

Mr. Meech advised that this article was relative to a number of questions that he was asked by the press and he stated that the situation is no different today than it was a few months ago. All that was pointed out was that the additional costs that we have encountered with respect to the servicing program were in the vicinity of \$4,000,000. - this is after certain reductions were made including modifications to the proposed servicing at which time Council gave approval and at that time it had been proposed that \$1,500,000. would be allocated from the capital grant fund over the next three years and at the same time approximately \$4 - 500,000 additional monies would be coming from the additional per foot frontage charge that would be levied at \$20. rather than what we had felt it would be - around \$16.

The only other thing is that we had the expectation that we would make further representation to the Province specifically to the Minister of Municipal Affairs in an effort to receive additional allocation of funds and to date we have not been successful so there is still a further \$1,500,000 - \$2,000,000 that will have to be settled at some point and whether that will come from the Capital Grant Fund over the next number of years or whatever source. For the moment we have no indication from the Province that they are prepared to increase their level of funding from what had been originally agreed to at the time the Project was approved for the go ahead.

Mr. Meech went on to say that the only point he made was that when asked the question whether the overruns experienced in Beechville-Lakeside-Timberlea would have some impact on capital projects, his response was that if in fact we require allocating a fair amount of dollars from the capital grants fund it can only be concluded that it would have some impact in terms of the fact that there will not be as many dollars available for other capital projects - at least from the capital grant fund.

Councillor Adams asked if this would be reflected in our tax rate.

Mr. Meech advised no, not if it is allocated from the Capital Grant Monies.

Mr. Meech pointed out that two or three letters had been sent to the Minister by the Warden requesting further consideration of our situation but to date we have not had any positive response and the latest response was fairly decisive and clear that the Province was not in a position to provide any additional funds. The Warden has responded by just letting the matter lie for the moment but it is still our intention to seek some additional funds. Our last proposal was that we would cost share the additional \$4,000,000 on a 50/50 basis (Municipality through its sources would pick up approximately 50 % and we are asking the province to increase its funding by approximately \$2,000,000 to provide for the other additional \$2,000,000.)

COUNCILLOR POIRIER - OPEN HOUSE - FIRE HALL - TIMBERLEA

Councillor Poirier extended an invitation to all Councillors and staff to attend the opening of the Fire Hall in Timberlea on April 9th with the open house being from 2 p.m. to 6 p.m. and the ribbon cutting ceremony to be held at 2:30 p.m.

Warden MacKenzie encouraged as many as possible to attend the Open House.

UNSIGHTLY PREMISES - COUNCILLOR BAYERS

Councillor Bayers expressed great concern with respect to the Unsightly Premises Act and the enforcement of it. He advised that there were 3 ongoing problems in District 10 - one person is burning chemicals which is giving off PCB's and this is just across the road from a \$275,000. home. The second is a sewage problem and the third is the Terry property. He wanted to know if we were going to enforce the Act or if we have the money to proceed. If we are not going to proceed or if we do not have the funds or staff available he suggested that we advise the public accordingly.

Mr. Meech advised Councillor Bayers that he would obtain a status report on the properties in question.

Warden MacKenzie pointed out that he agrees we all have the same type of problems in our Districts, however he did not know how we could deal with them unless we have the funds and staff available to cover such a large geographical area.

It was Councillor MacKay's opinion that if enough prosecutions went through people might be more apt to clean up their properties.

After discussion on the subject it was agreed that this item be placed on the agenda for the next Council session for further discussion.

ADDITION TO NEXT AGENDA COUNCILLOR MACDONALD

Councillor MacDonald requested that at the next council session that we have available an update with respect to the Mobile Home Park By-Law and whether we are involved in reviewing this with a view to making changes to accommodate the Mobile Home Park subdivision proposed for Sackville.

COUNCILLOR ADAMS - NEXT SESSION

Councillor Adams inquired as to whether the motion made at the 4th of January session re asking the Power Corporation if there were any devices available to protect households from flash fires due to power surges reversed in the wiring. He wondered if an official answer had been received yet and if not, would it be possible to have this for the next session of Council.

Mr. Kelly advised that Mr. Edsall had acknowledged the letter and indicated that he was having staff look into it and would respond.

Mr. Kelly agreed to check into this further and provide a report as soon as possible.

RESOLUTION OF COUNCIL TO ADJOURN ANNUAL SESSION TO APRIL 19th, 1983

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

"THAT the Annual Session of Council be adjourned to April 19, 1983." Motion Carried.

The Council Session adjourned at 10:24 p.m.



REGULAR 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 Eisenhower  
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

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OPENING OF COUNCIL - THE LORD'S PRAYER

Warden MacKenzie opened the Council Session 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.



APPROVAL OF MINUTES

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

"THAT the Minutes of the March 15, 1983 Council Session be approved."

Motion Carried.

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

"THAT the Minutes of the April 5, 1983 Council Session be approved."

Motion Carried.

ANNOUNCEMENTS

Warden MacKenzie advised that Councillor Poirier was on vacation and would not be in attendance this evening.

AGENDA ITEMS

Warden MacKenzie requested whether any Councillors had any items to add to this evening's agenda. The following items were added:

1. Councillor Wiseman - Street Lights on Glendale Drive and Metropolitan Drive;
2. Councillor Deveaux - Wharf at Eastern Passage;
3. Councillor Lichter - Lien Law Fund;
4. Councillor MacKay - Council Resolution to approve sidewalk construction in Sackville.

LETTERS AND CORRESPONDENCE

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

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

Letter From the Provincial Department of Municipal Affairs

A letter had been received by Warden MacKenzie from Thomas J. McInnis, Minister of the Department of Municipal Affairs, in regard to the meeting held April 6, 1983 respecting Provincial Cut-backs in Operating and Capital Grants. This matter clarified the exact percentage by which these grants would be reduced to the Municipality of the County of Halifax.

(Please refer to correspondence for additional detail, if required).

Mr. Kelly read to Council a proposed resolution prepared by Mr. Meech to be sent to the Provincial Government in response to the grant reductions. This resolution had been prepared subsequent to the Warden reporting to the Management, Policy and Planning Advisory Committees.

The resolution was moved as follows:

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

"Whereas the recent Provincial Government decision to reduce Municipal Grants (Operating and Capital) is effective immediately; and Whereas Municipalities operate on a calendar year; and Whereas most municipalities have established (1983) tax rates or were concluding budget reviews; and Whereas municipalities logically prepared estimates on the basis of information received from the Province in January 1983 providing a 6% ceiling on subject grants; and Whereas the decision appears to be with the intent of forcing municipalities to increase utilization of reserves; and Whereas the Grant program impacted by the decision has proven to be effective and also permitting some Municipal autonomy; and Whereas the decision placed in serious jeopardy the retention of the Grant program thereby forcing a return to ad-hoc approach in Provincial - Municipal Fiscal Relations; Therefore Be It Resolved That the Council of Halifax County communicate its disapproval of the Provincial Government action directly to the Honourable John Buchanan, Premier, with a copy to the Union of Nova Scotia Municipalities."

