councillor Deveaux based on the amount of time and energy spent by the PPC in developing the Zoning Plan. He felt there were good reasons why the Public Participation Committee was not in favour of the zoning change.

However, subsequent to still further discussion, the question was called on the original motion.

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

"As written previously."
Motion Carried.

Prior to the passing of the motion it was indicated that the previous C-1 zoning enjoyed by Mr. MacDonald was now obsolete and the C-2 would be the closest zoning available to give him the same options relative to the use of his property.

Subsequently, Mr. MacDonald retired from the Council Session.

SUPPLEMENTARY POLICY COMMITTEE REPORT

Councillor MacDonald requested that the Supplementary Policy Committee Report be received at this time, as there were several residents in attendance from the Lively Subdivision who were interested in an item on this Report.

It was agreed by Council that this Report be dealt with.

Lively Subdivision Water System

Mr. Meech outlined the Report contained in the Agenda, which resulted in the following recommendation:

"The Policy Committee recommend to Council for approval an expenditure of \$31,500 to upgrade the existing Lively Subdivision Water System and takeover of the system by the Municipality, including the installation of water meters. The Committee further recommend that funding for this capital expenditure be as follows: County General Capital Grant Fund - \$15,750.; District 19 Capital Grant Fund - \$7,875.; Homeowners Share - \$7,875.; and totaling \$31,500."

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

"THAT Council approve the takeover of the Lively Subdivision Water System by the Municipality, including the installation of meters inclusive of the funding arrangements specified in the Policy Committee Report to Council, September 7, 1982."
Motion Carried.

District Capital Grant Request - District 12

Mr. Meech outlined this item to Council as follows:

"The Policy Committee received a request for a District 12 Capital Grant of \$8,500. to assist in the construction and equipping of a new fire hall in Upper Musquodoboit. The Committee recommend to Council for approval that an amount of \$8,500. from the District 12 Capital Fund toward the construction of a new Fire Hall and purchase of equipment for the Upper Musquodoboit Fire Department."

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

"THAT Council approve an amount of \$8,500. from the District 12 Capital Grant Fund toward the construction of a new Fire Hall and purchase of equipment for the Upper Musquodoboit Fire Department."
Motion Carried.

REGULAR POLICY COMMITTEE REPORT

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

"THAT the Policy Committee Report in the Council Agenda be received."
Motion Carried.

Request for Capital Grant - Lawrencetown Fire Department

Mr. Meech outlined this item from the Council agenda, which read:

"The Policy Committee received a request for a grant from the County General Capital Grant Fund of \$12,000 for the Lawrencetown Fire Department. The Committee expressed concern about the use of the County General Capital Grant Fund for this purpose and in the opinion of the Committee, funds for this purpose should more appropriately come from the District Capital Grant Funds. The Policy Committee recommend that the request be denied."

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

"THAT the request for a grant of \$12,000. from the County General Fund for the Lawrencetown Volunteer Fire Department be approved."
Motion Carried.

Prior to the passing of the motion there was a great deal of discussion in Council in opposition based on the precedent such approval would set. As well, it was indicated, by Councillors Benjamin, and Lichter in particular, that although funding for this purpose was acceptable under the terms laid down by the Province for capital funds, it was appropriate that funds be taken first from the District Capital Grant Fund and if necessary help be received from the General Fund; the bulk of these funds being saved for more urgent matters relating to health problems, water and sewer, etc.

Councillor Gaetz, on the other hand, indicated that Fire Departments are as important in Rural areas as are water and sewer in Urban areas. He also advised that he had already expended \$6,000 from his District Fund toward each of the other two Fire Departments in his District, a total of \$12,000 leaving only \$5,000 of his total \$17,000 left in the pot for other important matters which could arise in 1982.

ADDITION TO AGENDA

Notice of Motion of Reconsideration - Councillor Lichter

At this time, Councillor Lichter served notice of his intention to place a motion of re-consideration at the end of the Council Session relative to the Capital Grant Request in District No. 12 of \$8,500. It was his feeling that if County General Funds could be utilized for a Fire Department in Lawrencetown, they could likewise be used for a Fire Department in District 12.

Status Halifax County Industrial Commission

Mr. Meech advised that he had reviewed with the Municipal Solicitor the status of the Halifax County Industrial Commission and had concluded that the Commission would be recognized as an independent agency of the Municipality. Attached to the agenda was a memo from Mr. Meech which indicated four major implications relative to taxation, etc. (Please refer to the memo for detail).

The memo concluded as follows:

"...the Halifax County Industrial Commission would be responsible for the payment of all Municipal taxes and deed transfer tax as would normally apply to a private venture, however, it has also been determined that the Halifax County Industrial Commission would be in a position to sell property without the requirement of the approval of the Minister of Municipal Affairs which would be the case if the land holdings were in the title of the Municipality of the County of Halifax."

Subsequent to brief discussion:

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

"THAT the Halifax County Industrial Commission retain the lands of the Aerotech Industrial Park under their own jurisdiction, but any land sales must be approved by resolution of Municipal Council."
(See Motion to Defer).

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

"THAT this item be deferred back to the Policy Committee for further investigation."
Motion Carried.

SUPPER ADJOURNMENT

It was moved by Councillor Gaetz:

"THAT Council adjourn for twenty minutes for Supper."
Motion Carried.

