

Councillor Poirier advised that National Drug and Chemical Company was an exceptionally good Corporate Citizen in District No. 2 and that they were not requesting anything unreasonable; they were only looking at the overall picture, whereby they have paid \$60,000 more in taxes due to the Agreement than they would have done without the Agreement. The Councillor indicated her support of the request to rescind the Agreement and encouraged all Councillors to support it as well.

It was subsequent to the above comment that Council passed the resolution rescinding the tax agreement with National Drug and Chemical Company.

Sheet Harbour Swimming Pool

Mr. Kelly outlined this item from the Management Committee Report which advised:

"The Management Committee met with officials of the Sheet Harbour and District Recreation Association to review the Sheet Harbour Pool Operation.

Municipal Council previously discussed the pool operation and approved a two month extension of its operation to February 28, 1983 pending a survey of the district residents respecting the pool's operation by SHADRA officials.

The Management Committee thoroughly examined the survey results provided by SHADRA officials and also considered the present accumulated deficit in excess of \$100,000.

The Management Committee recommend to Council that the Municipality terminate its financial responsibility and involvement with the Sheet Harbour Swimming Pool in association with the Sheet Harbour and District Recreation Association and further that SHADRA be requested to convey the property to the Municipality in lieu of the accumulated deficit and that steps be initiated to terminate the pool operations."

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

"THAT the Municipality terminate its financial responsibility and involvement with the Sheet Harbour Swimming Pool in association with the Sheet Harbour and District Recreation Association and further that SHADRA be requested to convey the property to the Municipality in lieu of the accumulated deficit and that steps be initiated to terminate pool operations."
(See Motion to Defer).

Councillor Gaetz clarified that he had made the above motion only to get this issue on the floor for discussion.

Warden MacKenzie advised Council that the pool has already been drained and is ready for closure. However, he drew Council's attention to the numerous letters which had been delivered to his desk today; one from Mr. Gillis of the School Board and most of which were from younger citizens and area students. These letters requested that the pool remain open and indicated many good points in favour, for example: "there is little recreational activity available in the area and the pool gives the youth something to do rather than strolling the streets at night."

Warden MacKenzie advised Council that he would like an opportunity to discuss the matter of the pool's operation with Mr. Gillis of the School Board, Mr. Markesino, Mr. Meech and the MLA for his District, Mr. McInnis, prior to any final decision being made. It was his hope that something can be done to prevent closure of the pool.

The Warden advised that since the Pool has been drained and staff have been terminated as of March 18th, there will be little further expense incurred with exception of the minimal cost of a light bill. He requested that Council consider the plea in the letters received.

Subsequent to brief discussion:

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

"THAT the issue of the proposed closure of the Sheet Harbour Swimming Pool be deferred (no later than the April 19th Council Session) pending a meeting between Warden MacKenzie, Mr. Lloyd Gillis, Mr. John Markesino, Mr. Ken Meech and the MLA for the area, Mr. McInnis."
Motion Carried.

The Deputy Warden suggested that the Minister of Recreation and someone from SHADRA also be invited to attend the above-mentioned meeting.

Tax Exemption By-Law

The Management Committee Report advised :

"The Management Committee has reviewed a tax exemption By-Law. Existing Legislation provides that Municipal Council may adopt a By-Law for the purpose of granting a full or partial tax exemption. The By-Law becomes effective in the taxation year 1983 and remains in effect until the expiry of the taxation year 1985. Any adjustments to the By-Law may be made by amendment.

The By-Law (included in the agenda - please refer to agenda for detail) was prepared by the Municipal Solicitor and includes a break-down of recreational and-or community use properties into Schedule "A" and "B". Schedule "A" includes properties recommended for total tax exemption and Schedule "B" includes properties recommended for partial tax exemption which means a reduction from the commercial tax rate to the residential tax rate.

The Management Committee recommend to Council for approval the tax exemption By-Law and further that the By-Law be forwarded to the Minister of Municipal Affairs for approval."

While outlining the above item to Council, Mr. Kelly advised that there was one minor change to the By-Law included in the agenda

Section 5 (b) "Addition of Property", Changed from:

"When a property, or part thereof, becomes occupied by an association for recreational and-or community use purposes then this By-Law shall be amended"

To:

"When a property, or part thereof, becomes occupied by an association for recreational and-or community use purposes then this By-Law may be amended..."

"THAT Municipal Council approve the Tax Exemption By-Law as prepared by the Municipal Solicitor inclusive of the change in section 5 (b) (change the word "shall" to "may") and further that the By-Law be forwarded to the Minister of Municipal Affairs for approval."

(See Motion to Refer)

During the discussion of this By-Law the following facilities were questioned:

1. (a) Land, Recreation Centre- Cole Harbour, owned by Clayton Developments Ltd;
- (b) Lot 193, Daycare Centre - Cole Harbour, owned by Clayton Developments Ltd. - Councillor McInroy questioned whether there were two actual facilities and whether they should be on Schedule "B", reduced from the commercial rate to the residential rate.

Mr. Kelly advised that there were two separate facilities, privately owned by Clayton Developments Ltd.; he advised that since they were non-profit facilities they were put in this category. He also advised that on top of their residential rate, they were required to pay the District's area rate as well.

However, Councillor Gaetz felt that both of the above facilities should be in Schedule "A" for complete exemption.

2. Mount Trabler Bible Camp - Councillor Lichter noted that this facility was not in the By-Law and requested that it be investigated for possible inclusion into the By-Law via an amendment, should it qualify.
3. Rainbow Haven Day Care Camp - Councillor Deveaux noted that the Rainbow Haven Day Care Camp was included in Schedule "B" for only partial exemption; he requested that this be investigated for a possible change of status to total exemption.

4. (a) Wallace Lucas Community Centre, Lucasville;
(b) Upper Hammonds Plains Community Hall, Upper Hammonds Plains;
(c) Hammonds Plains Service Commission Community Hall, Hammonds Plains. - Councillor Eisenhower questioned why these facilities were not included in the By-Law; to his knowledge they were and always had been exempt from taxation.

Mr. Meech advised that the above-mentioned facilities were already, definitely exempted at the Provincial Assessment level.

Councillor Poirier indicated that the By-Law had been circulated to all Councillors for their input and that the Management Committee had subsequently spent a great deal of time in preparing this final draft. She felt that since all Councillors had apparently not indicated to the Committee their wishes regarding the above-mentioned facilities that the By-Law should be referred back to the Management Committee one last time and if any Councillors feel that something should be added, omitted or the status changed they should notify the Committee.