Motion Carried.

Prior to the passing of the motion Councillor Mont indicated his opposition to it based on the serious problems the Province is experiencing in relation to its budget and also on the fact that many Municipalities do have large surpluses. He felt the Province should not have to increase its deficit in order to add to the surpluses of some Municipalities.

#### Letter From the Union of Nova Scotia Municipalities

A letter had been received from the Union of Nova Scotia Municipalities also in regard to the reduction in grants. (Please refer to this letter, if required).

This letter was included in the agenda for information purposes only.

#### Supplementary Letter From Secretary to the Board of Health

A letter had been received from Mr. Dale Reinhardt, Secretary to the Board of Health and Administrative Clerk of the Municipality.

This letter was for information only and advised that the health problem at Peuter Group Apartments in Fall River had been cleared up and further that all Municipal Money expended on this project had been recovered.

#### OPERATING AND CAPITAL GRANT REDUCTION

A memo had been distributed to all Councillors relative to the impact to the Municipality of the Reduction in the Provincial Operating and Capital Grants.

In regard to the Operating Grant, Mr. Wilson's memo advised:

"The 1983 operating grant calculated by the Province was originally \$757,242. This has been reduced by \$136,304 to \$620,938.

The budget for 1983 as submitted to Council, shows the operating grant as originally stated, amounting to \$757,242. The Premier in his commentary had suggested that the budgets and tax rates which had been originally set or were in the process of being set should not be altered. He evidently suggested that the shortfall would be taken from surplus funds. If this is the case, then the County would have to reduce its surplus after already estimating a transfer of 1.6 million dollars from surplus by an additional \$136,304. If the Council decided to increase the tax rate over the 6% as suggested rather than take the amount from surplus, then it would mean an additional 1 cent on the tax rate.

It is not anticipated that the current operating grants to the various activities would be reduced. The operating grants to activities have not been increased since 1979, and therefore it seems reasonable to leave them at the same rate. In effect, the general tax rate would be supplying part of these grants back to the individual areas."

It was Mr. Meech's recommendation and that of the accounting department that, rather than recover the lost operating funds through the tax rate, this amount be taken from surplus funds as suggested by the Premier of Nova Scotia.

In regard to the reduced capital grant, Mr. Wilson's memo advised:

"The reduction in the capital grant would amount to \$197,977. This reduction would be from the estimated new money and not from the existing debt servicing which was being provided under the old M.S.A. formula. The estimated new money of \$887,791 as previously budgeted for in the capital grant data would be reduced to \$689,814. The debt servicing money provided by the Province of approximately \$1,301,153 would remain the same.

Attached to the report is a revised schedule showing the residual capital grant funds. This schedule shows the reduction of the original calculation in both the general portion and the district portion. Also attached is a schedule showing the estimated balance in each of the district accounts after taking into consideration known commitments and known requests. (Please refer to attached schedules). The reduction amounts to approximately \$2,350 for each district."

Councillor Deveaux questioned Mr. Wilson as to how much money was remaining in the surplus fund due to the reduction in the grants.

Mr. Wilson indicated that there was approximately \$400,000 to \$500,000 remaining in the funds. In response to questioning from Councillor MacKay, he also advised that there could be 1.7 million dollars more in capital funds if the Province does not take back money it had issued the Municipality for School Capital Construction.



The above memo was for Council's information only.

#### PLANNING ADVISORY COMMITTEE REPORT

It was agreed by Council that the Planning Advisory Committee Report be received.

#### Development Agreement No. DA-SA-1-82-19

Mr. Kelly outlined the Planning Advisory Committee Report which indicated that at the April 11, 1983 meeting of PAC, the Committee reviewed the final draft development agreement as proposed for Angus MacEachern of Middle Sackville to operate a sheet metal products business on Lot 3 of the Wyse Subdivision, Old Sackville Road, Middle Sackville, District 19.

A letter of confirmation had been received from Mr. & Mrs. MacEachern agreeing to all the terms as proposed in the agreement.

Mr. Kelly advised it was the Committee's recommendation that the Development Agreement be forwarded to Council for final ratification.

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

"THAT the Development Agreement No. DA-SA-1-82-19 between The Municipality and Angus and Mabel MacEachern be approved by Municipal Council."  
Motion Carried.

#### REPORT OF THE DIRECTOR OF DEVELOPMENT

It was moved by Councillor Walker, seconded by Councillor DeRoche

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

#### REPORT OF THE HALIFAX COUNTY SCHOOL BOARD

It was agreed by Council that the Report of the Halifax County School Board be received.

#### Surplus School

The School Board Report advised that as the Halifax County Bedford District School Board has no further use for the Carroll's Corner School, it has been declared surplus, effective April 6, 1983.

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

"THAT the Carroll's Corner School be accepted by Halifax County Council and disposed of through the normal channels."  
Motion Carried.

Councillor Lichter requested that this School not be advertised for sale by tender as a Community Group had expressed an interest in it for some years now.

It was agreed by Council that this School not be advertised for sale by tender and further that Mr. Bill Keenan be requested to negotiate with the people concerned and Report to the appropriate Committee.

Councillor Lichter also took this opportunity to express his appreciation for the completion of the construction of the addition to the Dutch Settlement School. He requested that any School Board members present consider bringing to the Board a "Public Opening" for the School, to which he would like to invite all Council.

Subsequent to the above, Councillor MacKay questioned what had happened regarding the Hope Ridge School. He was advised by Councillor Gaetz that the people who had the highest bid had turned the money over to the Municipality and had commenced renovations to the building. He advised that there were no further vandalism problems with respect to this school.

#### POLICY COMMITTEE REPORT AND SUPPLEMENTARY POLICY COMMITTEE REPORT

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

"THAT both the Policy Committee Report and the Supplementary Policy Committee Report be received."  
Motion Carried.

#### Capital Grant Request, District 15 - \$1,000

Mr. Kelly outlined this item to Council advising that the Policy Committee had received a request for a District Capital Fund Grant of \$1,000 towards the purchase of a medical emergency vehicle for the Sackville and District Fire Department.

It was the recommendation of the Policy Committee that Council approve this grant request.

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

"THAT a District No. 15 Capital Grant in the amount of \$1,000 be allocated to the Sackville and District Fire Department toward the purchase of a medical emergency vehicle."  
Motion Carried.