DRAFT EMERGENCY MEASURES PLAN

Mr. Bob Gough came forward at this time to explain to Council the proposed draft amendments to the Municipality's Emergency Measures

document. He advised that over the past months, the Emergency Measures Operations Plan for the Municipality has been reviewed in order that it may more efficiently address emergency situations. However, in order to implement these revisions some minor amendments to the Emergency Measures By-Law are required. These amendments are:

1. Delete Section 5 (Refer to Section 5) and Replace with:
Executive Committee 5. The Executive Committee shall be deemed to consist of the members of the Policy Committee of Council.

2. Delete Section 8(b) (Refer to Section 8(b)) and Replace with:
8 (b) Such of the following as appointed or functioning within the Municipality or other agencies:

Fire Chief
Representative of Police Department
Medical Health Officer
Director of Social Services
Municipal Engineer
Representative of other Departments and-or Agencies as required

These amendments were discussed at length by Council, subsequent to which the following motion was passed:

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

"THAT the amendments to the Emergency Measures By-Law, outlined by Mr. Bob Gough be approved by Municipal Council."
Motion Carried.

Warden MacKenzie also requested, on behalf of Mr. Gough, that all Councillors review in detail the proposed Emergency Measures Plan before it returns to Council for final approval.

Mr. Gough then retired from the Council Session.

LETTERS & CORRESPONDENCE

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

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

Letters One Through Eight

The first eight letters were acknowledgments of the County's correspondence regarding the transfer of the Naval Reserve from Halifax to Quebec. The County's letter had been in opposition to this move; the letters were from the following:

1. Mr. Sherman Zwicker, Executive Director of the Union of Nova Scotia Municipalities;
2. Mr. R. L. Lacroix, Executive Assistant, Office of the Minister of National Defense;
3. Mr. Gerald A. Regan, Secretary of State of Canada;
4. Mr. Patrick MacDonald, Correspondence Co-ordinator, Office of the Prime Minister;
5. Mrs. Debra Wright, Administrative Assistant to Mr. Robert C. Coates, MP;
6. Mr. Lloyd R. Crouse, M.P., South Shore;
7. Mr. Lloyd R. Crouse (Copy of Letter from Mr. Crouse to Mr. Trudeau);
8. Mr. Coline Campbell, M.P., South West Nova Scotia.

Councillor Deveaux and Deputy Warden MacKay expressed opposition to the letter from Gerald A. Regan. (Please refer to letter in agenda book for detail).

Correspondence From L. E. Crisp

Several pieces of Correspondence from Mr. L. E. Crisp were included in the agenda book. This correspondence was in support of his petition regarding the quest for a change in the laws dealing with violent crimes and in particular the withdrawal of the "Automatic" Early Release Program and changes in the parole and bail laws.

Included in the Correspondence was a copy of Petition 1, as follows:

Petition 1

The people of Canada DEMAND a complete change in the laws dealing with violent crimes.

The people of Canada DEMAND immediate withdrawal of the "AUTOMATIC" EARLY RELEASE PROGRAM.

The people of Canada DEMAND changes in the parole and bail laws, so that the innocent and not the guilty will be protected.

The people of Canada DEMAND that persons convicted of violent crimes be imprisoned for the MAXIMUM PERIOD, and further, that these people not be released until all Canadians can be assured of their safety.

The people of Canada DEMAND that persons convicted of crimes calling for life sentences, in fact spend the rest of their lives in prison.

The people of Canada DEMAND that all laws be written to protect the innocent - NOT THE GUILTY.

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

"THAT Municipal Council of the County of Halifax support Petition 1 as presented by L. E. Crisp."
Motion Carried.

The motion was carried subsequent to brief discussion during which Councillor Gaetz indicated his feeling that the petition did not allow much room for forgiveness of persons who are genuinely sorry for their crimes and who wish the opportunity to persue a life free of crime. However, Councillor Smith pointed out that the petition was a cry against crimes of a "violent" nature only.

Letter from the Canadian Paraplegic Association

A letter was received from Mr. Donald E. Curren the Executive Director of the Canadian Paraplegic Association, thanking Council for its support of the expansion of the Access-A-Bus Service and for the County's sharing of the funding for this project.

This letter was for Council's information only.

Supplementary Letter From the Attorney General

Mr. Meech advised that a letter had been received from the Attorney General, Harry W. How, Q.C. in regard to the Provincial Contribution to Operating Costs of Municipal Correction Centres and County Jails. Mr. Meech outlined this letter which read:

"During the past few years the Province, through the Department of Attorney General, has been able to contribute towards the operational costs of Municipal Correction Centres and County Jails. Unfortunately, at this time of financial restraint, our budget appropriations do not provide for the continuance of such assistance for the fiscal year 1982-83.

Notwithstanding Provincial financial restraint policy has necessitated the discontinuance of this particular assistance program to the Municipalities, you will appreciate the significantly increased financial assistance which the Province is providing municipalities through the new municipal grant structure, established in 1979 and the additional 40 million dollars recently provided to the municipalities under the new Walker Commission cost-sharing formula in Education.

Although the current financial restraint program of the Federal and Provincial Governments do not provide the best climate for consideration of the Province assuming full responsibility for municipal penal institutions, nevertheless, my Department, in response to the report and recommendation of the Provincial-Municipal Commission on Correctional Institutions, is developing various financial options which I expect to be able to submit shortly to Policy Board for its further consideration in the matter.

You undoubtedly have been aware that my Department's budget, approved by the Legislature, for the fiscal year 1982-83 does not provide for the continuance of such financial assistance as in previous years; however, I thought I would bring the matter specifically to your attention so that you will manage your operational costs accordingly."