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

"THAT the Tax Exemption By-Law be referred back to the Management Committee so that all Councillors will have another opportunity to notify the Committee of any additions, deletions or changes of status."

Motion Defeated.

The above motion, to refer back to the Committee, was defeated as it was felt that amendments could be made to the By-Law subsequent to the investigation of the above-noted facilities, if required.

Subsequently the question was called on the original motion.

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

"THAT Municipal Council approve the Tax Exemption By-Law as prepared by the Municipal Solicitor inclusive of the change in section 5 (b) (change the word "shall" to "may") and further that the By-Law be forwarded to the Minister of Municipal Affairs for approval."

Motion Carried.

The following motion was then made:

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

"THAT all Municipally-owned facilities (Schools, etc.) be investigated as to their current status."

Motion Carried.

The Deputy Warden suggested that the above-mentioned facilities 2 and 3 also be investigated for possible amendments to the By-Law. This was agreed to by Council and taken under advisement by Staff.

Expropriation of Storm Sewer Easement

Council agreed to deal with a memo from Mr. W. E. Keenan, Property Management Supervisor, regarding the expropriation of a storm sewer easement, Lot C6, Willowdale Estates Subdivision, Cole Harbour, Halifax County, as part of the Management Committee Report.

Attached to the memo (Please refer to memo for any further detail required) was a resolution for Council's adoption which explained the necessity of the easement for the purpose of the installation of a municipal storm sewer system across a portion of the land of Willowdale Estates Subdivision.

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

"Be it Resolved that the Municipality of the County of Halifax approves the expropriation of certain easements to the lands of Roger Jones of Cole Harbour and Ronna Jones (née Smith) his wife, of the same place more particularly described in Schedule "A" annexed hereto for the purpose of the installation of a municipal storm sewer system across a portion of those lands known as the Willowdale Estates Subdivision in Cole Harbour, in the County of Halifax."
(See Motion to Defer).

Councillor McInroy, the area Councillor, advised that this matter had only been brought to his attention this evening as he had recently returned from vacation. He requested that the matter be deferred until the next Council Session so that he may have an opportunity to speak to those citizens involved and hopefully settle the matter in a more amicable manner.

Mr. Wdowiak came forward at this time and explained the urgency of acquiring the easement as soon as possible in order to complete the improvements to the Astral Drive Storm Sewer System. However, Councillor McInroy felt an obligation to the residents in his District and advised he should speak to those involved in person before expropriation action is taken.

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

"THAT the Expropriation of the Storm Sewer Easement, Lot C6, Willowdale Estates Subdivision, Cole Harbour, be deferred until the April 5th Council Session, in order that the area Councillor may have an opportunity to speak to those involved."
Motion Carried.

POLICY COMMITTEE REPORT

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

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

Request for Capital Grants - Seabright Volunteer Fire Department

Mr. Kelly outlined these Grant requests which had been submitted to the Policy Committee by Councillor Larsen for the construction of a new truck body, including pumps, for an existing fire vehicle. The estimated cost of the work was \$25,000 and the suggested method of payment was:

General Capital Grant:	\$ 3,000
District No. 3 Capital Grant:	\$ 6,000
Fund Raising and Area Rate:	\$16,000

Mr. Kelly advised that this purchase had been approved in October 1981 on the basis of \$6,000 from the the fire department funds and a \$19,000 county loan. At that time the district was not represented by a Councillor and no capital grant assistance was applied for.

The Policy Committee recommended approval of the District Capital Grant in the amount of \$6,000 but did not recommend approval of the \$3,000 General Capital Grant until a Staff Report respecting the further use of the General Capital Grant Funds is considered.

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

"THAT Council approve a \$6,000 District No. 3 Capital Grant towards the construction of a new truck body, including pumps, for the Seabright Volunteer Fire Department Fire Vehicle and further that no General Capital Grant monies be allocated to this project until such time as a staff report respecting the further use of the Capital Grant Funds is considered."
(See Motion to Amend)

This motion initiated lengthy discussion in Council relative to the use of the General Capital Grant Fund. Mr. Kelly advised that the Policy Committee had recommended putting a hold on the utilization of the General Fund until a Report is received showing how much money is left in the fund, where the money is being spent and possibly revising the present policy for allocation of these funds. He advised that this decision was taken in response to concerns recently expressed by many Councillors over the frequent use of this fund for fire department usage, thus depleting the fund so that there may not be money for such things, as correction of health-related problems, etc.

Mr. Meech added to this that it is not the intention of the Policy Committee to refuse all General Capital Grant requests but only to put them on hold until the situation relative to what is left in the account is investigated and considered. He advised that this Report should be completed within the next couple of weeks. He advised that Mr. Wilson has already begun to compile background information for the report but has also been extremely busy with the finalization of the budget.

Councillor Walker expressed his opposition to any hold on the utilization of the General Capital Grants.

Councillor Larsen was not necessarily opposed to a freeze on the account but advised that the amount he was requesting was very small. He said he would be agreeable to waiting for the additional amount, if it could be guaranteed that it would not take longer than a couple of weeks.

However, Councillor Deveaux also expressed his opposition to the freeze on the General Capital Grant Fund indicating that he had an urgent matter to resolve which would require General Capital funds for the extension of a water main in Eastern Passage which would serve a new fish plant and several other customers, as well as being available for future customers and providing fire protection.

It was amended by Councillor Deveaux, seconded by Councillor Larsen:

"THAT both the \$6,000 District No. 3 Capital Grant and the General Capital Grant in the amount of \$3,000 be allocated to the Seabright Volunteer Fire Department for use toward the construction of a new truck body, including pumps, for the fire department vehicle."

Councillor MacKay was in favour of approving both grant requests; however, he did express concern over the retroactivity of this particular request. He indicated his understanding that the Provincial Terms of Reference for Capital Grant allocation do not include retroactive projects.

Mr. Meech advised that this was true; however, he indicated that recently there has been some rethinking along these lines although nothing definite has been decided. He agreed that capital funds were not meant to retire outstanding debts.

Warden MacKenzie advised that he was not opposed to Councillor Larsen receiving both grants; however, he felt that he would eventually receive the General Capital Grant amount subsequent to the Policy Committee's review of the pending Staff Report.

Those Councillors who spoke in opposition to the amendment were: Councillor Adams, Councillor Mont, Councillor Eisenhauer, Councillor Lichter and Councillor McInroy.