#### Request for District Capital Fund Grant, District 16 - \$1,500

Mr. Kelly outlined this item as well, advising that a request had been received by the Policy Committee for a District No. 16 Capital Grant in the amount of \$1,500 for capital improvements to the Fultz House Museum Property. The Committee recommended that Council approve this request.

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

"THAT a District No. 16 Capital Grant in the amount of \$1,500 be allocated for capital improvements to the Fultz House Museum Property." Motion Carried.

Request for General County Capital Grant and District Capital Grant for Extension of a Water Main in Eastern Passage

Mr. Kelly advised that the Policy Committee had received a request for a General Capital Fund Grant and a District Capital Fund Grant, both in the amount of \$4,425 - totalling \$8,850, as part of the required funding for extension of a water main to serve a fish plant at Eastern Passage and also to provide fire protection service to the properties concerned.

Due to the freeze on the general capital grant funds at the present time, the Policy Committee recommended that the entire \$8,850 be taken from the District No. 6 Capital Grant Fund with the provision that \$4,425 be transferred from the general fund into the District 6 Fund at such time as the freeze is removed on the County General Capital Grant Fund. This recommendation had been agreed to previously by the area Councillor, Councillor Deveaux, in order to expedite the extension of the water main.

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

"THAT Council approve a District Capital Fund Grant of \$8,850, District 6, for the purpose of extending a water main to a fish plant with the provision that when the hold on General Capital Grant Funds is removed, that an amount of \$4,425 be charged to the General County Fund Grant."

Several Councillors expressed opposition to the above motion as it was not really in keeping with the intent of the hold on the Capital Grant Fund but was a means of still having access to this fund.

For this reason, the mover and seconder agreed to change their motion to read:

"THAT Council approve a District Capital Fund Grant of \$8,850, District 6, for the purpose of extending a water main to a fish plant with the provision that when the hold on general capital grant funds is removed, the request will come back to Council for consideration of charging an amount of \$4,425 to the General County Fund Grant." Motion Carried.

SUPPLEMENTARY POLICY COMMITTEE REPORT

Request for District Capital Fund Grant, District 16 - \$2,826.90

Mr. Kelly outlined a request received at the Policy Committee from Councillor Murdock MacKay for a District Capital Grant in the amount of \$2,826.90 for the installation of new fencing at the Riverview Community Sports Field, Sackville. The Committee recommended that Council approve this District No. 16 Capital Grant.



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

"THAT Council approve the allocation of a District No. 16 Capital Grant in the amount of \$2,826.90 for the installation of new fencing at the Riverview Community Sports Field."  
Motion Carried.

Resolution and License, Re: Private Crossing - Black Point

Attached to the Supplementary Report was a memo from Mr. Bill Keenan regarding the Private Crossing License A-2839, Black Point School Resolution and License. This memo advised:

"The Board of School Trustees for School District No. 2 executed in 1955, an agreement establishing a private crossing over the C.N.R. tracks to provide access to the Black Point School. As this property has been declared surplus by the School Board and is now under the jurisdiction of the Municipality, C.N. has forwarded a new Private Crossing License granting the right of access over the C.N.R. tracks at this point in the name of the Municipality."...

Attached to this memo was a resolution authorizing execution of the license and the new Private Crossing license.

The Policy Committee requested that Council approve a resolution authorizing the Warden and Municipal Clerk to execute on behalf of the Municipality a private crossing license with Canadian National Railway at Black Point, Halifax County.

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

"Be it Resolved by the Municipality of the County of Halifax that the Warden and Municipal Clerk be and they are hereby authorized and instructed to execute on behalf of the Municipality a Private Crossing License with the Canadian National Railway Company relating to the Private Crossings over the right of way and tracks of the Canadian National Railway Company at Black Point, County of Halifax, Province of Nova Scotia, Mile 27.02, Chester Subdivision (Chainage 1426 + 44), Canadian National Railways."  
Motion Carried.

SUPPLEMENTARY MANAGEMENT COMMITTEE REPORT

It was agreed by Council to accept a Supplementary Management Committee Report.

Municipal Resolution, Re: Six Unit Senior Citizens Housing Project

Mr. Meech advised that the Management Committee had received a letter from the Nova Scotia Housing Commission, from Mr. D. W. Kerr, Regional Manager, advising that the Nova Scotia Housing Commission is presently considering the establishment of a six unit senior citizens project in the Lower Sackville area, on lands presently owned by the Nova Scotia Housing Commission, adjacent to a twenty unit senior citizens project known as Glendale Manor on Smokey Drive.

This letter went on to advise that the proposed six unit senior citizens project will be in addition to the fourteen senior citizens projects presently under construction on this site.

The letter requested that if Council is in agreement with the request, that it pass a Municipal resolution requesting that the project be established.

Mr. Meech advised that the Management Committee had recommended approval of the project and requested that Council pass the resolution.

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

"THAT Council approve of the construction of a six unit senior citizens project in the Lower Sackville area, on lands presently owned by the Nova Scotia Housing Commission, adjacent to a twenty unit senior citizens project known as Glendale Manor on Smokey Drive." Motion Carried.

#### UNSIGHTLY PROPERTIES

This item had been added to the agenda at the request of Councillor Bayers who was concerned with the unsightly properties and derelict vehicle situation over the entire county but most particularly with one unsightly property in his own District. He advised that this property had been cleaned up about five years ago but has become increasingly worse; it is now a sever problem. The Councillor requested strong action to be taken by Staff with respect to this one property; he also felt that action should be taken to establish a program to keep the whole County free of unsightly properties and derelict vehicles.

In addition, Councillor Bayers indicated that \$25,000 had been allocated in last year's budget toward this very problem and the situation in his District had not been attended to.

Warden MacKenzie advised that there was very little money left over from last year's budget for this purpose. He also advised that \$25,000 had been allocated this year but the budget had been cut.

Warden MacKenzie advised Councillor Bayers that a meeting would be taking place in his office tomorrow morning at 8:30 A.M. (April 20, 1983) with himself and senior staff in regard to establishing some measures for unsightly properties and derelict vehicles. From this meeting a report would come to Council, probably at the next Council Session.

Councillor Baker indicated that a Gentleman from his District had come to him the other day asking for a license for a salvage yard; this man had indicated that he would be willing to tow derelict vehicles from all over the County to his salvage yard for what he could make from the parts, etc. However, he indicated he would want mileage for those cars that are far away.

Warden MacKenzie indicated that Councillor Baker should attempt to contact this Gentleman sometime this evening and request that he attend the meeting tomorrow morning if possible.

In response to questioning from Councillor Deveaux, Solicitor Cragg outlined the procedure followed in prosecuting the owner of an unsightly property. He advised that once the clean-up order is issued and the time allotted passed without action, the County can then clean up the property and place a lien on the property to recover the amount of money spent. Prosecuting is a separate issue, which could result in the property owner receiving a fine.

