

NEW BUSINESSAssessment Figures, 1983 - Councillor MacKay

Councillor MacKay questioned whether the Assessment Figures for 1983 have been received yet from the Assessment Department.

Mr. Meech advised he was unsure of whether the figures had been officially received; however, they are in the preparation stage. Mr. Meech also indicated that through his discussions with the Director of Assessment there is an increase of \$29,000,000 which represents a little more than 2 percent.

Mr. Meech also advised that Mr. Kelly should receive the official Report within a matter of days at which time it would be circulated to all Councillors through their mail boxes.

District Capital Grant - Councillor Baker

Councillor Baker wished to deal with a District Capital Grant in the amount of \$8,000 for the Harrietsfield Fire Department. This grant had been deferred by the Policy Committee.

Warden MacKenzie advised that this issue had been deferred pending additional information in regard to the proposed purchase of a computer. It was felt at the Policy Committee level that the District may be saved some money, if it could utilize the computer storage on the Municipality's computer. Pending this information the Grant request will be dealt with.

He advised that this item would be coming back to the Policy Committee in the next couple of weeks.

Notice of Motion, Next Council Session - Councillor Baker

Councillor Baker advised that he would be putting a motion on the floor at the next Council Session relative to the Nuisance By-Law.

Snow Removal - Councillor McInroy

Councillor McInroy indicated his understanding that at the present time, the Municipality does not have any clause in its Snow Removal Contracts which indicate how long the Contractor has to remove the snow.

He also advised that there was nothing in the Contracts to specify the type of equipment to be used.

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

"THAT the Urban Services Committee discuss the inclusion of certain clauses in the Sidewalk Snow Removal Contracts relative to a reasonable time limit when removal should be completed subsequent to a snow storm and also relative to the type of equipment which should be used." Motion Carried.

Time of Next Council Session - Warden MacKenzie

It was confirmed by Solicitor Cragg that even if the amendment to the By-Law was not signed by the Minister by the next Council Session (which it should be) it would be in order for Council to meet at 6:00 P.M.

Therefore, all Councillors were reminded by the Warden that the next Regular Council Session would be at 6:00 P.M.

Christmas Wishes - Warden MacKenzie

Warden MacKenzie wished all Councillors a Merry Christmas.

Other Merry Christmas Wishes were exchanged between Councillors.

ADJOURNMENT

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

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

Therefore, there being no further business, the Council Session adjourned at 6:10 p.m.

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

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PUBLIC HEARING

JANUARY 10, 1983

PRESENT WERE: Warden MacKenzie, Chairman
Deputy Warden Margeson
Councillor Walker
Councillor Poirier
Councillor Larsen
Councillor Gaudet
Councillor Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Gaetz
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor McInroy
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman
Councillor Mont

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. Mike Hanusiak, Staff Planner
Mr. Keith Birch, Chief of Planning & Development
Mr. John Holt, Resident - Brookside, District 4
Mr. Percy Baker, Resident, Cobequid Rd., District 14
Mr. Graham Thomas, President, Riverlake Residents'
Association
Mr. Dave MacLean, Riverlake Residents' Association
Mr. Paul Miller, Miller & Fitt Solicitors - Riverlake
Residents' Association.

SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

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

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

PUBLIC HEARING

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

APPLICATION NO RA-24-19-82-04Staff Report

Mr. Bob Gough approached Council to outline the Staff Report relative to Rezoning Application No. RA-24-19-82-04, a request to rezone the corner lot on the Butler Subdivision, Located at the junction of the Brookside Road and Highway No. 333, at Brookside, District 04, from R-2 (Residential Two Family Dwelling) Zone to C-1 (Commercial Local Business) Zone.

Mr. Gough advised that this application had been duly advertised, as per the provisions of the Planning Act, and no correspondence had been received in response to the advertisement, either in favour or in opposition.

Mr. Gough read from the the Staff Report, which advised:

"In submitting his application, Mr. John Holt has stated that the purpose of the rezoning is to permit a series of expansions to the structure in existence on the property. These expansions would include a second storey addition to be used as an apartment as well as an enlargement of the convenience store located on the first floor. The residence presently located on the first floor will be removed in favour of the enlargement to the store.

An investigation into the history of the property revealed that the convenience store was commenced in 1972, just prior to the Municipality enacting the R-2 zoning. This would mean that the commercial land use and the structure as a whole has been in a non-conforming status for approximately 10 years. The R-2 zoning on the property may have been the result of of an oversight on the part of the County when it approved the Brookside area zoning."

The Report continued, giving a description of the lot and the surrounding area. (Please refer to Report for information).

The Department of Planning and Development recommended to Council, approval of this application, based on the following:

1. Given that the property is a corner lot at the entrance to a residential area, it is an excellent location for a convenience store operation.
2. The combined residential-commercial land use has been operating in a non-conforming status for a great length of time with no complaints from area residents.
3. The lot is a sufficient size to accomodate not only the existing land use, but other uses that could conceivably be established under the C-1 Zone.

4. In light of the fact that the convenience store is one of only a handful of commercial activities in the Brookside area, it is seen as providing an important service to the community.

Questions From Council

None.

Speakers in Favour of the Rezoning Application

Mr. John Holt: Mr. Holt, the applicant, spoke briefly on behalf of his application for rezoning from R-2 to C-1, based on the above points made by the Planning and Development Department.

He also advised Council that he did require the expansion to his store area quite badly as he was running out of space at the present time.

Questions from Council

Mr. Holt was questioned briefly by Councillor DeRoche relative to his spacial requirements and the present footage. As well, he questioned whether Mr. Holt felt there was enough business in the area to accommodate a larger store, to which Mr. Holt replied there was.

There were no further questions from Council.

Speakers in Opposition

None.

Motion From Council

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

"THAT the request to rezone the corner lot of the Butler Subdivision, located at the Junction of the Brookside Road and Highway NO. 333, at Brookside, from R-2 to C-1 zone be approved by Halifax County Council."
Motion Carried.

Mr. Holt, subsequently retired from the Public Hearing.