Subsequently, the question was called on the amendment.

It was amended by Councillor Deveaux, seconded by Councillor Larsen:

"As written above."
Amendment Carried.

The question was then called on the amended motion as follows:

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

"THAT a District No. 3 Capital Grant in the amount of \$6,000 and a General Capital Grant in the amount of \$3,000 be allocated to the Seabright Volunteer Fire Department toward the construction of a new truck body including pumps, for the fire department vehicle."
Motion Carried.

Request for Capital Grant - Bay Road, District No. 3 Volunteer Fire Department

Mr. Kelly advised that at the March 4, 1983 meeting of the Policy Committee Councillor Larsen had submitted a second request for a District No. 3 Capital Grant in the amount of \$6,000 toward the purchase of a King Seagrave Fire Vehicle valued at \$39,263. The remaining funds of \$33,263 were to come from fund raising and the area rate.

This vehicle had been purchased in 1980 after the Capital Grant Funding became available but before County Council established a policy for allocation of the Capital Grant Fund. At the time of purchase, the vehicle did not qualify for a capital grant because of this. The purchase of the vehicle was financed through a \$9,200 contribution from the fire department fund raising and a \$30,000 County loan of which \$21,000 remains outstanding.

It was the recommendation of the Policy Committee that the \$6,000 District Capital Grant be approved.

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

"THAT Council approve the allocation of a District No. 3 Capital Grant to the Bay Road District 3 Fire Department toward the purchase of a King Seagrave Fire Vehicle."
Motion Carried.

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

"THAT a Staff Report be prepared for Council, indicating the status of the Capital Grant Funds showing exactly how much money has been expended and how much is remaining in both the County's General Account and the District Accounts."
Motion Carried.

It was determined that this would not place a freeze on further utilization of the General Fund but was only a staff report.

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

"THAT the General Capital Grant Fund be frozen until the above-requested Status Report is received."
(See Motion to Amend).

It was amended by Councillor Bayers, seconded by Councillor Adams:

"THAT no General Capital Grant Freeze be placed on Districts which have not utilized this Fund within the last four months."
Amendment Defeated.

Councillor Adams indicated that he had seconded the above amendment only to put the issue on the floor for discussion.

Subsequent to lengthy discussion, the question was called on the original motion.

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

"As previously written."
Motion Carried.

The following Councillors had spoken in opposition to the freeze on the Fund: Councillor Bayers, Councillor Larsen and Councillor Deveaux who was specifically concerned about holding in abeyance the extension to the water line in Eastern Passage to serve a new Fish Plant.

Request for Grants - Sheet Harbour Mainstreet Program

Mr. Kelly outlined this item from the Policy Committee Report which read:

"The Policy Committee received correspondence from Mr. Brian Smith, Chairman, Sheet Harbour Business Improvement District Committee respecting the Mainstreet Program. (This correspondence was attached to the agenda - Please refer to for additional information, if required).

The correspondence outlines the various improvements of projects included in the plan for the community's business district. Additionally, it includes a request for financial assistance from the Municipality.

The Policy Committee recommend to Council that \$6,500 be allocated to the Sheet Harbour Mainstreet Program in 1983; \$1,500 from the District Capital Grant Fund and \$5,000 from the 1983 Municipal Operating Grants."

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

"THAT \$6,500 be allocated to the Sheet Harbour Mainstreet Program; \$1,500 from the District Capital Grant and \$5,000 from the 1983 Municipal Operating Grants."
(See Motion to Amend)

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

"THAT \$1,500 be allocated from the District Capital Grant and \$5,000 from the County General Capital Grant when the freeze comes off this account."
Motion Withdrawn.

The motion was withdrawn when it was determined that the \$5,000 of these funds would be required for purposes which were not of a capital nature.

Councillor Reid expressed his opposition to any Operating Grants being dealt with at this time as he had previously had several such requests and had been required to wait until such time as the 1983 Operating Grants were allocated. He felt this would decrease the amount of \$100,000 which was in the budget for Operating Grants in 1983 and it was unfair to bring it forward at this time before other requests are brought forward.

Councillor Eisenhower indicated that the \$5,000 amount should not be referred to as a Grant but as an investment as the beautification of the business district would bring in additional tourism and tax dollars, due to the increased assessments.

Councillor MacKay indicated that the Province was willing to contribute \$12,000 to this project contingent upon the Municipality's contribution of \$6,500. Therefore, if the County did not contribute to this worthwhile project, then the \$12,000 would not be forthcoming from the Provincial Labour Intensive Beautification Funding from the Mainstreet Program. He further indicated that the \$170,000 from the NEED Program for the Province would not be received either and would subsequently jeopardize the much-needed jobs that would be generated by the Mainstreet Program.

Mr. Brant Wishart and Mr. Brain Smith, who were present in the Council Chambers, came forward to explain the program and funding available. Mr. Smith advised that the remaining funds were indeed approved, contingent upon receiving the Municipal portion.

All Councillors agreed with the Sheet Harbour Mainstreet Program concept but many were not agreeable to taking monies from the Operating Grants before other requests were considered.

Mr. Meech advised that with Council's agreement the Operating Grants for 1983 could be increased by \$5,000 to \$105,000 or the money could be taken from the 1983 Operating Budget and charged to the Sheet Harbour Mainstreet Program.

Warden MacKenzie indicated his understanding that the money would be taken from the 1983 Operating Budget and would not be coming from the \$100,000 set aside in the Budget for Operating Grants to Organizations.

Subsequent to discussion, it was agreed by Council that the \$5,000 required would be taken from the 1983 Operating Budget and charged to the Sheet Harbour Mainstreet Program as it was considered to be an investment for the Municipality which would receive additional revenue from the District from the increased taxation on the assessment as well as increased revenue from Tourism.

The question was then called on the motion which the mover and seconder had agreed to alter according to the above.

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

"THAT \$6,500 be allocated to the Sheet Harbour Mainstreet Program; \$1,500 from the District Capital Grant and \$5,000 from the 1983 Municipal Operating Budget, which would be charged to the Sheet Harbour Mainstreet Program."

Motion Carried.

Subsequently, Mr. Wishart and Mr. Smith retired from the Council Session.

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

"THAT a Report to Council be prepared by the Policy Committee relative to criteria and guidelines established for requests on the General Tax Rate."

Motion Defeated.