Several Councillors spoke briefly indicating where there were unsightly properties in their own districts.

The Deputy Warden made a point relative to the 25% increase in vehicle permits this year. He felt that the Department of Transportation should allocate a portion of this money toward the derelict vehicle program. As well, he felt that the Departments of Environment and Tourism should be approached for possible financial assistance as they should both have an interest in keeping the County clear of derelict vehicles and unsightly properties.

Councillor DeRoche requested that when discussing the issue at tomorrow morning's meeting, the issue of unsightly property on Crown land also be considered, i.e. old cars left on side roads, etc.

This was taken under advisement by Warden MacKenzie and Mr. Meech.

#### MOBILE HOME BY-LAW

This item had been added to the agenda by Councillor MacDonald who requested an up-date on the progress of the Mobile Home By-Law, relative to sewer and water hook-ups, foundations, etc.

Mr. Birch advised that over the past several months, the Planning Department has hired a student to gather the necessary information to review and up-date the existing Mobile Home By-Law. He indicated this was a requirement under the Sackville MDP. He further advised that in addition to the up-dating of this By-Law which covers Mobile Home Parks, the Nova Scotia Housing Commission is developing a part of Phase 12 in Sackville for Mobile Homes on privately-owned lots.

Subsequent to the above, Council recessed briefly.

#### TABLING OF 1982 AUDITED FINANCIAL STATEMENTS

Mr. Kelly advised that the audited financial statements were put on the agenda as they had to be tabled by Municipal Council each year. He also advised that the Auditors will be available for the second Council Session in May to come before Council and review these financial statements with Council.

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

"THAT the 1982 Audited Financial Statements be tabled and further that the Auditors be requested to make a presentation to Council, reviewing these statements, at the May 17th, 1983 Session of Council." Motion Carried.



COUNCIL RESOLUTIONS - AGREEMENT TO INSTALL M. T. & T. EQUIPMENT

Mr. Kelly outlined to Council a memo he had received from Mr. Bill Keenan, Property Management Supervisor, which advised:

"M.T.&T. Staff have requested permission to install an equipment cabinet on the grounds of the Municipal Building. This unit will enhance the telephone service presently available to this building and the general area. As well, M. T. & T. have agreed to co-ordinate the installation with the architects for the building expansion project to ensure that the installation complements the grounds."

The memo further requested that this be recommended to Council for approval.

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

"THAT Permission be granted to M.T.&T. to install an equipment cabinet on the grounds of the Municipal Building; the installation to be co-ordinated with the architects for the building expansion project."

Motion Carried.

NEW BUSINESS - WARDEN MACKENZIE  
FCM Delegates

Warden MacKenzie advised that he had been authorized to appoint the delegates to the Annual FCM Conference to be held in Moncton this year. He advised that he had chosen:

1. Warden MacKenzie;
2. Councillor Eisenhauer;
3. Councillor Mont;
4. Councillor MacDonald - Alternate.

This item was for information only.

RCMP Presentation

Warden MacKenzie also advised that a delegation from the RCMP would be in attendance at the May 3, 1983 Council Session to give their yearly presentation and answer any questions Council may have.

This item was also for Council's information only.

Building Inspector's Report

The Warden brought to Council's attention the increase in building permits issued in Halifax County in 1983 as opposed to the previous year, as well as the increase in construction costs, as follows:

	<u>No. of Permits Issued</u>	<u>Construction Costs</u>
1982	276	\$ 5,656,400.00
1983	431	\$13,298,864.00

The Warden felt that this should be of interest to all Councillors, especially, as noted by Mr. Meech, a large part of this increase is due to single family dwelling construction. He expressed his hope that even with the conclusion of the Federal Grant program as of the end of April, that the construction activity would continue.

Subsequent to brief discussion:

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

"THAT the Municipality go on record as requesting the Federal Minister of Housing to continue the Federal Grant Program to first-time homeowners, with a copy of this letter to go to all Members of Parliament representing Halifax County."  
Motion Carried.

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

"THAT the Municipality express its appreciation to the Provincial Minister of Housing for the Homeowner's Incentive Grant Program."  
Motion Carried.

#### ADDITION OF ITEMS

##### Street Lighting - Councillor Wiseman

Councillor Wiseman advised that some time ago, she had requested some information from the Nova Scotia Power Corporation with regard to installing street lights on Glendale Drive and Metropolitan Drive in Sackville; she indicated that she has since received the specifications and information requested. The proposal was approved at the Sackville Advisory Board last Tuesday evening.

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

"THAT Council approve the installation of street lights on Glendale Drive and Metropolitan Drive in Sackville as per the specifications of the Nova Scotia Power Corporation, and subject to approval of the Minister of the Department of Transportation and further that the cost of the street lighting be born by the area rate."  
Motion Carried.

Prior to the passing of the motion, Councillor Wiseman indicated that the question had arisen at the Sackville Advisory Board, as to who must pay for the installation of the poles. The N.S.P.C. advised that the community was responsible for this cost. In this instance it would be \$34,500 for the two and one-half mile stretch of roadway.

Councillor Wiseman advised that she had spoken to Mr. Cragg in this regard as there seems to be some question as to whether the Community should be paying for the installation of poles. She requested that this issue be referred to Mr. Cragg for further investigation.

This issue initiated brief discussion in Council in which the Deputy Warden expressed his understanding that the N.S.P.C. should be picking up this cost and the Municipality in turn would be renting the poles. Otherwise, he felt the Municipality would be in the utility business. Several other Councillors agreed with this opinion.

However, Councillor Baker, Councillor Deveaux and several others indicated instances in which they had paid for the installation of such poles.

Subsequent to the discussion on this issue, Mr. Cragg agreed to investigate the matter further and bring a report back to Council.

#### Wharf at Eastern Passage - Councillor Deveaux

Councillor Deveaux indicated that for a number of years now the Wharf in his area has been literally falling apart and the fisherman have begun to express their concern. The Councillor further advised that he had been talking to his MP Monday who advised him that he was in the process of approaching the Federal Minister of Fisheries in regard to replacing this Wharf.

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

"THAT a letter be sent to the Federal Minister of Fisheries, with copies to Mr. Reagan and Mr. Forrestall, requesting that the Federal Department of Fisheries give every consideration to replacing the Wharf at Eastern Passage."  
Motion Carried.

#### Lien Law Fund - Councillor Lichter

Councillor Lichter advised that at the time of the approval of the additions to the Municipal Building, Staff indicated that one source of the funds would be the lien law fund. Council, at that time, authorized the use of the lien law fund for this purpose which left little for each District.