APPLICATION NO RA-24-17-82-14
Staff Report

Mr. Gough also outlined to Council application No RA-24-17-82-14, to rezone Lot "C" of the Lands of A.C. West, located on the Cobequid Road near Windsor Junction, Halifax County, District 14, from R-1 (Residential Single Family Dwelling) Zone, to C-1 (Commercial Local Business) Zone.

Mr. Gough advised that this application also had been duly advertised under the provisions of the Planning Act and several items of correspondence had been received in response to this advertisement, from the following:

1. Mr. Graham Thomas, President, Riverlake Residents' Association;
2. Mr. Paul B. Miller, Solicitor, Miller & Fitt Barristers and Solicitors, on behalf of the Riverlake Residents' Association.

Both of the above letters were in opposition to the rezoning application, based on the following points:

1. The Residents' Association is aware that Mr. Baker has been carrying on an illegal use of the land for several months.
2. It is the opinion of the Residents' Association that the commercial use of this land would pose a traffic hazard.
3. A stream crosses Cobequid Road and runs adjacent to the Salvage Yard property abutting Mr. Baker's Land; this stream empties into Three Mile Lake which is a local source of water supply and a recreational use in the community and the residents have a concern that any waste product from Mr. Baker's property may inadvertently find its way into the stream and ultimately the lake, thus, having an environmentally negative impact on the lake.
4. The Residents' Association also is of the opinion that the property in question is unsightly, inclusive of several derelict vehicles.
5. The Residents' Association considers that the basic character of the neighbourhood is residential, and that a commercial operation would be out of character with the neighbourhood.
6. At an Executive Meeting of the Riverlake Residents' Association held January 5, 1983, it was unanimously agreed that the County be requested to reject this application.

Mr. Gough advised Council that the applicant's stated intent for the rezoning request is to permit the operating of a motor vehicle repair and inspection shop while continuing the two residential units already in existence on the property.

Mr. Gough felt it was notable that the shop was established prior to submission of the rezoning application.

Mr. Gough then read from the Staff Report providing a comprehensive description of the lot and the surrounding area. (Please refer to this portion of the staff report for further, detailed information).

The Staff Report provided Council with the criteria for the staff evaluation of the application, as follows:

1. The adequacy of screening of the proposed use from surrounding residential uses.
2. The negative impacts, be they an increase in noise, smoke or other form of pollutant, that the proposed rezoning will have on the surrounding area.
3. The suitability of the site in terms of its capacity to accommodate not only the proposed use but any other use permitted under the C-1 (Local Business) Zone.
4. The degree to which the proposed rezoning will jeopardize the original intent of the R-1 Zone.

This criteria was established by Staff in light of the fact that the Municipality's Zoning By-Law does not contain criteria for evaluating a rezoning application.

The Evaluation, based on the above criteria, was as follows:

1. Screening - Given the dense pattern of vegetation that exists on the subject property as well as adjacent lands, the proposed use should be adequately screened from the surrounding residential uses.
2. Impact on Neighbouring Homes - While it is certain that noise, smoke, and other pollutant levels will increase as a result of the proposed use, the distance between the subject property and the neighbouring households is such that the impact will be of little significance.
3. Suitability of Site - As previously mentioned, the subject property presently contains a two storey house and a mobile home. By granting the rezoning request, Council would be permitting the land use intensity on the property to exceed that which could reasonably be considered acceptable. The problem of over-intense land use becomes more pronounced when it is realized that, under the C-1 such highly intensive activities as apartment buildings, restaurants and service stations, could conceivably be established on the property.
4. Original intent of the R-1 Zone - from research conducted into the history of zoning in the Lower Sackville Windsor Junction area, it would appear that the original intent of the R-1 zoning was to give priority to the continued development of single family dwelling units and furthermore, to protect the area from incompatible or competitive forms of land use. It would seem only logical that this intent be upheld unless it can clearly be shown that the introduction of a competitive land use will be of benefit to the community as a whole. Unfortunately, there is little evidence that the proposed use will serve to enhance either the physical, social, or economical composition of the Windsor Junction area.

Based on the above information, it was the recommendation of the Planning and Development Department that the request to rezone lot "C" of the A.C. West Subdivision, located on the Cobequid Road near Windsor Junction, From R-1 to C-1 be rejected by Halifax County Council.

However, it was also noted that the application had been approved for a Public Hearing as it was the opinion of the Planning Advisory Committee that the Committee did not agree with the recommendations of staff in that the existing R-1 Zoning was a good enough reason to reject Mr. Baker's application.

Questions From Council

Several Councillors questioned Mr. Gough with regard to the application. This questioning basically resulted in a recap of the opposing content of Mr. Paul B. Miller's letter and the letter of Mr. Graham Thomas, President of the Riverlake Ratepayers' Association.

(Please refer to copy of letters for this information).

Speakers In Favour

Mr. Percy Baker, Applicant: Mr. Baker advised that his purpose in requesting the rezoning was to make a living. He advised that he had been a licensed automobile mechanic and vehicle inspector for Nova Scotia Building Supplies for 11 years, until recently when, due to the business closing down, he was laid off. He advised that he was not desirous of accepting unemployment benefits or Social Assistance, which is why he and his father have set up business on his property; in order to maintain his family's needs.

He advised that if the rezoning request is granted he and his father will be employed; if not, they will have no manner in which to support his family.

Questions From Council

In response to questioning from Council, Mr. Baker advised that regarding the expected pollution from oil, gasoline, etc., he disposes of all his fuel oil and other waste products; therefore, this should pose no problem. He also advised in regard to the unsightly premises and derelict vehicles which were on his property, that he had cleaned up both upon the request of the Unsightly Premises Inspector and he is certain this problem will not recur. He advised that the only vehicles in his yard now are those which are waiting to be repaired.

In regard to screening, it was determined that there was an adequate buffer of trees and other foliage.

Mr. Baker also advised that he has lived on the property for 15 years, his father lives in the Mobile Home and the small shed on the property is strictly for personal use for storage of bicycles, etc. Mr. Baker indicated he has no desire to utilize the property for any other purpose, either now or in the future, than for the motor vehicle inspection and repair business.

He also advised Council that he has been operating the business, only for five months, since being laid off from his previous job with NSBS and has never used the property in this manner prior to that time. He advised that his motor vehicle inspection shop is in the same building behind the house where he carries out his other auto repairs.