SUPPLEMENTARY REPORT OF THE URBAN SERVICES COMMITTEE

It was agreed by Council that the Suuplementary Report of the Urban Services Committee be accepted at this time.

Interim Agreement Between The Municipality of the County of Halifax and the Town of Bedford Regarding the Millcove Sewer System

Mr. Kelly advised that the Urban Services Committee recommend to Council for approval an Interim Agreement between the Municipality and the Town of Bedford with respect to the Millcove Sewer System. (Copies of the Agreement were attached to the Report - please refer to Report if additional information is required).

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

"THAT the County of Halifax and the Town of Bedford enter into an interim Agreement respecting the Millcove Sewer System."
Motion Carried.

Councillor MacKay suggested that Warden MacKenzie, Mr. Meech, Mayor Roberts and Mr. Dan English of the Town of Bedford schedule a meeting to begin negotiations regarding the ownership of the Sewer System in the near future as this issue has been outstanding for some time.

This was taken under advisement.

NOTICE OF MOTION - EXTENSION OF TRANSIT SERVICE TO OCEAN VIEW MANOR

Councillor Deveaux advised that he was awaiting some figures from MTC and therefore, requested that this issue be deferred until the next Session of Council.

ARSENIC CONTAMINATION - COUNCILLOR ADAMS

Councillor Adams advised that he had read through the information on this item which indicated that the Provincial Government had not

changed their position relative to the 50%-50% cost-sharing policy for the supply of potable water.

It was moved by Councillor Adams:

"THAT the Municipality approve the Policy relative to the supply of potable water, providing that the 50%-50% be cost-shared between the Municipality and the Province with no charge to the Homeowner."

Motion Lost - No Secunder.

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

"THAT Council approve the Policy respecting the supply of potable water, including the 50%-50% cost-sharing between the Province and the Homeowner, with the Program to be administered by the Municipality of the County of Halifax."

Motion Carried.

The motion was carried subsequent to brief discussion in which it was determined that the policy had to be effected as soon as possible in order to alleviate the problems relative to mineral-contaminated water. However, it was passed with the suggestion the Council would attempt to have the policy altered in the future if possible.

SEWAGE, HERRING COVE - COUNCILLOR BAKER

Councillor Baker advised that the sewage outflow from the City of Halifax to Herring Cove and Sambro was having a detrimental effect on the Fishing Industry in these areas. It was Councillor Baker's opinion that the City should be requested to build a treatment plant to alleviate this problem.

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

"THAT a letter be written to the City of Halifax expressing the Municipality's concern over the sewage outflow to Herring Cove and Sambro which is damaging the fishing industry in these areas with a copy to the Department of the Environment and further that another letter be sent to the Department of the Environment requesting that they examine the situation relative to this sewage outflow and take appropriate action with the appropriate bodies to initiate corrective measures to this situation."

(See Motion to Amend).

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

"THAT the Department of the Environment be requested to consider the pollution of the entire Halifax Harbour and Bedford Basin which results from sewage outflow from the Cities of Halifax and Dartmouth."

Amendment Defeated.

Prior to the defeat of the above amendment, Council agreed that the whole issue was important and should be looked into; however, the amendment had been defeated as it was felt that corrective measures on such a large scale could not be considered at the present time due to the massive costs involved. It was felt that if the amendment was passed it would delay resolution of the ruination of the fishing grounds in Herring Cove and Sambro.

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

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

"As written above." Motion Carried.

ADDITION OF AGENDA ITEMS

Take-Over of Private Roads - Councillor Deveaux

Councillor Deveaux requested an up-date on this item.

Mr. Meech advised that it has been determined lately that the Municipality does have the legal power to expropriate; however, the Municipality has chosen in the past not to expropriate lands for the purpose of road take-over and up-grading. He advised that there was such an issue before the Policy Committee at the present time, respecting the expropriation of land for the purpose of road take-over to be up-graded by the Department of Transportation, at Christies Road in District No. 1. He advised that this issue should be resolved within the next couple of weeks.

Councillor Deveaux advised that he would wait until the Christies Road issue is resolved before he brings the matter up again with respect to several lanes in his own District.

NEW BUSINESS

Arsenic Contamination - Councillor Adams

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

"Whereas the Atlantic Health Unit has identified that the deeper drilled wells in the arsenic areas reveal counts of arsenic subject to fluctuation over the years and more shallow wells and dug wells do not reveal the same dangerous counts of arsenic and whereas it is incumbent upon Council as elected representatives who are charged with the Health and Safety of Residents and to ensure that the Well Drilling Act does not permit any over-zealous or over-ambitious well drillers to drill into problems that homeowners will be responsible for at their financial expense and the drillers financial advancement, Be it Therefore Resolved That the Municipality of the County of Halifax make recommendations to the Nova Scotia Departments of Health, Environment and Consumer Affairs to review the Well Drilling Act of Nova Scotia with a view to determine safe depths of well drilling where such well drilling takes place in rocky, residential areas and where it has been pre-determined by the Atlantic Health Unit that these areas have potential arsenic-laden geology." Motion Carried.

In response to questioning by Councillor Mont as to the relevancy of the Department of Consumer Affairs' involvement in this matter, Councillor Adams advised that he had included this department in his motion, in the interest of Consumer protection.

ADDITION OF ITEMS FOR NEXT COUNCIL SESSION

"Sewage Outflow - Halifax Harbour and Bedford Basin"

The Deputy Warden requested that the item brought forward by Councillor Poirier and Councillor Wiseman, in their previous amendment, relevant to the sewage outflow to the Halifax Harbour and Bedford Basin be added to the next Council agenda for discussion.

ADJOURNMENT OF ANNUAL SESSION

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

"THAT the Annual Council Session be adjourned until April 5, 1983."
Motion Carried.

ADJOURNMENT

It was moved by Councillor Poirier:

"THAT the Council Session adjourn."
Motion Carried.

Therefore, there being no further business, the Council Session adjourned at 11:15 P.M.