Councillor Lichter advised that at that time, it was suggested that it may be possible to take from the general revenue an amount equivalent to the District lien law funds, approximately \$1,700, and allocate this to each District.

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

"THAT the Policy Committee explore the possibility of extracting funds from the general revenue in the approximate amount of the District lien law funds."  
Motion Carried.

Prior to the passing of the above motion, Councillor Wiseman indicated her opinion that with the Capital Grant Funds available to each district, there was no longer a requirement for the lien law funds. However, Councillor Lichter advised that the distinction was, that a Councillor had to go through a lengthy approval process, first from



Committee then to Council, before he/she could utilize the district capital grant; whereas the lien law fund could be expended in any manner deemed necessary for emergency projects.

Sidewalk Construction, Sackville - Councillor MacKay

Councillor MacKay requested that Council authorize by resolution, the construction of the following sidewalks, at the costs noted:

<u>Location</u>	<u>Total Cost</u>	<u>Municipal Portion</u>
Old Sackville Road	\$400,000.00	20%
Sackville Drive	\$ 95,000.00	20%
Cobequid Road	\$ 45,000.00	20%
Cobequid Road	\$ 15,000.00	20%
<u>Total Cost</u>	<u>\$555,000.00</u>	<u>20% - (\$111,000.00)</u>

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

"THAT Council approve sidewalk construction as circulated to the Municipal Engineering Department by the Department of Transportation (noted above), with the cost to be born on the area rate."  
Motion Carried.

ADDITION OF ITEMS TO MAY 3RD COUNCIL AGENDA

The following items were added to the agenda of the May 3rd, 1983 Session of Council:

1. Report, Re: Arsenic Filter Units - Councillor MacKay.
2. Report, Re: Financing from the Department of Municipal Affairs for Final Design and Contours on the Sackville Landfill Site.
3. Report From Municipal Director of Social Services, Re: Interpretation of recent amendments to the Family Maintenance Act, the Family Benefits Act and the Children's Services Act - Councillor Adams.
4. Report, Re: Progress on Previous Request for Senior Citizen's Housing, Herring Cove - Councillor Baker.
5. Sidewalk Construction, Districts 1, 17 and 21 - Councillor DeRoche.

The Deputy Warden took this opportunity to request that the sound system be investigated; he indicated that there has been an insistent buzzing in the Council Chambers this evening which is very distracting and should be corrected.

ADJOURNMENT

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

"THAT the Council Session adjourn." Motion Carried

Therefore, there being no further business, the Council Session adjourned at 9:00 P.M.

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

TUESDAY, MAY 3 and 17, 1983

&

PUBLIC HEARING

MAY 2, 1983

PUBLIC HEARING

MAY 2, 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 Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor MacKay  
Councillor McInroy  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Wiseman

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer  
Mr. G. J. Kelly, Municipal Clerk  
Mr. Robert Cragg, Municipal Solicitor

SECRETARY: Christine E. Simmons

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OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

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

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

PUBLIC HEARING

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



He advised that tonight's Hearing was being held to deal with the proposed Development Agreement between Wilmer J. Charbonneau, Mary Charbonneau and Margaret Louise Sloane and the Municipality of the County of Halifax regarding Lot A3X of the Charles Clarke Subdivision and Block WCl of the Mary Charbonneau and Margaret Louise Sloane Subdivision on the Hines Road in Eastern Passage.

If approved by Council, the Agreement would permit expansion, or a series of expansions, to the structure used in conjunction with a Salvage Yard Operation and the expansion of the Salvage Yard.

#### Staff Report

Mrs. Dorothy Cartledge approached Council to present the Staff Report relative to the proposed Development Agreement.

She first located the properties for Council on an overhead projected map as well as the surrounding properties owned by Autoport and CFB Shearwater. She advised that Lot A3X has a building on it at the present time, which is about 37,000 sq. ft. and has approximately 84 ft. of road frontage. She also located Mr. Charbonneau's home on the adjacent lot, Lot A4. With regard to Block WCl, she advised this lot was approximately 2.6 acres, 105 feet wide and extends back to the CNR rail line.

Mrs. Cartledge advised that what the Contract does is to establish a setback for the Salvage Yard and any expansions to the related building. It also sets out the side yards within which the Salvage Yard cannot expand, nor can the vegetation be removed. Referring to a map attached to the Staff Report Mrs. Cartledge pointed out the area to which the building can be expanded to its outside limits as well as the largest area to which the Salvage Yard could extend. (Please refer to Staff Report and Map, if additional clarification is required).

Mrs. Cartledge advised that the set back of 65 feet from the Hines Road must be maintained and parking is provided for in the front. As well, a fence of eight feet in height must be erected between the Salvage Yard Operation and the Hines Road.

With regard to Lot WCl Mrs. Cartledge advised that a setback of 65 feet and a fence would also be required.

Mrs. Cartledge briefly explained the Contract . (Please refer to contract for additional information, if required.)

This contract identified both properties and clearly defined the uses to which they could be put as well as outlining the requirements for Lot A3X and Building, Block WCl and general requirements as well as matters incidental to the Agreement.

Questions From Council

Councillor Deveaux indicated that although, there would only be one Salvage Yard there were two separate lots; he questioned whether this would be setting a precedent as he could not remember, in the past, two separate lots being approved for a Salvage Yard. The reason he questioned this was that it is difficult to control and police one piece of land; two would be more difficult.

Mrs. Cartledge could not indentify whether this would set a precedent.

The Councillor then questioned what the square footage was of Lot A3X; he was advised by Mrs. Cartledge that it is approximately 37,143 sq. ft. and further that only a small portion of that lot could be used for the salvage yard business.

Councillor Wiseman questioned where access would be on Lot A3X to the actual Salvage Yard; looking at the map she could not see any access from the proposed road or from Hines road.

Utilizing the overhead projected map, Mrs. Cartledge located the access to the Lot. Also in response to further questioning from Councillor Wiseman, she indicated that the distance between the two lots was approximately 500 feet.

Councillor Poirier questioned what was on the land in between the two lots and was advised that it is not developed and is heavily treed.

With regard to Lot A3X, Councillor Eisenhower indicated that there is a proposed road with a proposed setback of 25 feet. He felt that the setback should be at least 30 feet when the road is built, due to the permanent structure which is going to be there.

He also advised that the Agreement proposes a screening from the Hines Road but no buffer to either of the two adjacent lots or the proposed road to the property when that is constructed. He questioned whether some provision for this should be put in the Agreement.

Mrs. Cartledge advised that the Planning Department felt that a 25 foot setback was sufficient; policy P-49 of the Plan sets out some requirements that salvage yards should follow and one of these provide that all yards be a minimum of 25 feet in width or in depth. She advised that because the Planning and Development Department has asked for 65 feet on the front of the property on Hines Road, that 25 feet was sufficient on the proposed road.