He advised that if his request for a rezoning is turned down, he will continue to look for work, as he had been without any success, for one and a half months, prior to opening up his business. During this time he had accepted unemployment insurance benefits which were not adequate to meet his family's needs.

Mr. Baker had discontinued his U.I.C. as soon as his shop was ready for business.

Mr. Keith Birch came forward at this time to explain to Council that the proposed use is in conflict with good planning principals and that subsequent to the staff review of all aspects of the issue; some in favour and some in opposition, the proposed use is just not in an appropriate location and staff cannot recommend approval of the rezoning request.

Subsequent to further questioning from Council, it was determined that the access to the property in question was on the lower portion of a hill (this was considered to be somewhat of a traffic hazard); it was also indicated that in the near vicinity there were only approximately five houses, sparsely spaced. The nearest of these homes was approximately 300 feet from his business and one was between Mr. Baker's property and the train tracks, set in quite a distance from the Cobequid Road, on the neighbouring Mill Property.

Mr. Baker advised that almost all of his business, which consisted of some minor body work, but mostly mechanical repair, came from local people; this indicated to some Councillors that Mr. Baker was providing a beneficial service to the community.

It was brought out by Councillor Poirier, that although a Municipal Development Plan will soon be in process for the area, which may prohibit this type of operation, Mr. Baker still has a legitimate right to apply for proper zoning to make his business legal and conforming, just as if there was no MDP in place, because, in fact, there is no MDP in place at this time.

Subsequent to the above, Mr. Baker retired to the back of the Council Chambers.

There were no further speakers in favour of the application.

Speakers in Opposition

Mr. Graham Thomas, President, Riverlake Residents' Association: Mr. Thomas referred Council to the opposition expressed by the Fall River-Windsor Junction Community, more than a year ago to a salvage operation in this area. He advised that it was at that time the area was changed mainly to residential to avoid the possibility of polluting Three Mile Lake.

Mr. Thomas also advised that in addition to the five homes which Mr. Baker had indicated were in close proximity to his operation, there were at least 50 homes in the area within one-half kilometer of the Baker Property.

Mr. Thomas referred to and enlarged upon the points of objection raised in Mr. Miller's letter to Council (as previously indicated in these minutes) as well as the negative reaction of the Riverlake Residents' Association, as made evident by this body's letter to Council, which was read into the record for Council's information and consideration. (Previously referred to)

Mr. Thomas also distributed to Council photographs he had taken of the Baker property indicating, in his opinion, the unsightly nature of the property, as well as indicating the location of the small stream also referred to in Mr. Miller's letter.

Mr. Thomas also felt it was notable that 14 children are picked up by a school bus at a location only 600 feet from the centre of Mr. Baker's property. He felt this was hazardous to the children involved. Mr.

Thomas utilized a map to indicate to the Council, the location of the bus stop and the 50 homes, some of which were located along Eagle Point Drive on Three Mile Lake, near the Bicentennial Highway, on Lakeview Drive, and along the Cobequid Road and the Windsor Junction Road, all within one-half kilometer of the Baker property.

Mr. Thomas advised that the Department of Environment had previously verified pollution to Three Mile Lake from Blasting which had been carried out on the Bicentennial Highway farther away than the stream on Mr. Baker's property; this is why the Residents' Association felt they had a very real concern regarding possible pollution from the stream.

Mr. Thomas also indicated that the property in question was approximately 34,000 sq. ft., in total, which was carrying two dwellings and a business. He indicated that many people were having difficulty getting building lots for single family dwellings on lots that size.

Mr. Thomas advised that there was one similar operation (pointing to the location on the aforementioned map), H. & H. Motors; however, this business had been sold to Halifax Hydraulics. He also pointed to three other businesses in the area.

Mr. Thomas also indicated to Council that the screening of the property was not adequate, except in the summer months when the trees are in full foliage; otherwise, the property is very visible.

Mr. Thomas reiterated his concern over the traffic problem advising that the road in front of Mr. Baker's property was only 21 ft. wide which is a major problem when two school buses are trying to pass on the road. This, combined with the location of the school bus stop and extra traffic generated from Mr. Baker's business, could be a safety hazard to pedestrians.

He also heavily stressed the unsightly nature of the property, reiterating the fact that several derelict vehicles had been towed away and tires were often stored on the property. He advised that the area residents have invested large sums of money in their homes and wish to retain the residential character of the area in order to protect their property values.

Mr. Thomas also indicated his opinion that it was significant that the Public Utilities Board had turned down a previous application for a salvage yard in proximity to Mr. Baker's property, thus upholding the residential character of the area. This fact was also stressed in the letter to Council from Mr. Paul B. Miller, on behalf of the Riverlake Residents' Association.

Mr. Thomas submitted the above for Council's information and consideration.

Councillor Reid questioned whether Mr. Thomas' Residents' Association was more concerned with the right of a man to utilize his property to make a living, when necessary, or to use it as someone else dictates that he should.

Mr. Thomas indicated that it was not a question of dictating the use of the property but of good planning principals, reiterating the fact that the majority of the neighbourhood was of a residential nature. He advised that Mr. Baker could put up a service station, if he wanted to, once he had the C-1 zoning.

However, Mr. Reid referred to Mr. Baker's stated intent not to expand beyond the present use; that of operating a motor vehicle repair and inspection shop. He also advised that in the rural neighbourhood in which he resides, there are three service stations within one-quarter mile of each other and rather than viewing this as a hazard the area residents consider it a privilege to have these services available in the community.

Councillor Lichter advised that in these bad economic times, more and more people are becoming unemployed and being forced to accept unemployment benefits and social assistance. He advised that this was placing a greater strain on the Provincial, Municipal and District taxpayers, then bending the planning principals slightly in order to enable a man to work and maintain his family. He felt that during this economic climate each case of this nature should be examined more closely and more humanely. He questioned Mr. Thomas as to whether anyone in the Riverlake Residents' Association was faced with unemployment.

Mr. Thomas advised that there were several people within the Association, including himself, who are in business for themselves and are finding times hard. However, this does not change the fact that they have invested in their homes and want to protect their property values.