ANNUAL COUNCIL SESSION

APRIL 19, 1983

PRESENT WERE: Warden MacKenzie, Chairman
 Deputy Warden Margeson
 Councillor Walker
 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 Eisenhauer
 Councillor MacDonald
 Councillor Wiseman
 Councillor Mont

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
 Mr. Bob Cragg, Municipal Solicitor
 Mr. G. J. Kelly, Municipal Clerk
 Mr. Keith Birch, Chief of Planning & Development
 Mr. Lorne Denny, Industrial Promotions Officer
 Mr. Ken Wilson, Director of Finance
 Mr. Gary Smith, Chief Accountant

SECRETARY: Christine E. Simmons

OPENING OF COUNCIL - THE LORD'S PRAYER

Warden MacKenzie brought the Annual Council Session to order at 6:05 p.m. with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

SETTING OF 1983 RESIDENTIAL, COMMERCIAL AND AREA TAX RATES

Mr. Ken Wilson and Mr. Gary Smith came before Council at this time to review with Council the 1983 tax rates. The 1983 Budget had been distributed previously for Council's perusal.

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

"THAT the 1983 Budget and tax rate information be received."
Motion Carried.

A memo had been distributed to Council regarding the 1983 tax rates. Attached to this memo were budget statements reflecting the 1983 budget figures following a resolution at the March 24th meeting of the Joint Councils respecting the District School Board budgets as well as statements reflecting budget adjustments following Council's review of the Departmental budgets. (please refer to these statements if additional information is required).

The memo advised that, including a transfer from surplus funds to hold the tax increase to 6%, the 1983 proposed tax rates would be as follows:

Residential tax rate - \$.87
Commercial tax rate - \$1.62

Included in the budget information which had previously been distributed to Council were the area tax rates and breakdowns.

Prior to approval of the 1983 tax rates, the following concerns were expressed by Council:

1. Councillor Bayers expressed concern regarding the unequal distribution of grants, i.e. grants for fire departments, street lights, etc.

Mr. Wilson advised that this was due to the old Provincial Formula whereby grants were allocated on the amount of expenditures; he advised that in 1979 the Municipalities were given responsibility for allocating these grants. Since less money was available at this time, a freeze was placed on the total operating grants and money had to be allocated according to what was available. However, he advised that the method of grant allocation is being reviewed.

2. Councillor Gaetz indicated his opposition to a School Area Rate levied on his area rate breakdown for School Section 20 in District No. 9. He advised that no-one in this section attends the school in question; he tabled a list of 171 assessments in the section, none of which have children attending that School. It was the Councillors' request that this School Area Rate be deleted from his Area Rates.

Subsequent to brief discussion:

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

"THAT the School Area Rate of 2.5 cents for School Section 20 in District No. 9, be excluded from the area rate." Motion Carried.

3. Councillor Walker requested that the proposed street lighting area rate for District No. 1 be deleted from this evening's motion to approve area rates, in order that this issue may be resolved with the residents of District No. 1 and further, that this rate be deferred until the next Session of Council.

It was AGREED by Council that the street lighting rate for District No. 1 be deferred until the next Council Session.

4. Councillor Lichter indicated his concern regarding the three following areas:
 - a) He felt that the funds requested in the Budget for Staff Seminars and Courses should be kept at approximately \$7,000, as expended last year, rather than the \$11,000 requested;
 - b) He requested reassurance that the Industrial Commission would not exceed its budget in 1983 as it had in 1982;
 - c) He advised that the New Wings Contract brought up in Council some time ago, for work on the Sackville Industrial Park, was somewhat misleading, albeit unintentionally. He explained this by advising that 1400 hours at \$25.00 per hour in that contract, at eight hours per day in a five day week is only 175 days out of 364 days in a year. He advised that the actual amount of money which would be represented would be \$52,000 instead of \$35,000.

Councillor Lichter advised that he would have some difficulty in approving the tax rates unless he had some assurance that the above items were going to be taken into consideration and managed prudently in 1983.

Mr. Meech advised with respect to the Staff Seminars and Courses that \$11,900 was the same as was budgeted for in 1982, so there was no increase in that budget at all. He advised that only approximately \$7,999 had been expended from that budget in 1982 and if that is all that is required in 1983, then no more would be expended. He advised that if Council wanted to decrease this budget to \$8,000, it could be dealt with at this time. However, subsequent to discussion, no changes were made.

With respect to the Industrial Commission Budget, he advised that there should not be any overruns this year. Mr. Wilson added that to-date the Industrial Commission budget is on target. Councillor MacKay had some input into this discussion as well, advising that the Industrial Commission actually was not over budget as it was now receiving hold-back monies owed to it in 1982.

In regard to the third point brought out by Councillor Lichter, there was some discussion as to whether the contract was for one full year or for 1400 hours of consulting.

Subsequent to discussion, it was the opinion of Staff that the contract was for one full year. As well, Councillor MacKay advised that Mr. MacLeod of New Wings is doing an exceedingly excellent job and putting in many hours of work for which he is not charging the Municipality.

Subsequent to the above discussion:

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

"THAT all 1983 area rates be approved, deleting the school area rate for school section 20 in District No. 9 and deferring the street lighting area rate for District No. 1 until the next council session, and further that the commercial tax rate be set at \$1.62 and the residential tax rate be set at \$0.87 for 1983."

Motion Carried.

ADJOURNMENT OF ANNUAL COUNCIL SESSION

There being no further business, the Annual Council Session adjourned at approximately 7:30 P.M.

MINUTES & REPORTS
OF THE
FIRST YEAR MEETINGS
OF THE
FORTY-FIRST COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX

APRIL COUNCIL SESSION

TUESDAY, APRIL 5 and 19, 1983

&

PUBLIC HEARINGS

APRIL 11, 1983 & 26, 1983

PUBLIC HEARING

APRIL 11, 1983

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

ALSO PRESENT: Mr. Robert Cragg, Municipal Solicitor
Mr. Keith Birch, Chief of Planning & Development
Mr. Robert Gough, Director of Development
Mr. Mike Hanusiak, Staff Planner
Mrs. Lynne Marshall, T. C. Welding & Automotive Ltd.
Mrs. Silvia Isenor, Waverley
Mr. Wade MacDonald, Westphal, Cole Harbour & Area
Service Commission
Mr. Ron Cooper, Westphal-Cole Harbour, PPC

SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

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

ROLL CALL

Mr. Birch then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

ANNOUNCEMENTS

Warden MacKenzie recognized, at this time, former Councillor Silvia F. Isenor who was present for one of the Rezoning Applications this evening.

The Warden then proceeded to outline to those present in the Council Chambers the procedure to be followed for the Public Hearing this evening, advising that subsequent to a Staff Report, those speakers in favour of the applications would be requested to come forward then those speakers in opposition. Council would then make its decision relative to the applications.