Regarding the buffers between adjacent properties, Mrs. Cartledge advised that many plans show locations of proposed roads, intended to provide access to the back of properties; this does not indicate that a road will always be built. The Department of Planning and Development felt that the 25 foot setback would be sufficient in the

event that the road ever did go through. It was also felt that requiring a fence along there was not necessary and that anyone going into that area and building or developing it, would be doing so after the salvage yard was there.

Councillor Eisenhauer then indicated his understanding that the surrounding zoning was R-1; however, Mrs. Cartledge advised that the surrounding zoning was I-1, Industrial General.

With regard to Lot WCl and Mrs. Cartledge's indication that the adjoining properties were heavily treed, Councillor McInroy questioned if this was the reason that the fence requirement was only for the front of the property and that the trees would screen the property along the road. Mrs. Cartledge advised that this was correct. She also advised that in the case of WCl, there is a berm in the front of the property which is why the Department of Planning and Development has indicated that in the event the Salvage Yard ever becomes visible from the Hines Road that is when a fence would have to be built. She advised that there was also a requirement for a fence by the Board of Public Utilities, in the event that the road becomes visible.

Councillor Reid questioned Mrs. Cartledge as to whether a Salvage Yard was in existence on the property at the present time, and was advised that to the knowledge of the Department of Planning and Development, there was not. He also questioned the zoning on the property and was advised that it was zoned General Industrial so there would be no residential development on the properties. As well, the immediate surrounding area was zoned general industrial or light industrial.

Councillor Poirier referred to photographs of the Charbonneau property, taken within the last eighteen months, which indicated a number of vehicles on the property.

Mrs. Cartledge advised that in 1979, Mr. Charbonneau received a visit from the Unsightly Premises Inspector who requested that he clean up his property, July 4th. On July 11th, Mr. Charbonneau submitted an application for rezoning to the old SD Zone, under the old Zoning By-Law No. 24 which was in place at the time.

Councillor Poirier felt that Mr. Charbonneau couldn't have had that many cars there unless he had a Salvage Yard operation at that time.

Mrs. Cartledge advised that the Salvage Yard Operation had been turned down by Council at that time.

Councillor Wiseman questioned how one would get access to the back part of Lot A3X when the building is expanded, if the buffer zones are maintained as well.



Mrs. Cartledge advised that the access then would have to come through the buffer zones, which had to be "maintained in their natural state". She pointed out that one of the buffer zones did not have trees on it and there would be no prohibition to using that buffer zone as a driveway.

Councillor MacKay questioned who prepared and was responsible for the circulation of the pictures of Mr. Charbonneau's property and was advised that Councillor Deveaux was responsible for the pictures and for their circulation this evening.

In response to this, Councillor Deveaux advised that the pictures were an aerial view of the site; however, he could not be certain when the pictures were taken. Councillor Deveaux also advised that one year ago, when the MDP Public Hearing was held for Eastern Passage - Cow Bay and opposition had been expressed toward the proposed Salvage Yard Operation, the property had been cleaned up, at least what could be seen from the roadway, and since that time there has been nothing unsightly visible from the road.

Councillor MacKay then questioned whether any member of the Department of Planning and Development Staff had visited the subject properties recently. Mrs. Cartledge advised that she had been on the site several months ago as well as during the winter several times. She had been behind the fence and there had been only building materials, lumber, etc. lying around. The properties were cleaned up at that point. There were no car bodies or anything of that nature on the property at that time, with the exception of Mr. Charbonneau's own vehicles.

Councillor Eisenhauer reviewed the background of the situation relative to the Charbonneau property, to his understanding, as follows:

1. A rezoning request had been received in 1979; this request had been turned down at a Public Hearing.
2. The Operation was then run illegally for some time;
3. An MDP Process was then entered into;
4. At the MDP Public Hearing, there was some opposition regarding this Operation but the Plan was altered at the last minute in order to allow this operation to continue on in some manner;
5. Now, an Agreement has to be executed.

He requested that Mrs. Cartledge review the above and also questioned why a Public Hearing is not being held tonight for a Zone Change and a Public Hearing to approve or reject a Planned Unit Development Agreement.

Mrs. Cartledge indicated that in 1970, Mr. Charbonneau received approval for rezoning of Lot A3X which was his house property and his adjacent property. The two properties were rezoned to a Commercial Zone to enable him to operate a commercial rabbitry. In 1979, he received a visit from the Unsightly Premises Inspector, who asked that the Site be cleaned up. Subsequent to that Mr. Charbonneau applied for a rezoning from the County in July. In November, he enlarged his application for rezoning to include Lot WC1. Subsequent to that a Public Hearing was held, Council rejected the application for SD Zoning and Mr. Charbonneau appealed that decision to the Provincial Planning Appeal Board. She advised that it took some time for the appeal to be dealt with and during that time, the MDP and Zoning By-Law for Eastern Passage - Cow Bay was adopted by Council. It then became academic as to what the Appeal Board's decision was, as it could only affect the old Zoning By-Law which was no longer in effect for the area. Therefore, the MDP Committee met with Mr. Charbonneau on several occasions to consider the operation. On the night of the Public Hearing for the MDP, an addition was made to Policy P-49 of the Plan which permitted Council to enter into a Development Agreement with Mr. Charbonneau. She advised this was done at the request of Mr. Charbonneau's Solicitor, the evening of the Public Hearing.

Councillor Eisenhauer questioned why Council would be dealing with Lot WC1 as well as Lot A3X.

Mrs. Cartledge advised that the old rezoning application dealt with both properties for the SD Zoning.

Councillor Snow questioned whether there were any lakes, brooks or swamps near the subject properties and was advised that, to Mrs. Cartledge's knowledge, there were none.

#### Speakers In Favour of Development Agreement

Mr. David Grant, Solicitor on behalf of Wilmer Charbonneau: Mr. Grant advised that what Mr. Charbonneau was looking for was permission to store car bodies which have been stripped on the properties. Up until this point in time, current zoning would enable him to take cars onto the property, strip them and then have the wrecks removed from the property; therefore, what he is requesting is permission to store those car bodies until it is economic and convenient to remove them.

He advised that over the past several years, there have been a number of concerns about this actual procedure. One of these concerns is that these car bodies may attract birds. Mr. Grant felt that the terms of the Agreement handles that concern. As well, he pointed out that no recent concerns have been expressed relative to this problem.

He advised that another pending issue is that one adjoining piece of property is owned by the CNR and to date, no satisfactory agreement has been reached between Mr. Charbonneau and the CNR with respect to the sale of the property owned by Mr. Charbonneau, although there have been on-going negotiations.