Councillor Lichter indicated that there were only 5 homes in close proximity to Mr. Baker's property; not going one-half mile away. He questioned how long they have been there.

Mr. Thomas advised that they have been there for approximately 7 to 10 years.

This indicated to Councillor Lichter that the entire area surrounding Mr. Baker's property has been reserved for residential use for approximately 10 years, yet no-one has chosen to build any additional single family dwellings there. He questioned why the properties should not be put to some use, rather than remain empty. He also indicated that the 50 homes within one-half mile of this area; (where the Mill is located, Mr. Baker's property is located, Halifax Hydraulics, etc. are located), are still being purchased and sold for reasonable prices. Therefore, it did not appear to him that the homes were being devalued in any way by the businesses that were in the area.

Councillor Walker questioned Mr. Thomas in regard to the visibility of the alleged unsightliness of the property, the proximity of the bus stop and the amount of children waiting there and the projected traffic hazard which Mr. Thomas had indicated as being the major problems experienced in the 5 months since the business has been in operation.

Mr. Thomas agreed that the property may not be seen during the summer months and probably not from the road at all; he agreed that four of the fourteen children at the bus stop belonged to Mr. Baker and he could not indicate how many cars would be coming and going from Mr. Baker's property; thus, he could not gage the traffic hazard which may result from the business.

Councillor Gaetz questioned Mr. Thomas in regard to the amount of pollution which could be expected to end up in Three Mile Lake from the small stream on Mr. Baker's property on the chance that something did get into this stream, one half mile away, as compared with the amount of pollution and environmental damage which could result from a malfunctioning septic tank from one of the homes on Eagle Point Drive, right beside this same lake.

Mr. Thomas could make no estimation of what could occur; he did, however, advise that the the Residents' Association does know what they have now, which is a clean source of water supply.

Councillor Larsen questioned why, there has been no opposition expressed to Mr. Baker's operation to date, when the shop has been in operation for five months now and when most of the business is from a local source.

Mr. Thomas replied that the sign was only put up recently, since the Public Hearing was advertised.

Councillor Larsen questioned how many of the people in the five homes in closest proximity to Mr. Baker's property have expressed opposition to the rezoning.

Mr. Thomas replied that when questioned about it, these people indicated no concern. Their attitude was that, "they don't care."

Councillor Larsen then indicated his opinion that as Mr. Baker's property was right next to the railroad tracks, the property is more suitable for Mr. Baker's use than it is for residential development.

Councillor Mont, indicating that the business has been in operation for five months, questioned whether any tests have been done to determine whether any damage has resulted to the Lake in that time.

Mr. Thomas advised that tests are done on the Lake twice a year but none have been done recently. Therefore, subsequent to further discussion, he agreed with Councillor Mont that there was no evidence of any pollution to the lake, generated by Mr. Baker's operation.

Councillor Deveaux spoke briefly on the issue in agreement with Councillor Lichter's opinion that Council also had to examine the human aspect in addition to planning principals. He also advised that he could not see the significance of the school bus issue.

Councillor Snow commented briefly on the application, advising that he had heard little in response to the advertisement of the Public Hearing; however, that which he had heard had been in opposition to the rezoning application. He advised that he sympathized with Mr. Baker, as he also was a licensed mechanic, employed in an establishment approximately five miles away from the subject property. However, based on the negative reaction he had heard from certain residents and based on the concern of the Riverlake Residents' Association which was a representation of a larger group of residents, he opposed the rezoning request.

Councillor Poirier reinforced a comment made previously by Councillor Gaetz, making reference to the homes on Eagle Point Drive bordering the Three Mile Lake, which the Residents' Association was trying to protect from possible pollution. She advised that these homes had septic systems and disposal fields, which already posed a danger to the lake.

The Deputy Warden indicated his opinion, along the same lines as had Councillor Larsen previously when he had indicated that Mr. Baker's property and much of the surrounding property may be better suited to business uses, as it borders the railroad tracks. He advised that his own home is beside railroad tracks and at times it is not a very restful place to live. However, he questioned Mr. Thomas as to whether the Riverlake Residents' Association would consider, at the time their MDP is in process, allowing Mr. Baker to operate his motor vehicle repair and inspection shop under contract zoning.

Mr. Thomas agreed that this could certainly be considered.

Councillor Wiseman was in agreement with the Staff recommendation to reject the application and also with the sentiments of the Residents' Association, based solely on the planning aspect of the issue. However, she also advised that Council had to make a decision this evening based on this aspect and also on the human issue, which would take into consideration Mr. Baker's employment situation at the present time. She indicated that if the MDP was in place for District 14 at the present time, the Business could be allowable under a zoning contract with certain stipulations and conditions attached to it.

Councillor MacDonald questioned whether any pollution had occurred in Three Mile Lake, as a result of waste products, oil, etc. from the H. & H. Motors Operation when it had been located in the area.

Mr. Thomas advised that this had been suspected at one point; however, testing done by the Department of the Environment had confirmed there was pollution, but it was from the blasting being carried out on the Bicentennial Highway.

Subsequent to the above, there were no further questions for Mr. Thomas and he retired to the back of the Council Chambers.

Mr. Dave MacLean, Riverlake Residents' Association: Mr. MacLean spoke at length in opposition to the rezoning request based on the same points of objection expressed in the aforementioned correspondence, on the planning concerns expressed by Municipal Planning Staff and on the factors discussed in Mr. Thomas' previous presentation.

Mr. MacLean strongly urged Council to expedite the MDP process in District 14 so that situations such as this present application could be avoided. He requested that Council defer the application submitted by Mr. Percy Baker until the MDP for District 14 is in place.

Mr. MacLean added that he sympathized with Mr. Baker, but pointed out that PROCOR has just closed down and other businesses in District 14 and other Districts were closing out every day and Mr. Baker is not the only person facing unemployment. He advised that had Mr. Baker not applied for rezoning to put him in a legal, conforming status, the Residents' Association would have allowed him to continue his business in a non-conforming, illegal status, until such time as the MDP process was begun. He advised that since Mr. Baker had applied for his rezoning, the Residents' Association had no option but to express their objections to his operation now.