PUBLIC HEARING1. Application ZA-CH-W-23-82-07

Mr. Bob Gough came forward at this time to explain that Application No. ZA-CH-W-23-82-07 was for a proposed amendment to the Zoning By-Law for Cole Harbour-Westphal that would permit Automotive Repair Shops in the C-4 (Highway Commercial) Zone.

He further advised that the application had been duly advertised as per the provisions of the Planning Act and that one piece of correspondence had been received in response to this advertisement. This correspondence, from the Westphal Cole Harbour and Area Service Commission, written by Mr. Wade MacDonald, Chairman, indicated it was the opinion of the Commission that the proposed change is contrary to the best interests of the community and further advised that members of the Commission would appear at the Public Hearing to speak in opposition to amendment of the Zoning By-Law.

Mr. Gough advised Council that the proposed amendments to the Zoning By-Law had been initiated by a request from T. C. Welding and Automotive Ltd. of Dartmouth, to establish a welding and motor vehicle repair shop at 999-1009 Highway No. 7, Westphal.

The Staff Report which had been distributed to all Councillors, advised:

"At present, the C-4 (Highway Commercial) Zone permits motor vehicle repair shops in conjunction with service stations. However, its silence with regard to a welding and customizing activities directly related to motor vehicles negates the possibility of establishing the type of business desired by the applicant. In light of the fact that such activities can be considered a logical progression of the service station type operation, their inclusion in the C-4 Zone will be in keeping with the intent of this Highway Commercial Designation as set forth in the Municipal Development Plan for Cole Harbour-Westphal. Therefore, the Department of Planning and Development recommends:

That the Cole Harbour-Westphal Zoning By-Law be amended as follows:

1. By adding immediately after Section 2.62 of Part 2, the following:
 - 2.63 AUTOMOTIVE REPAIR OUTLET means a building or a clearly defined space on a lot used for the minor or major repair of motor vehicles and may include autobody repair, welding and other customizing activities directly related to the repair or alteration of motorized vehicles but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale.
2. By adding immediately after the last commercial land use activity listed in Section 17.1 of Part 17 the words "Automotive Repair Outlets". "

With the use of an overhead projected map, Mr. Gough indicated to Council the areas in question .

Questions From Council

Councillor Mont referred to the suggested amendment in section 2.63 where it stated "a clearly defined space on a lot used for the minor or major repair of motor vehicles...". He questioned whether this meant that so long as an area was marked off, repairs could actually be done to motor vehicles out in the open in the middle of a lot.

Mr. Gough advised that this would be possible.

Councillor Deveaux requested what the major difference was between the proposed use and the Service Station uses which already exist. It was his opinion that a Service Station is, in effect, an automotive repair outlet.

Mr. Gough advised that the difference, which prompted this application, is that one could do the majority of this type of work at a service station; however, the definition of a service station says that one must sell gasoline fuel oil and lubricating oil products. He advised the T. C. Welding did not wish to sell these products since it is controlled by the Board of Public Utilities and they understood that they may not even be able to obtain a license. However, they do still wish to conduct a Garage Operation.

Councillor DeRoche indicated there is much more stringent control over a service station use as it is controlled by the Board of Public Utilities, than there is over the use being discussed tonight.

There were no further questions for Mr. Gough.

Speakers in Favour of the Application

Mrs. Lynne Marshall, Upper Lawrencetown: Mrs. Marshall advised she was representing T. C. Welding and Automotive Ltd. She advised that the reason the Company wanted to have the area rezoned is because at a Service Station you must keep certain Bays open just to do oil changes, grease jobs, etc. She advised that there were already approximately 9

of these such service stations in the area. She advised that, if necessary, T. C. Welding and Automotive Ltd. could make an application to do the same thing. However, she advised that their work is automotive repair. She advised that in the City there are places such as T. C. Welding; in fact, she advised that they are located there now. However, the Operation wanted to locate in the County where there are no places for a person to go and get their frames repairs, major engine overhauls, etc. She advised that Service Stations could not tie up their Bays long enough to do this work.

Questions From Council

Councillor Deveaux questioned where T. C. Welding and Automotive Ltd. was operating at the present time and was advised by Mrs. Marshall that they were located at 221 Waverley Road. She also advised, in response to further questioning from Councillor Deveaux, that their operation was not classed as an Autobody Shop, but rather Automotive Repairs to Engines, etc.

Mrs. Marshall also advised, in response to Councillor Mont's previous observation, that T. C. Welding and Automotive Ltd. does not intend to do work outside but plan a large garage with as many Bays as are required.

There were no further questions for Mrs. Marshall and no further Speakers in Favour of the Application.

Speakers in Opposition to the Application

Councillor DeRoche: Councillor DeRoche advised that he was in receipt of a letter from a resident who is unable to attend this evening's Hearing. The letter was in opposition to the proposed amendment to the Zoning By-Law and Councillor DeRoche had been requested to read it into the record on behalf of the writer.

This letter was addressed to the Councillor and read:

"As a member of the former Public Participation Committee for the Westphal-Cole Harbour MDP and Zoning By-Law process, I wish to express my concern regarding the proposed amendment application no. ZA-CH-W-23-82-07 to the Zoning By-Law.

A number of discussions took place at the PPC Meetings regarding the establishment of a C-4 (Highway Commercial) Zone and what uses would be permitted as of right. A consensus was reached and it is indicated in PART 17.1, page 53 of this Zoning By-Law.

The PPC Committee also recognized that other Commercial Uses might be acceptable along the No. 7 Highway. However, we did not wish to create a zone that was completely open. It was felt and agreed that any uses not specified in Part 17.1 of the Zoning By-Law could be permitted through the means of a Contract Zoning Agreement or Development Agreement. In this way, the Committee felt the Community would have an opportunity to assess each proposal and express an opinion through the Public Hearing process.

It appears that the amendment proposed will allow Automotive Repair Outlets as of right. This contradicts the Public Participation Committee's wishes and intent in establishing the Highway Commercial Zone. By permitting this type of use as of right, it could create a proliferation of Automotive Repair Outlets along the No. 7 Highway and this would certainly be unacceptable and undesirable to the residents of the Community.

I am not opposed to the use. I am opposed to the amendment. I would therefore request that Council give consideration to rejecting the proposed amendment and request the applicant to enter into a Contractual Agreement with the County. This will permit the operation of an Automotive Repair Outlet subject to the policies noted in the Municipal Development Plan and the requirements as noted in the C-4 Highway Commercial Zone.