He advised that Mr. Charbonneau is of an age when he will soon be retiring from the Armed Forces and he would like to go into this business, in this location, in order to provide him with an income during his retirement years. He advised that the property belongs to him at this point in time and in the event that a Government body sees fit to take it from him, there are procedures of law which can be persued, via expropriation, to do this.

Mr. Charbonneau has been proceeding with this application for a good number of years and has been trying to accomplish an appeal through the Municipal Appeal Board, which has never been disposed of to date, although the application has been proceeding for the past several years.

Mr. Grant also advised that Mr. Charbonneau has acquired a petition which he, himself, had taken through the area, which has been signed, in favour of the operation, by a number of people in the area. He advised that he took the matter to the local Board of Ratepayers in his area, to seek their approval and obtained this approval. He advised that he took the matter to the Public Hearing on the Municipal Development Plan and Zoning By-Law which were amended to permit the Council to enter into a suitable agreement with him. Mr. Grant indicated his opinion that the Agreement before Council this evening was a suitable Agreement and should be entered into by Council.

#### Questions From Council

Councillor Lichter questioned how long Mr. Grant had been representing Mr. Charbonneau and was advised that he had been doing so, off and on, for different specific things, for four or five years.

Councillor Lichter then questioned whether there were any negotiations going on now, between Mr. Charbonneau and the CNR.

Mr. Grant advised that there are no negotiations going on at the present time; however, from time to time, there have been requests from the CNR and others asking him whether he wishes to sell the property. He advised that from time to time, Mr. Charbonneau answers those requests.

Councillor Gaetz requested further information in regard to the concern expressed earlier that birds may be attracted by the old car bodies.

Mr. Grant advised that he has known of several salvage yards located close to the seashore and in his experience they have not attracted birds. However, it was, at one time, a concern of the neighbouring Air Forces Base, that there might be birds attracted to the old cars.



In regard to Mr. Grant's statement regarding the fact that the car bodies would only be stored on the property, Councillor Deveaux indicated that it would still be a Salvage Yard. He also advised that if Mr. Grant was familiar with the history of these types of Operations, along with other Unsightly Operations in Eastern Passage, then he should know what Councillor Deveaux's concerns were. In relation to the concern expressed by Shearwater regarding the birds, he advised that CFB Shearwater had a representative present this evening to discuss this issue with Council.

Councillor Deveaux also referred to the petition which had earlier been mentioned by Mr. Grant, advising that there were approximately 193 names in favour of the Salvage Operation. He advised that he also is in possession of a petition, in opposition to the Salvage Yard, which has 144 names; however, he was certain, that had he more time to devote to the petition, he would have easily been able to increase this number. He also advised that many who signed the petition in favour also signed the petition in opposition; he felt this would devalue the petition.

Councillor Deveaux advised that the zoning which was approved at the ratepayer's meeting, previously referred to, was commercial zoning and not industrial zoning, which is the appropriate zoning for the Salvage Yard Operation. Councillor Deveaux indicated that he had the minutes of that meeting with him for information purposes.

Councillor Deveaux also referred to the photographs of the property which had been circulated to Council which indicated an unsightly property. He also advised that driving by that property from 1979 until May of 1982, the property has been continually unsightly.

Councillor Deveaux also advised that he had no personal opposition to Mr. Charbonneau but his opposition was directed toward the establishment of a Salvage Yard Operation. He advised that there were already sufficient Salvage Yards in the area which had posed many problems in the District over the years. He advised that the PPC Committee worked for eighteen months drawing up an MDP and Zoning By-Law for the area, and in consideration of past history with Salvage Yards had recommended against the establishment of another in the District. He indicated his hope that Council would consider the wishes of the PPC in making a decision relative to this issue.

Mr. Grant advised that at the present time, there is a fence across the top of that property, which is required by the Agreement and by the Public Utilities Board in their licensing. He felt this would certainly take care of any present or future unsightliness. He also advised that there is a means of enforceability in ensuring against unsightliness, should it ever, at any point in time, become a problem. He also advised that to date, Mr. Charbonneau has done as much as he can to accomodate these concerns and that he will continue to do so.

There were no further questions for Mr. Grant.

Mr. Wilmer Charbonneau, Hines Road, Eastern Passage, Applicant: Mr. Charbonneau advised that he has been attempting for several years to have his property zoned for a Salvage Yard Operation in order that he may have an income when he retires from the Armed Forces. Mr. Charbonneau read to Council a letter dated March 30, 1980 as follows:

"To whom it may concern - The October 1st, 1979 meeting of the Eastern Passage - Cow Bay Residents and Ratepayer's Association recommends to the County, that the property of Wilmer Charbonneau be zoned Commercial. - Kenneth Ross, Recording Secretary."

Mr. Charbonneau advised that he had requested commercial zoning at first because he did not know that it required a special zoning for a Salvage Yard.

He also advised that he met with the Planning Committee as well, when it first started in Eastern Passage. He had indicated to them where his land was and what he proposed to do with it. He advised that several people who were present at that Committee (and who were present in the Council Chambers this evening) had voted in favour of enabling Mr. Charbonneau to operate his Salvage Yard. However, he indicated the area Councillor's opposition to the Operation at that meeting.

Mr. Charbonneau indicated his opinion that there was a personality conflict between himself and the area Councillor. He also advised that he had no intention of dumping any refuse on his property, as is a concern expressed by Councillor Deveaux. He indicated that he pays taxes to have his garbage taken away so there is no need or reason to dump it on his property where he wants to work.

#### Questions From Council

Councillor Eisenhauer, referring to Lot WC1, questioned whether there were currently any vehicles on that lot, to which Mr. Charbonneau replied there were none. He advised that his intention for that Lot was to store the vehicles once they have been stripped, until such time as they are crushed.

Councillor Lichter indicated that since Mr. Charbonneau had been negotiating off and on with CNR to sell the land, he may be able to obtain a higher price for the land, should he be successful in his Development Agreement. He questioned whether this would be a possibility at some time in the future.

Mr. Charbonneau advised that he submitted his rezoning application, years ago, before he had been approached by the CNR. He also advised that the CNR had approached him, he did not initiate contact with them. He still desired a Salvage Yard Operation in order to provide a future income for his family when he is forced to retire from his present place of employment, the Armed Forces, in eighteen months time.



Councillor Baker questioned how many people would be employed in the Salvage Yard and was advised by Mr. Charbonneau that, in addition to himself, the Operation would employ two other persons.

Councillor Gaetz questioned whether Mr. Charbonneau had presented his case to the Public Participation Committee during the MDP process and was advised by Mr. Charbonneau that he did not pursue the matter through that Committee, as the area Councillor was opposed to the Operation and he did not feel he would be successful. This is why he chose to come before Council at the MDP Public Hearing where he felt he would be considered more fairly. This resulted in tonight's Public Hearing to approve or reject the Development Agreement.