Councillor Poirier expressed strong opposition to the suggestion that the application should be deferred until the MDP was in process. She likened this situation to one which had occurred in her own District and reiterated her earlier comment that Mr. Baker had a legitimate right to a rezoning hearing, as if there was no MDP in place, because in fact there is no MDP in place.

Councillor Lichter expressed his amazement that Mr. MacLean was not concerned about the traffic hazard, the possibility of pollution, or caution in buying homes in the area at the present time, but would wait until such time as an MDP was in place before he expressed this concern. Councillor Lichter advised that as Chairman of the Planning Advisory Committee he would estimate that the plan would take one to one and one-half years to process, and that was a long time for someone to operate in a non-conforming status. He also advised Mr. MacLean that the Planning Advisory Committee did not recommend rejection of the rezoning application; staff had recommended this action, and the Public Hearing was being held this evening so that all sides could be heard and a decision rendered.

Councillor Eisenhower indicated to Mr. MacLean that there were two issues to be considered by Council this evening:

1. The concerns of the residents, eg. possible pollution to Three Mile Lake, etc.;
2. The reality of putting a Halifax County Resident and Taxpayer out of work.

He advised Mr. MacLean that it was going to be difficult for Council to make a fair evaluation of the situation and to render a fair decision.

Councillor MacDonald suggested that Mr. Baker be allowed to continue his business until the MDP is in place and then that he be allowed to continue under a Contract arrangement with certain conditions and limitations imposed on the business.

Councillor McInroy advised that this evening's Public Hearing was a planning hearing and the planning issues only should be discussed. He felt that a precedent would be set, if the application was approved when staff have recommended rejection based on planning issues and principals.

Councillor Wiseman advised that a similar situation had been evident in Sackville and she indicated that this issue had been deferred until the MDP was put in place and was dealt with at that time.

The Deputy Warden questioned Solicitor Cragg as to whether it would be possible to defer this issue until the MDP was in place and to allow Mr. Baker to proceed with his business in an illegal, non-conforming status.

The Solicitor advised that in so doing Council would be condoning an illegal situation. He advised that once Council and staff were made aware of an illegal use, remedies must be taken; in other words, Mr. Baker would have to shut down his shop.

Councillor Poirier advised that Council would be setting a dangerous precedent in rejecting this application, as Council would be pre-supposing the outcome of an MDP. She advised that Mr. Baker has come to Council for a decision, has paid for this Hearing and is deserving of receiving that decision this evening.

In response to questioning from Councillor Mont, Solicitor Cragg re-confirmed that if a motion to defer was made, this would be allowable as far as deferring a zoning decision; however, it was not allowable in as far as the illegal situation could continue and Mr. Cragg would have to proceed with action to close Mr. Baker's motor vehicle repair and inspection shop.

Subsequent to the above, Mr. MacLean retired to the back of the Council Chambers.

There were no further speakers in opposition.

Motion of Council

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

"THAT the decision of Rezoning Application No. RA-24-17-82-14 be deferred until the MDP is in place for District 14."
Motion Defeated.

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

"THAT Rezoning Application No. RA-24-17-82-14, a request by Mr. Percy Baker to rezone Lot "C" of the lands of A.C. West, located on the Cobequid Road, near Windsor Junction, Halifax Co., District 14, from R-1, Residential Single Family Dwelling Zone to C-1, Commercial Local Business Zone, be approved by Halifax County Council."

Motion Carried.

ADJOURNMENT

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

"THAT the Public Hearing adjourn."

Motion Carried.

Therefore, the Public Hearing adjourned at 9:15 P.M.

PUBLIC HEARING

JANUARY 17, 1983

PRESENT WERE: Warden MacKenzie, Chairman
Deputy Warden Margeson
Councillor Walker
Councillor Poirier
Councillor Larsen
Councillor Gaudet
Councillor Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Gaetz
Councillor Bayers
Councillor Reid
Councillor Snow
Councillor MacKay
Councillor McInroy
Councillor MacDonald
Councillor Wiseman
Councillor Mont

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
Mr. Robert Cragg, Municipal Solicitor
Mr. Bob Gough, Director of Development
Mr. Mike Hanusiak, Staff Planner

SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

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

ROLL CALL

Mr. Meech then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Deputy Warden Margeson, seconded by Councillor DeRoche:

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

PUBLIC HEARING

Warden MacKenzie outlined to those present in the Council Chambers, the procedure to be followed for the Public Hearing, advising that subsequent to a Staff Report, those speakers in favour of the Rezoning

Request would be asked to come forward, state their name and address and give their viewpoint; then speakers in Opposition will be given the same opportunity. Subsequent to this, Council will place a motion on the floor, debate it and make a decision.

Staff Report

Mr. Bob Gough of the Planning & Development Department, came forward at this time to outline the Staff Report on Rezoning Application No. RA-24-14-82-08, a request to rezone portions of the Minesville Road and Dempster Crescent, Located near Lake Echo, Halifax County, District 8, from an unzoned status to R-1 (Residential Single Family Dwelling) Zone.

Mr. Gough advised that the application had been received from area residents requesting that portions of the Minesville Road, including Dempster Crescent, located near Lake Echo be zoned R-1 from an unzoned status. Mr. Gough outlined the requested zoning boundaries on an overhead projected map. The purpose for the application was to protect the property value of the area and protect against the intrusion of incompatible land uses.

He further advised that the Planning & Development Department has received a petition bearing 54 names of property owners within the area of the proposed rezoning. This petition supports the rezoning request.

Mr. Gough advised that the Planning & Development Department is in support of a residential-type zoning in the Lake Echo-Minesville Road areas; however, the Department does not concur with the geographic boundaries requested in the zone change application. These boundaries far exceed those which are needed to protect property values in the Dempster Crescent area. As well, the boundaries, if approved, would have the effect of placing certain land uses in a non-conforming status. Therefore, staff have revised the boundaries as shown in figure 3 of the Staff Report. The residents are in concurrence with the revised boundaries (See figure 3 in the Staff Report).

The Staff Report gave a description of the lands to be rezoned as follows:

"With the exception of the Lake Echo Forest Park Subdivision, lands lying within the proposed zone boundaries are undeveloped. However, plans of subdivision recently submitted to the Planning and Development Department indicate that portions of the Minesville Road will come under a certain amount of development pressure in the not too distant future. Since this pressure is anticipated to be in the form of single family dwellings, the proposed R-1 zoning is seen as being a necessary instrument for insuring a cohesive development pattern for the subject area."

It was Mr. Gough's recommendation, that those lands depicted in Figure 3, be zoned from an unzoned status to R-1 Zone.

Questions From Council

Councillor Adams, requested clarification in regard to the triangular portion of land in Figure 3 which had been deleted from the zoning boundary.

Mr. Gough advised that this land was owned by MacCulloch Company who also own a large portion of the total land which is to be rezoned. The Company has not objected to the zoning, on the basis that this one parcel is left unzoned as they have plans for it. The residents have agreed to leave that portion unzoned.

Speakers in Favour

Mr. Ken Fugler, Lot 70 Minesville Road: Mr. Fugler indicated that the 54 signatures on the petition represented all the property owned and lived on within the requested rezoning area. He advised that there were many well constructed and beautiful homes in the area, and he substantiated the original purpose for the rezoning request; to maintain property values and protect against the intrusion of incompatible land uses.

Councillor Reid questioned whether Mr. Fugler had any objections to the triangular portion of land which Staff have recommended be excluded from the application.

Mr. Fugler advised that the residents have no objection as long as it is not used for a salvage yard or similar obnoxious use. They are of the understanding that should such a use be proposed it will require a special zoning and a public hearing at which they will be able to object.

Mr. Dave Peralta: Mr. Peralta advised that he had initiated the petition and that he had obtained signatures from all the home owners who lived there with the exception of one whom he could not reach. As well, he did not obtain the signatures of the owners of two houses that were rented, as he could not locate them. As well, there is another property owner who was given approximately 6 acres of land by his former employer, the late Mr. MacCulloch. This man has a trailer on his property; he did not request this man to sign the petition but he did not feel that he would be in opposition to the zoning.

He also advised that his reason for supporting the rezoning was to protect property values and the residential character of the area.

However, Mr. Peralta questioned Mr. Gough as to why the Planning Dept. wanted to cut off the boundary line at Partridge River instead of the Candy Mountain Road.

Mr. Gough advised that this was because the rezoning would put several present uses into a non-conforming status. These uses were a Strawberry Farm, a small Canteen and a Trucking or Backhoe Business.

Mr. Richard Blache, 102 Dempster Crescent: Mr. Blache advised that he was in support of the zoning application for the same reasons as the first two speakers. However, he also questioned Mr. Gough in regard to the proposed use of the triangular section of property which was to be exempted from the application and the non-conforming uses which Mr. Gough had eluded to.

Mr. Gough again indicated that the triangular piece of land was owned by MacCulloch Company who required it for a use which would not be possible under an R-1 zone. He also clarified for Mr. Blache the approximate locations of the three uses which would be non-conforming if the boundary was extended to the Candy Mountain Road.

Councillor Adams advised Mr. Blache that by zoning the area within the boundaries suggested by Staff, the residents of the Dempster Crescent and Minesville Road area would be protected against any surprises with regard to the future development or use of the triangular piece of land owned by MacCulloch Company.

Subsequent to the above, there were no further speakers in favour of the application.

Speakers in Opposition

None.

Motion and Discussion of Council

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

"THAT Portions of the Minesville Road and Dempster Crescent, outlined by Planning and Development Staff, located near Lake Echo, Halifax County be rezoned from an unzoned status to R-1 (Residential Single Family Dwelling) Zone."
Motion Carried.

Prior to the passing of the above motion, it was clarified that the man who owns the trailer located on the six acres of land given him by his former employer, is building a single family dwelling on that site. The trailer, is only a travel trailer, which is used for storage, etc. on the weekends when the man is working on the home. Therefore, there was no concern that a non-comforming use may result from the proposed R-1 Zoning.

Councillor Adams, thanked the residents from the Dempster Crescent, Minesville Road area for attending the Hearing tonight and in particular Mrs. Marie Kennedy and Mr. Dave Peralta for handling the petition.

ADJOURNMENT

The Public Hearing adjourned at 7:30 p.m.

January Council Session - 1983

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REGULAR COUNCIL SESSION

JANUARY 4, 1983

PRESENT WERE: Warden MacKenzie, Chairman
Deputy Warden Margeson
Councillor Walker
Councillor Poirier
Councillor Larsen
Councillor Gaudet
Councillor Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Gaetz
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor MacKay
Councillor McInroy
Councillor Eisenhower
Councillor MacDonald
Councillor Wiseman
Councillor Mont

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
Mr. Robert Cragg, Municipal Solicitor
Mr. G. J. Kelly, Municipal Clerk
Mr. Bob Gough, Director of Development
Mr. Keith Birch, Chief of Planning & Development
Mr. John Markesino, Co-Ordinator of Recreation

SECRETARY: Christine E. Simmons

OPENING OF COUNCIL - THE LORD'S PRAYER

Warden MacKenzie brought the Council Session to order at 6:02 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

PUBLIC HEARING, RE: UNDERSIZED LOT

Mr. Gough came forward at this time to outline to Council the Staff Report relative to the lands of Midred Jollimore, Terence Bay, Final approval requested for Lot MJ-1, under the Undersized Lot Legislation 1966, application no. F 729-82-4.

The Report advised:

"Please be advised that the Planning Advisory Committee reviewed this application at their meeting of November 1, 1982 and are recommending approval of Lot MJ-1 with a reduced frontage of 25 feet on the Sandy Cove Road.

Please be further advised that Lot MJ-1 meets the requirements of the Department of Health and the Department of Transportation, and is eligible for a Regional Development Permit."

Subsequent to the above Report, there were no questions from Council.

Speakers in Favour of the Application

None.

Speakers in Opposition to the Application

None.

Motion From Council

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

"THAT the request for approval of Lot MJ-1, lands of Mildred Jollimore, Terence Bay, be approved by Council under the Undersized Lot Legislation."
Motion Carried.

Mr. Gough subsequently retired from the Council Session.

LETTERS AND CORRESPONDENCE

It was moved by Councillor DeRoche, seconded by Councillor Snow:

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

Letter From Metropolitan Transit Commission

A letter was received from the Metropolitan Transit Commission in response to Councillor Baker's request to have Transit Services extended in Herring Cove. This letter advised that the Councillor's request has been placed on the agenda of the next Metropolitan Transit Commission meeting which is tentatively scheduled for January 10, 1983.

Councillor Baker indicated his satisfaction with this information.

MANAGEMENT COMMITTEE REPORT

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

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

Renewal Operating Fund - Borrowing Resolution

Mr. Kelly outlined this item from the Management Committee Report which advised that at the beginning of each year, the Municipality is required to renew a borrowing resolution authorizing the Municipality to borrow moneys from the Royal Bank of Canada for operating purposes as may be required to a maximum of \$2,000,000.00.

It was the recommendation of the Committee that this resolution be approved.

Councillor Walker requested at what interest rate the Municipality borrows this money and was advised by Mr. Kelly that the rate for the Municipality is the prevailing prime rate. At this point in time that would be approximately 12.5%.

Councillor Walker then questioned how much of this money the Municipality had borrowed last year.

Mr. Meech indicated that for the past two to three years the Municipality has had money on deposit and has not had to borrow for its operational requirements.

It was moved by Councillor Reid, seconded by Councillor DeRoche:

"THAT Municipal Council renew a borrowing resolution to authorize the Municipality to borrow from the Royal Bank of Canada for operating purposes to a maximum of \$2,000,000.00."
Motion Carried.

A copy of the resolution was contained in the agenda; please refer to this resolution if required.

Sheet Harbour Swimming Pool

Mr. Kelly advised that subsequent to a Report and presentation from representatives of the Sheet Harbour and District Recreation Association, relative to the Sheet Harbour Swimming Pool, it was the recommendation of the Management Committee: "that the Municipality agree to a six month extension of the agreement with S.H.A.D.R.A. with the understanding that the following efforts are pursued:

1. That a survey questionnaire be prepared and distributed to all Property owners in District 11 with the results of the survey made available early in the New Year.

2. That a proposal be developed in co-operation with our Engineering & Works Department for correction of present roof deficiencies and implementation of energy saving measures. It is understood that an application will be directed to Provincial Department of Recreation for financial assistance on this improvement.
3. That the organization attempt to generate sufficient financial resources to operate at a break-even point."

Mr. Markesino came forward at this time to answer any questions from Council relative to the Swimming Pool operation. He also advised that from June to September the Pool only lost approximately \$4,000; this was a distinct improvement over previous years when at least \$2,000 per month were lost.

Deputy Warden Margeson read to Council a letter he had received from Mrs. Janice Christie and Heather Robinson from the Sheet Harbour and District Recreation Association which indicated their continued enthusiasm for the pool's operation and optimism for the future programs which they intend to implement.

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

"THAT the recommendation of the Management Committee relative to a six-month extension of the agreement with S.H.A.D.R.A. for the operation of the Sheet Harbour Swimming Pool be approved by Council."

(See Motion to Amend.)

Councillor Deveaux spoke in opposition to the above motion based on the accumulative deficit previously shown by the pool's operation. He indicated that he could not support subsidizing this operation.

Councillor Mont expressed concern as well. He questioned Mr. Markesino in regard to whether or not schools utilized the pool, whether people outside of District 11 or outside the Municipality used the pool and how much money it would cost the Municipality to extend the operations for another six months.

Mr. Markesino advised that Schools do use the pool in their recreation programs. He also indicated that the pool was often used by groups outside of District 11. He could not indicate whether it was used by persons residing outside of the Municipality or how much money would be lost if the pool continued operations for another six months. He could only advise that the Association has proposed some extremely promising programs for the future once the roof is repaired. He also advised that the Association is now ready to go door to door with its survey; in fact he was in receipt of a letter from Mrs. Janice Christie requesting information relative to assessment rolls and property owners so that this survey could be undertaken immediately. He advised it will become known from this survey how much financial support can be expected from the residents of District 11.

Councillor Mont also questioned whether the Municipality had any agreement with the Sheet Harbour and District Recreation Association as to how to recoup financial losses.

Mr. Meech indicated that there was such an agreement; however, the only way to do so would be to take possession of the property and dispose of it. Warden MacKenzie indicated that there were approximately 25 acres of land attached to the facility and the pool was valued at about \$400,000.00.

Councillor Mont did not feel that the pool should be shut down entirely; however, he was most concerned that the Residents of District 11 were not willing to assume any financial responsibility for the operation of the facility through their area rate. Councillor DeRoche as well expressed this opinion.

Councillor Eisenhauer was opposed to the motion based on the pool's previous history. He advised that he had been on the Policy Committee several years ago when the decision was made to oversee the Management of the Pool for a three year period. At that time the Organization had presented plans for programs which were expected to increase revenue and make the pool self-supporting. This revenue had never been realized and he was not optimistic that it would be realized at this time.

Councillors Bayers, Wiseman, MacKay and MacDonald indicated their support of the motion based on the excellent plans which the Recreation Association had for the future to become self-supporting and to eventually decrease the deficit. These Councillors indicated that the survey which would be completed in the near future would indicate how much support would be coming from the District; this would definitely have much bearing on whether to continue the operation past the proposed six month extension.

Councillor Lichter felt that if Council was interested in the results of the survey, then the extension should be for only two months during which time the survey can be received and evaluated.

It was amended by Councillor Lichter, seconded by Councillor Mont:

"THAT the Municipality agree to only a two month extension of the agreement with S.H.A.D.R.A. for the operation of the Sheet Harbour Swimming Pool."
Amendment Carried.

The above amendment was carried subsequent to lengthy debate in Council.

The question was then called on the motion as amended.

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

"THAT the Municipality agree to a two-month extension of the agreement with S.H.A.D.R.A. with the Understanding that: 1) a survey questionnaire be prepared and distributed to all property owners in District 11 with the results of the survey made available early in the New Year; 2) a proposal be developed in co-operation with our Engineering & Works Department for correction of present roof deficiencies and implementation of energy savings

measures. It is understood that an application will be directed to Provincial Department of Recreation for financial assistance on this improvement; 3) the Organization attempt to generate sufficient financial resources to operate at a break-even point." Motion Carried.