Should you have any questions, please do not hesitate to contact me."

The letter had been signed by James N. Gerogiannis.

Questions From Council

Warden MacKenzie questioned where this location was in relation to the William Ross School and was advised by Councillor DeRoche that the location was directly across the Highway from the Home for Colored Children and as one enters the Westphal Mobile Home Park it would be to the left facing the Park. He advised that it is the undeveloped area in front of the Trailer Court to the left.

Mr. Wade MacDonald, Chairman, Westphal, Cole Harbour and Area Service Commission: Mr. MacDonald advised that he had been asked by the Commission to attend this evening and give brief comments in opposition to the proposed amendment to the Zoning By-Law.

Mr. MacDonald advised that the letter read by Councillor DeRoche, closely expresses the opinion of the Service Commission. He advised that the Service Commission is not in opposition to the T. C. Welding & Automotive Ltd. Operation but they are opposed to the general change to the regulations governing C-4 Zone along the No. 7 Highway. He advised the Public Participation Committee, as expressed in the letter, did discuss this issue and the result of these discussions is the By-Law as it now exists.

He advised that the Zoning By-Law builds in some safeguards for the people in the No. 7 Highway area with regard to the Development of Automotive Repair Shops, Used Car Lots and that type of operation. He advised that it is a concern of the people in the area that the No. 7 Highway could become a Used Car Strip or something along these lines; however, there are safeguards in the Zoning By-Law now in that anyone who does not comply with the By-Law must come for a Public Hearing and the people will have a chance to discuss and view the actual proposal.

He advised that the Service Commission and the PPC do not feel that the proposed Zoning change is a natural progression of the Zoning Regulations but feel it is a change in principal and philosophy in that some

of the built-in safeguards are being removed. As a result the Service Commission would recommend that the Zoning By-Law, with regard to C-4 along the No. 7 Highway, be left as it is and that each application that does not comply with these By-Laws would be dealt with individually and dealt with on its own merit.

Questions From Council

Councillor Lichter questioned what the Service Commission's opinion would be on handling each application on an individual basis. He advised that within the next couple of years Council could receive numerous of these applications; he questioned if there was a particular number of these outlets which the Service Commission would find acceptable in that zone.

Mr. MacDonald advised that the Service Commission had not specifically looked at that question. He advised that they would be opposing such things as used car lots or scrap yards; he felt that if the amendment passed, then they would have no opportunity to oppose the establishment of such operations.

Councillor Lichter indicated his understanding that if the zoning By-Law is amended, as suggested by Staff, used car lots and scrap yards would not be permitted. The only permissible use would be shops such as the Welding and Automotive Repair Shop.

Councillor Lichter also advised that he could not foresee a proliferation of such shops as it is not wise for such operations to move in, in high numbers for competitive reasons.

Mr. MacDonald advised that the only concern of the Service Commission was that if the amendment to the Zoning By-Law was approved then the residents would lose their opportunity to voice opposition to any potentially undesirable uses. They would be in favour of discussing the possibility of certain businesses being established via a contract.

Councillor Gaetz indicated that as there were already so many similar businesses in the area, he could not see that one more would be a detriment to the area; especially as in this case, T. C. Welding intends to operate from within a building and not out in the open.

Mr. MacDonald reiterated that the Service Commission was not opposed to this particular business but was opposed to the blanket amendment to the Zoning By-Law.

Councillor McInroy advised that there were areas in the Plan zoned for light industrial and he felt that when you are getting into repair of heavy machinery, work that is not done at a normal service station, this could be considered light industrial use, especially in this high traffic area.

It was at this point in the meeting that Mr. Keith Birch advised that this particular MDP does not allow for land development by Contract.

Therefore, the Plan itself would have to be amended to allow contract zoning subsequent to which it would be possible to consider the proposed Operation via a Contract.

Mr. Birch also advised that from a Planning Point of view he could see no reason why the proposed amendment to the Zoning By-Law should not be approved by County Council.

Councillor MacDonald, however, advised that the residents should have the opportunity to state their views via a Public Hearing on any potential new business which wishes to locate in the area. Therefore, he felt that the MDP should be amended to allow contract zoning, subsequent to which T. C. Welding & Automotive Ltd., should be able to apply for a contract to locate in the area requested.

Councillor DeRoche expanded on Councillor McInroy's observation that there were light industrial zones in the Plan area. He indicated that unlike the service stations which are closely controlled by the Public Utilities Board, the T. C. Welding and Automotive Ltd. Operation, and others like it, would not be as stringently controlled. He therefore, encouraged that they locate in the light industrial zone or that they be permitted to locate in their chosen area via a contract zoning agreement. This would then mean that the MDP should be amended to allow for contract zoning in the PLAN area.

Councillor Poirier questioned Mr. Gough as to where the Light Industrial area was and, referring to the overhead map, he indicated the area which was on the Ross Road by the Salmon River.

Councillor MacKay questioned whether, when T. C. Welding and Automotive Ltd., had approached the Planning Department, an amendment to the MDP permitting Contract Zoning, had been considered.

Mr. Gough advised that this had been discussed with the Policy Planning Division and both Departments did not think that a Plan Amendment was appropriate at that time, especially since 99% of this use is already permitted in the C-4 Zone without the sale of gasoline products.

There were no further questions for Mr. MacDonald.

Mr. Ron Cooper, member of the former Public Participation Committee for the Cole Harbour-Westphal Area, presently residing in this area:

Mr. Cooper advised that when the Committee went through the development of the Plan and the By-Laws they looked at the community basically as a residential community which was there to serve the people in the area. They looked at a local commercial, general overall community commercial and also recognized the need of the travelling public and the larger area in that the No. 7 Highway area should serve the public on more a travelling basis than a permanent basis.

Mr. Cooper advised that the Committee had felt this area along the No. 7 Highway, in the present C-4 Zone, was acceptable for repairs that would not take long but not for repairs which would mean car bodies and parts sitting around for a number of days. It was felt this area was not the appropriate place for this type of operation.

Questions From Council

Councillor Gaetz indicated his opinion that fencing would eliminate the above-mentioned problem.

Mr. Cooper replied to this that, if the operation was allowed via contract zoning, this would be one of the stipulations attached to the contract. He also advised, that the Public Participation Committee was not really opposed to the T. C. Welding Operation which was proposed for the area; it was their understanding that Mr. Clattenburg, the owner runs a very clean and efficient business at the present time. They were only opposed, along the same lines as the Service Commission, that a blanket amendment to the Zoning By-Law would not give the residents any input into future businesses of the same nature moving into the District, which may not be run as well.