Councillor Deveaux spoke at length indicating that he was not personally opposed to Mr. Charbonneau operating a Salvage Yard; it was the Salvage Yard itself that he was opposed to. He indicated that there were more than sufficient Salvage Yards in the Eastern Passage - Cow Bay area at the present time.

Mr. Charbonneau advised that he was doing his best to make his property and proposed Salvage Yard look presentable. He advised that it cost him a great deal to put up the fence around his Yard, which he did, before he even got his license. He advised that the fence was even painted; the problems experienced by Councillor Deveaux regarding Salvage Yards were with Salvage Yards that were not fenced. He advised that once he is approved for the Salvage Yard and receives his license, he will have more money to keep improving and to maintain the Salvage Yard in excellent shape, right now just to prepare the property for a proposed Salvage Yard Operation he has to make all improvements from his bank account.

There were no further questions from Council for Mr. Charbonneau and no further speakers in favour of the Development Agreement.

#### Speakers in Opposition

Mr. Martin Ward, Solicitor representing Shearwater, the Department of National Defense: He advised that the subject property was immediately adjacent to Shearwater and because of that the Department of National Defense has been concerned with what has been taking place on this property. The specific concern involves flight safety which could be jeopardized if a bird struck and was taken into the engine of one of their one-engine training planes. As a result of that the people of Shearwater want to eliminate the slightest possibility that such a tragedy could occur which is why DND is particularly concerned with what happens on Mr. Charbonneau's property which could attract birds if it contains numerous car bodies and if it is also used as a dump site.

He advised that the draft Agreement presented to Council is designed to a large degree to accommodate some of the concerns that Shearwater have had with regard to the problem. The Flight Safety people have looked at the Agreement and the content of it would appear to satisfy their Flight Safety concerns.



However, the Agreement itself, although satisfactory, answers only half of DND's concern; the other concern they have is the enforceability of the Agreement. There are three concerns relative to this enforceability, as follows:

1. Mr. Charbonneau's past history relative to Unsightly Properties - He advised that over the past few years when the property was commercial, there was no Salvage Yard Operation; however, there were a good number of derelict vehicles on the property and a great deal of correspondence from the Municipality relative to Unsightly Property. At one point, he indicated that there was also an Unsightly Property prosecution against Mr. Charbonneau;
2. Techniques for Enforcement - He advised that the only method of enforcement open to the Municipality was to pay for clean-up of the property itself and then attempt to receive reimbursement from Mr. Charbonneau or to take him to Court and have him fined;
3. Jurisdiction of the Municipality to Enter into This Agreement.

Relative to Number 3 above, Mr. Ward advised that in reviewing the Zoning By-Law, he found that there was some uncertainty as to whether or not the Municipality could enter into a Development Agreement with Mr. Charbonneau for the Salvage Yard Operation. This, he based on the appropriate Section in the By-Law which allows the Municipality to enter into such Agreements which states that Agreements can only be entered into for matters which are set out in Policy P-87.

Policy P-87 refer to extensions of legally existing Salvage Yards, but does not refer to new Salvage Yards. He indicated that what had likely happened is that when the Plan was amended to incorporate Mr. Charbonneau's request, it was done at a time when the Planning Process had proceeded for quite a period of time and when these various sections to accomodate him were inserted in the Plan, Policy P-87 was overlooked. This should have been amended to include, in addition to legally existing Salvage Yards, proposed Salvage Yards as well.

Mr. Ward advised Council that insofar as the above is uncertain, there is also uncertainty as to the enforceability of the Agreement. He advised that the Department of National Defense is satisfied with the Draft Agreement; however, they are concerned that if it is adopted, they want to feel safe that if Mr. Charbonneau should deviate from the terms of that Agreement, that some action could and would be taken.

Councillor Bayers questioned under whose authority Mr. Ward was representing CFB Shearwater and was advised by Mr. Ward that he was with the Department of Justice who are the legal representatives for various Government Departments and Crown Corporations. He advised that he was requested to attend this Hearing on behalf of the Department of National Defense.

Councillor Bayers then referred to Mr. Ward's statements in the beginning of his presentation that his client's were concerned with Flight Safety and then the concern regarding Unsightly Premises, which have nothing to do with Flight Safety.

With regard to Flight Safety, Councillor Bayers advised that he had been stationed in Picton, Ontario, and an air base, in Valley-view which is surrounded by Cherry Orchards which attract birds. He felt it was ironic that CFB Sherwater were concerned with a few car bodies. It was his opinion that if the Salvage Yard Operation was turned down for this reason, then the Cherry Orchards in the surrounding area of the above-mentioned bases should be cut down.

Mr. Ward advised that there is also a problem with Birds in Trenton Ontario which had nearly caused several calamities and which has cost a great deal of money each year in order to try and correct the problem. He advised that the concern was with respect to the potential for a dangerous situation. He also indicated that the reason Unsightly Premises were even brought up is to show their concern relative to enforceability of compliance with any sort of Agreement with Mr. Charbonneau.

Warden MacKenzie questioned Mrs. Cartledge as to whether any correspondence had been received by the Planning Department from DND.

Mrs. Cartledge advised that, other than the most recent correspondence received from Mr. Ward, the only correspondence received was a letter addressed to Ms. Valerie Spencer, dated June 1, 1982, regarding this matter and requesting that a Lieutenant Colonel Cook be reached and notified of the Public Hearing when it is held on this application. That letter was signed by Allen Finsk, Major of the Judge Advocates' Office. Mrs. Cartledge advised that the requested notification was given.

Councillor MacKay indicated that Shearwater obviously has a lack of faith in Mr. Charbonneau; however, he questioned whether this lack of faith extended to the Municipality as both were partners in the proposed Contract.

Councillor MacKay questioned this as, if Mr. Charbonneau did not perform his end of the Contract, then the Municipality has made provisions in the Contract that the County would, upon notification, perform the necessary duties, then charge back the cost of these duties in the form of a lien registered upon the land. Therefore, if Mr. Charbonneau did not perform, he questioned whether Mr. Ward was satisfied, that the County would do so.

Mr. Ward replied that he would certainly hope so and he did believe so.

Mr. Ward also advised with respect to the Bird Problem at the proposed Salvage Yard that it would only pose a problem if there was a good deal of dumping of refuse along with the cars.

In response to questioning from Councillor Poirier, he advised that any danger would only come from food, etc. which would draw the birds. He advised that if the Development Agreement as presented was adhered to by Mr. Charbonneau there should be little or no problem with respect to birds.