Mr. Markesino subsequently retired from the Council Chambers.

Cost of Living Increases For Non-Union Employees

Mr. Kelly outlined the Report contained in the Council Agenda. (Please refer to Report) This Report recommended that Council approve a cost-of-living increase based on 3% + \$700.00 for non-union personnel.

It was noted in the Management Committee Report that the above recommendation was in compliance with the memorandum from the Management Board which suggested that:

- a) Wage increases are approximately 5.8% of the total annual salaries as of December 31, 1982;
- b) The formula used apportions the increase so that the lower and middle income groups will receive a greater increase than the upper income level.

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

"THAT a cost of living increase based on 3% + \$700.00 be approved for non-union personnel."
Motion Carried.

The above motion was carried subsequent to brief discussion in which Councillor MacKay requested whether Fire Department personnel outside of the Collective Agreement were included in this increase. Mr. Meech advised that this was the case as it was also with employees of the Rehabilitation Centre who were not unionized.

Councillor Deveaux requested information regarding normal merit increases; he wondered whether these increases were allowed under the guideline from the Management Board. Mr. Meech advised that where employees are not at the top of their salary scales, merit increases are still applicable. He advised that depending on the employee's income bracket this additional increment could allow an employee to receive a 10% - 14% increase throughout the entire year.

Deputy Warden Margeson also questioned Mr. Meech regarding the benefits under the 5-6% guidelines. It was determined that these benefits are also limited to 6% based on their dollar value.

Lease Agreement for Engineering Water and Sewer Maintenance

Mr. Kelly also outlined this item from the Management Committee Report. (Please refer to Report).

It was the recommendation of the Management Committee subsequent to discussion of the information presented to them by Engineering Staff,

that Council approve that the Municipality enter into a lease for the MacCulloch Property in Sackville for a period of two years, (with an option to renew for an additional two years) at \$16,200.00 per year.

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

"THAT the Municipality enter into a two-year lease agreement for the old MacCulloch Property in Sackville at \$16,200 per year, with an option to renew for an additional two years, to be occupied by the Engineering Maintenance Department."
(See Motion to Defer.)

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

"THAT the lease-agreement be deferred until the next Council Session so that an alternate site for the maintenance depot can be investigated."
Motion Carried.

The above motion was carried subsequent to Councillor MacKay's explanation that the Sackville Councillors had been contacted by a property owner in Sackville who had a suitable space available for a substantially lower price. Both Councillor MacKay and Councillor MacDonald indicated they would appreciate having this alternate site investigated before making a decision relative to the lease agreement for the maintenance department.

POLICY COMMITTEE REPORT

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

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

Amendments to Committees and Boards By-Law

A draft copy of the amendments to the Committees and Boards By-Law prepared by the Municipal Solicitor was included in the Council Agenda. (Please refer to the Report). It was the recommendation of the Committee that Council approve the amendments and further that the amendments be forwarded to the Department of Municipal Affairs for approval.

Mr. Kelly advised that the amendments mostly consisted of house-keeping items.

However, Mr. Meech advised that there was one significant amendment to the By-Law; this amendment was suggested by the Policy Committee as it is not technically provided for in the legislation and was relative to representation on the Halifax County-Bedford District School Board.

Mr. Meech advised that, if approved, the amendment to Section 12 of the By-Law, would ensure that all representatives from Halifax County on that Board would be members of Council.

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

"THAT the draft amendments to the Committees and Boards By-Law, prepared by the Municipal Solicitor, be approved by Municipal Council and further that these amendments be forwarded to the Department of Municipal Affairs for approval."
Motion Carried.

Amendment to Chapter 87 of the Acts of 1962 Relating to Sewer Charges

Mr. Kelly advised that the Policy Committee has reviewed Chapter 87 of the Acts of 1962 relating to Sewers and Sewer Charges in the County of Halifax. He indicated that this Special Legislation is no longer required by the Municipality to establish sewer charges as these charges may be set by Municipal Council under the Municipal Act. It was the recommendation of the Policy Committee that the proposed amendments to the Act be approved by Municipal Council and further that they be forwarded for Legislative approval.

Mr. Kelly read the Special Resolution required, for Council's information as follows:

"Whereas Section 191(83) of the Municipal Act of Nova Scotia allows a Municipal Council to make By-Laws regulating the use of and protecting sewers in the Municipality and imposing, fixing and providing methods of enforcing payment of such charges, rates or fees as the Council deems fit for sewer frontage or for the use of sewers; and Whereas an Act Relating to Sewers and Sewage in the Municipality of the County of Halifax, being Chapter 87 of the 1962 Statutes of Nova Scotia as amended by Chapter 111 of the 1973 Statutes of Nova Scotia, placed, in sections 46(2), 46(3), 46A(2), 46A(3), 47(2), 47(4) 47A(2), 47A(4), 48(2) and 51(2) thereof, specified monetary limits on the applicable special tax chargeable in relation to sewers in the Municipality of the County of Halifax; and Whereas the County of Halifax is presently engaged in a sewer servicing program in the Beechville, Lakeside and Timberlea areas; and Whereas in order to pay for this project it may be necessary for the County of Halifax to charge more than the maximum special tax specified in section 46(2), 46A(2), 47(2) 47A(2), 48(2) and 51(2), of the said Act Relating to Sewers and Sewage in the Municipality of the County of Halifax; and Whereas it is the belief of the Council of the Municipality of the County of Halifax that any changes made in the maximum special tax chargeable should be reflected in minimum total special tax chargeable per lot, as established in section 46(3), 46A(3), 47(4), and 47A(4) of the said Act Relating to Sewers and Sewage in the Municipality of the County of Halifax; and Whereas the amount of the special tax required to be charged by the County of Halifax in order to pay for the Project cannot at this time be determined as the Project is not yet complete; Be It Therefore Resolved that the County of Halifax seek to have An Act Relating to Sewers and Sewage in the Municipality of the County of Halifax, being Chapter 87 of the 1962 Statutes of Nova Scotia as amended by Chapter 111 of the 1973 Statutes of Nova Scotia, as amended so as to delete the specific monetary references contained in