There were no further speakers in opposition to the Application.

Motion and Discussion of Council

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

"THAT the Staff recommendation be rejected and further that Staff be directed to prepare an amendment to the Municipal Development Plan of Cole Harbour-Westphal which will accomodate rezoning by contract with specific reference to the proposed operation discussed this evening."

Several Councillors were concerned over whether or not the application proposed this evening was being approved or rejected. It was clarified that the Public Hearing this evening was not dealing with a rezoning request for T. C. Welding and Automotive Ltd., but was a requested amendment to the Zoning By-Law which, if approved, would be followed up by an application from T. C. Welding and Automotive to locate in the area.

Subsequent to the above clarification and further brief discussion, the question was called on the motion:

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

"As written previously."
Motion Carried.

2. Application ZA-24-22-82-14

Mr. Gough explained the above application advising it was a proposed amendment to the Municipality's Zoning By-Law No. 24, by creating the MR (mixed Resource) Zone.

He advised that this application had also been advertised as per the provisions of the Planning Act and that no correspondence had been received in response.

Mr. Gough indicated that the proposed amendments were initiated by a request from Mrs. Silvia Isenor to establish a small commercial farming operation on her property at Waverley.

The Staff Report prepared on this application advised:

"In considering these amendments, particularly the proposed MR (Mixed Resource) Zone, it is important to realize that the intention is not to promote intensive agricultural or forestry related activities. Such uses are already accomodated through the By-Law's G (General) Zone and I-1 (General Industrial) Zone. Rather, the main purpose is to provide rural property owners having pre-zoned lands in excess of five acres with an opportunity to pursue a variety of intermediate land use activities, be they resource related or residential in nature.

Given that the proposed amendments and their subsequent application are not anticipated to create incompatible land use situations between existing residential areas and yet to be developed lands, the Department of Planning and Development recommends:

That the Municipality's Zoning By-Law No. 24 be amended."...

(The required amendments to the Zoning By-Law are so extensive it would not be feasible to include them in these minutes - Therefore, please refer to Report for any necessary detail.)

Questions From Council

Council questioned Mr. Gough briefly for some minor clarifications regarding to the amendments.

Speakers in Favour

None.

Speakers In Opposition

None.

Motion and Discussion of Council

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

"THAT the Zoning By-Law No. 24 be amended (as per the recommendation of the Department of Planning and Development in its Zoning Report No. ZA-24-22-82-14, dated March 10, 1983), by creating the MR (Mixed Resource) Zone."
Motion Carried.

3. Application RA-24-25-82-14

Mr. Gough advised that Application No. RA-24-25-82-14 was a request by Mrs. Silvia Isenor to rezone approximately 135 acres of her lands located at Highway No. 318 at Waverley, District No. 14, from R-1 (Residential Single Family Dwelling) Zone to MR (Mixed Resource) Zone.

He further advised that the application had been duly advertised as per the provisions of the Planning Act and that no correspondence had been received in response.

Mr. Gough advised that the purpose for the rezoning request was to permit the establishment of a small commercial farming operation which would include the growing of strawberries, vegetables and the keeping of horses. In addition, the applicant has indicated the possibility of growing Christmas trees for sale at some future point in time.

Mr. Gough also provided a detailed description of the lands to be rezoned as well as the surrounding land uses. (Please refer to the Staff Report for this information).

The criteria used by the Planning Department for evaluation of the application was:

"In light of the fact that the Municipality's Zoning By-Law No. 24 offers no criteria for evaluating a rezoning application, it is necessary to establish a set of guidelines that will serve as a basis for formulating a recommendation. Given the nature of the rezoning request, consideration should be given to the following:

1. The negative impacts, be they an increase in noise, odours or other form of pollutant, that the proposed rezoning will have on the surrounding residential neighbourhood.
2. The adequacy of screening between the proposed use and the surrounding residential neighbourhood.
3. The degree to which the proposed rezoning will jeopardize the original intent of the R-1 Zone".

The Evaluation included in the Staff Report advised:

Impact on Neighbouring Homes - Undoubtedly, noise, odours and other pollutant levels will increase as a result of the proposed rezoning. However, the impact on the surrounding residential neighbourhood will be of little significance due to the lengthy distance (Approximately 600 feet) between the intended farming operation and the nearest homes.

Screening: Through a series of site investigations, it was determined that most of the intended farming operation must take place on the plateau portion of the subject property, well above the level of Highway No. 318. This, coupled with the existing vegetation pattern will make it extremely difficult to detect any activity from the residential areas along Highway No. 318.

Original Intent of the R-1 Zone: From research conducted into the history of zoning in the Waverley area, it would appear that the original intent of the R-1 Zoning was to give priority to the development of single family dwelling units and furthermore, to protect the area from incompatible or competitive forms of land use. While the Department of Planning and Development supports the continuation of this development strategy, it also recognizes the need to provide an opportunity for mixed resource uses where appropriate."

The staff recommendation was that the rezoning application be approved by County Council.

Questions From Council

None.

Speakers in Favour of the Rezoning Application

Mrs. Silvia Isenor, Waverley: Mrs. Isenor advised that she was, of course, in favour of the application but that she had nothing to add to the already comprehensive Staff Report.

Questions From Council

None.

There were no further speakers in favour of the application.

Speakers in Opposition

None.

Motion and Discussion of Council

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

"THAT the rezoning of approximately 135 acres of the lands of Silvia F. Isenor, located on Highway 318, at Waverley, District 14 from R-1 Zone to MR Zone, be approved by County Council."
Motion Carried.

ADJOURNMENT

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

"THAT the Public Hearing adjourn."
Motion Carried.

Therefore, there being no further business, the Public Hearing adjourned at 8:50 P.M.

PUBLIC HEARING

APRIL 26, 1983

PRESENT WERE: Warden MacKenzie, Chairman
Councillor Larsen
Councillor Deveaux
Councillor McInroy
Councillor DeRoche
Councillor Adams
Councillor Gaetz
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor MacDonald
Councillor Wiseman

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk
Mr. Robert Cragg, Municipal Solicitor

SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

Warden MacKenzie brought the Public Hearing to Order at 7:08 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

"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.

DEVELOPMENT AGREEMENTS

Mr. Bob Gough, Director of Development came before Council to outline the four Developments Agreements between the following: