

15. Halifax-South Livestock Health

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

"THAT the Halifax-South Livestock Health be granted \$1,500.00."
Motion Carried.

16. Nova Scotia Firefighters School

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

"THAT the Nova Scotia Firefighters School be granted \$1,000.00."
Motion Carried.

17. Atlantic Winter Fair

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

"THAT the Atlantic Winter Fair be granted \$150.00 conditional on whether the AWF is functional this year."
Motion Carried.

18. South Shore Tourist Association

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

"THAT the South Shore Tourist Association be deleted from the Grants Allocation."
Motion Carried.

The above motion was carried subsequent to Councillor Walker advising Council that the South Shore Tourist Association covers only a small portion of the Municipality. He felt that the money which would have been granted to this Organization should be given instead to the St. Margaret's Bay Tourist Association who do a great deal more Tourism promotion in the Municipality.

Also before passing the above motion, Mr. Markesino came before Council and supported Councillor Walker's suggestion. He, who had actually been on the Board of the South Shore Tourist Association, agreed that they did not cover a very large portion of the Municipality, as did the St. Margaret's Bay Tourist Association. He advised the Municipality that he would be retiring from the Board of the South Shore Tourist Association.

19. Ground Search Team

This Organization was added to the list by Councillor Gaetz. He requested why it was not on the list of proposed Grants to Organizations and was advised by Mr. Meech that they did not make a request for Grant money this year.

Councillor Gaetz, however, spoke in support of the fine work done by this group and proposed the following motion:

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

"THAT the Ground Search Team be granted \$500.00."
Motion Defeated.

The above motion was defeated subsequent to Councillor Bayers' clarification that he had been speaking with Mr. Bob Stevens from the Team who advised him that they were not in need of funds this year. However, if necessary, the Ground Search Team would be submitting a request in 1984.

20. Victorian Order of Nurses - Halifax Branch

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

"THAT the VON, Halifax Branch be granted \$2,500.00."
Motion Carried.

Note: The VON, Halifax Branch had submitted a request for \$6,600 an increase over last year's grant of \$5,000. However, the Dartmouth Branch had also submitted a request this year without specifying an amount. It was felt by Council that the amount of \$5,000 should not be increased this year and further that it should be split 50-50 between the Halifax and Dartmouth Branches.

21. CAMR - Dartmouth

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

"THAT the CAMR in Dartmouth be granted \$5,000.00."
Motion Carried.

22. CAMR - Sackville

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

"THAT the CAMR in Sackville be granted \$20,000.00."
Motion Carried.

23. Nova Scotia Sports Heritage Centre

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

"THAT the Nova Scotia Sports Heritage Centre be granted \$500.00."
Motion Carried.

24. St. Margaret's Bay Business & Tourist Association

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

"THAT the St. Margaret's Bay Business & Tourist Association be granted \$2,000.00."
(See Motion to Amend).

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

"THAT the St. Margaret's Bay Business & Tourist Association be granted \$1,500.00."
Amendment Defeated."

Therefore, the question was called on the original motion.

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

"THAT the St. Margaret's Bay Business & Tourist Association be granted \$2,000.00."
Motion Carried.

25. Arthritis Society

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

"THAT the Arthritis Society be granted \$200.00."
Motion Carried.

26. Kidney Foundation of Canada

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

"THAT the Kidney Foundation of Canada be granted \$200.00."
Motion Carried.

27. Nova Scotia Youth Orchestra

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

"THAT the Nova Scotia Youth Orchestra be granted \$150.00."
Motion Carried.

28. The Salvation Army

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

"THAT the Salvation Army be granted \$1,000.00."
Motion Carried.

29. Youth Alternative Project

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

"THAT the Youth Alternative Project be granted \$2,000.00."
Motion Carried.

30. Victorian Order of Nurses - Dartmouth Branch

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

"THAT the VON, Dartmouth be granted \$2,500.00."
Motion Carried.

31. Musquodoboit Valley Bicentennial

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

"THAT the Musquodoboit Valley Bicentennial be granted \$4,000.00."
Motion Carried.

32. Metro Service Commission Board for the Deaf

It was noted that a request had been received from the Metro Service Commission Board for the Deaf in the amount of \$7,000.00. However, it had also been determined that the Halifax County Social Services Department has granted this Organization \$5,800.00 this year which is cost shareable with the Province. Therefore, it was agreed that no further grant would be allocated to this Organization.

33. Club 75-80

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

"THAT Club 75-80 be granted \$2,000.00."
Motion Carried.

34. Gold Cup Halifax

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

"THAT Gold Cup Halifax be granted \$1,250.00."
Motion Carried.

This completed the requests for Grants to Organizations for 1983; it was noted that the total Grants allocated amounted to \$80,360, only \$360 over budget.

At this time a ten minute recess was called.

Renewal Borrowing Resolution

Mr. Kelly advised that the Management Committee had received a request for a renewal borrowing resolution of \$8,500,000 regarding the Aerotech Industrial Park. The Municipality had borrowed approximately \$3,500,000 to date and requires an additional borrowing of \$1,000,000. The Management Committee recommended that Council approve a renewal borrowing resolution of \$8,500,000 for the Aerotech Industrial Park.

In view of the fact that some concern had been expressed regarding the Halifax County Industrial Commission and also in view of the fact that four Council Members were not in attendance at today's Council Meeting, the following motion was proposed by Councillor Lichter:

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

"THAT the Renewal Borrowing Resolution for the Aerotech Industrial Park be deferred until the issue can be discussed with all Council." Motion Carried.

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

"THAT a Special In-Camera Session of Council be held with representatives of the H.C.I.C., with Council Meeting alone one-hour before H.C.I.C. representatives arrive, and further that the date for this Special Session of Council be determined by Warden MacKenzie and Mr. Meech."
Motion Carried.

Renewal Temporary Borrowing Resolution

Mr. Kelly advised that the Management Committee had also received requests for renewal of borrowing resolutions for the following:

1. 80-02 Pollution Control Plant, Mill Cove \$250,000.
2. 78-2 Sewer Holding Tank, Bisset Lake \$350,000.

The Management Committee recommended that the above renewal of temporary borrowing resolutions be approved by Council.

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

"THAT temporary borrowing resolutions 80-02 for the Pollution Control Plant at Mill Cove, in the amount of \$250,000 and 78-2 for the Sewer Holding Tank at Bisset Lake, in the amount of \$350,000, be approved by Municipal Council."
Motion Carried.

Request for Funds, Re: Joint Committee

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

"The Management Committee received a report respecting a request for funds by the Joint Committee comprised of two representatives from Halifax County and Bedford Councils and two representatives from the Halifax County - Bedford District School Board for the purpose of examining excess costs of the District School Board budget.

The Management Committee recommend to Council for approval an amount of \$4,350. be allocated to the Joint Committee from the County of Halifax for assistance in the examination of the District School Board Budget."

As this item promised to initiate lengthy discussion in Council, Mr. Kelly also read the attached report to further clarify the issue. This Report advised:

"The Management Committee will recall that the Councils of Halifax County and Bedford established a Joint Committee comprised of two representatives from the respective Councils and two representatives from the Halifax County-Bedford District School Board with the task of examining the excess portion of the District School Board Budget. The Joint Committee is comprised of the following membership:

Councillor Mont, Chairman - County of Halifax
Councillor MacDonald - County of Halifax
Mayor Roberts - Town of Bedford
Councillor Short - Town of Bedford
Mr. Verabioff - Chairman of Halifax County-Bedford District School Board
Mrs. Duerden - Member of Halifax County-Bedford District School Board

The Joint Committee has held two meetings and at the organizational session identified a need to utilize an external resource person and agreement has been reached to retain the services of W. Smith, retired as former Chief Director of Finance for the Department of Education. Mr. Smith will be retained as a resource person to assist with the formulation, interpretation and analysis of the comparative information with support being provided by staffs of the Municipality, the Town of Bedford and the District School Board. Additionally, the undersigned has been assigned with the role of overall Co-ordinator of the exercise which to a large degree will be assumed in practice by Mr. K. Wilson, Director of Finance.

However, before the Committee can proceed to retain the services of W. Smith, it is necessary to request an allocation of funds in the amount of \$5,000. It was agreed by the Committee that the \$5,000 would be cost-shared on the basis of assessment between Bedford and the Municipality which translates into the following: Halifax County - \$4,350 and Bedford \$650.

It is recommended that a sum of \$4,350 be allocated to the special Joint Committee to assist in their task of examining the District School Board Budget."

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

"THAT the sum of \$4,350 be allocated to the Special Joint Committee to assist in their task of examining the District School Board Budget."

Several Councillors spoke in opposition to expending the \$4,350 for what could be considered a Consultant. It was felt by these Council Members that the review of Budget could be accomplished without this extra assistance.

However, Mr. Meech advised that Mr. Smith would not be a Consultant but would be retained as a resource person to gather and interpret information.

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

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

"As written previously."
Motion Defeated.

SUPPLEMENTARY MANAGEMENT COMMITTEE REPORT

Council agreed to deal with the Supplementary Management Committee Report.

Additional Staff - Social Services Department

Mr. Kelly outlined the Management Committee recommendation relative to the hiring of additional Staff for the Social Services Department. He advised that the following motion had been passed by the Management Committee:

"THAT it be recommended to Council that the two Caseworker positions recommended by Mr. Mason, Director of Social Services, be approved and further that an additional position of Eligibility Review Officer be established by Social Services, effective October 1, 1983."

This motion had been passed subsequent to a Report and presentation by Mr. Ed Mason.

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

"THAT two Caseworker Positions for the Municipality's Department of Social Workers be approved and further that an additional position of Eligibility Review Officer be established by Social Services, effective October 1, 1983."

Motion Carried.

The above motion was carried subsequent to lengthy discussion in Council which mainly centered around the expected lack of Provincial cost sharing in the hiring of the two Caseworkers as well as with regard to the budget overrun which would be incurred by the Municipality in order to hire the two Caseworkers.

However, Mr. Mason discussed the issue with Council and indicated the severity of the requirement for the additional Caseworkers. As well, it was determined during the discussion that an Eligibility Review Officer was feasible as it would save the Municipality money in the long run.

APPEAL, RE: MINOR VARIANCE

The above item was also included in the Supplementary Agenda and was dealt with by Council at this time.

Mr. Birch outlined the appeal against Minor Variance No. 16-08-83, launched by Mrs. Doris J. Wile. He suggested that this appeal be dealt with at the June 21st Session of Council.

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

"THAT the appeal, regarding Minor Variance No. 16-08-83 be dealt with at the June 21st Council Session."
Motion Carried.

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

"THAT the Minor Variance Appeal mentioned above be held at approximately 7:00 P.M. on June 21st."
Motion Carried.

POLICY COMMITTEE REPORT

Council agreed to deal with the Policy Committee Report at this time.

Personnel Policies and Procedures

Mr. Percy Fawson was in attendance at this Council Session to answer any questions Council might have in regard to the Personnel Policies and Procedures.

Mr. Kelly outlined the information in the Council agenda advising that the Policies and Procedures had been brought forward at the May 17th Council Session but had been deferred to this Council Session in order that all Council Members would have the opportunity to review the Policies and Procedures again in detail before approving or rejecting them.

At the May 17th Council Session, the following concerns had been expressed by Councillor Lichter relative to the Policies and Procedures. These concerns he reiterated at this time.

1. Retainment of Consultants: Councillor Lichter had advised that he had no problems with delegating Staff a degree of authority. However, he was opposed to delegating complete authority as referred to in the Personnel Policies and Procedures Manual on page 21 under the heading "Executive Search and Placement Consultants". In this section it stated, "the use of consultants will be subject to review and approval of the CAO." Councillor Lichter felt this section should be altered to read: "...subject to review and approval of Council."
2. Greivance Procedure: Step 4 of the Greivance Procedure as indicated on page 53 of the Policies and Procedures Report, stated that the final decision would be made by the CAO. Councillor Lichter felt that since the final employer of all persons employed by the Municipality is Council and not the CAO, that Council should be the last avenue for a greivance and not the CAO. Councillor Lichter indicated his strong opinion that this should be amended to give the final decision regarding a greivance to Council.

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

"THAT the Personnel Policies and Procedures Manual be approved by Municipal Council inclusive of amendments on pages 21 and 53 relative to "Executive Search and Placement Consultants" and "Greivances" (as indicated above)."

Council discussed the two suggested amendments to the approval of the Personnel Policies and Procedures Manual at length.

Councillor DeRoche indicated that he had no objection to the first amendment regarding Council retaining the right to approve the use of Consultants; however, he was strongly opposed to the second amendment which would give Council the final authority on greivance matters. He felt that an appeal of disciplinary action should not be before a Political Body. The Councillor cited an example whereby the Council of the Town of Kentville had been swayed by Public Opinion and had dismissed the Chief of Police. The Chief of Police had then appealed that decision in a Court of Law and won. He received an award from that Municipality which was injurious to the Council and the Budget of the Municipality of the Town of Kentville.

Councillors MacKay and Larsen spoke in agreement with Councillor DeRoche on this issue. They felt that Council has the right to request a report from the CAO regarding the circumstances of the greivance.

Mr. Meech advised that disciplinary action is carried out in most cases by the Department Heads and that in any cases which would be referred to the CAO, the employee would be so far removed from him that he would be able to handle it in a totally subjective manner. With regard to Department Heads themselves, they are appointed by Council and Council must give its approval before they can be terminated. He agreed that in these cases any recommendation should go to Council for approval; however, it was not in the best interest of either the CAO or Council to deal with these matters in other cases.

Mr. Meech had no objection to the first suggested amendment; however, he felt that the ultimate authority for the hiring of Consultants could be with the Management Committee instead of Council.

Councillor Wiseman spoke in support of both suggested amendments since Council was indeed the ultimate employer and should carry both responsibilities.

It was amended by Councillor Larsen:

"THAT hiring of Consultants be the ultimate responsibility of the Management Committee as opposed to either the CAO or Council."
(Motion Lost - No Secunder)

A legal opinion was requested of Solicitor Cragg as to how to handle the suggested amendments to the Personnel Policies and Procedures included in Councillor Lichter's motion.

The Solicitor advised that they should be considered as amendments to the motion and dealt with separately.

A vote was then taken to approve or reject the suggested amendment to page 53 of the Personnel Policies and Procedures Manual.

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

"THAT page 53 of the Personnel Policies and Procedures Manual regarding "Greivance Procedures" be amended in Step Four, to give the final decision regarding a greivance to Council."
Amendment Defeated.

A vote was then taken to approve or reject the suggested amendment to page 21 of the Personnel Policies and Procedures Manual.

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

"THAT page 21 of the Personnel Policies and Procedures Manual, under the heading "Executive Search and Placement Consultants" be amended to read: "subject to review and approval of Council"."
Amendment Carried.

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

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

"THAT the Personnel Policies and Procedures Manual be approved as amended (above)."
Motion Carried.

Subsequent to the above, Mr. Fawson retired from the Council Session.

District Capital Grant Request - District No. 16

Mr. Kelly advised that the Policy Committee had received a District Capital Grant Request from the District No. 16 Councillor in the amount of \$426.00 for the purpose of installing fencing at recreation areas in Lower Sackville. The Committee recommended approval of this request.

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

"THAT a District No. 16 Capital Grant in the amount of \$426.00 be allocated to install fencing at recreation areas in Lower Sackville."
Motion Carried.

District Capital Grant Request - District No. 17

Mr. Kelly advised that the Policy Committee had received a District Capital Grant Request from the District 17 Councillor, in the amount of \$5,000.00 for the installation of fencing on public walkways in the Cole Harbour area. The Policy Committee recommended approval of this request.

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

"THAT a District No. 17 Capital Grant in the amount of \$5,000.00 be allocated for the purpose of installing fencing on public walkways in Cole Harbour."
Motion Carried.

Request for District Capital Grant and Loan - District No. 13

Mr. Kelly advised that the Policy Committee had received a request for a District No. 13 Capital Grant in the amount of \$2,300 and a loan in the amount of \$2,300 for the purpose of purchasing fire fighting equipment for the Dutch Settlement Volunteer Fire Department.

Subsequent to discussion of the above requests, the Policy Committee recommended approval of both the grant request and the loan request.

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

"THAT a District No. 13 Capital Grant in the amount of \$2,300 and a loan in the amount of \$2,300 be allocated to the Dutch Settlement Volunteer Fire Department for the purchase of fire fighting equipment and further that the loan be advanced on a ten-year repayment term of principle and interest with Council reserving the right to levy an area rate in default of payment of principle and-or interest."

Motion Carried.

District Capital Grant Request - District No. 21

Mr. Kelly advised that the Policy Committee had received a request for a District No. 21 Capital Grant in the amount of \$1,350 to supply and install chainlink fencing on public walkway, Tamerlane Court, Cole Harbour. The Policy Committee recommended approval of this Grant Request.

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

"THAT a District No. 21 Capital Grant be approved in the amount of \$1,350 to supply and install chainlink fencing on public walkway, Tamerlane Court, Cole Harbour."

Motion Carried.

Request For Loan - Waverley Fire Department

Mr. Kelly advised that the Policy Committee had received a request for a loan in the amount of \$10,000 for the Waverly Fire Department for the purchase of a Fire Department Vehicle. The Committee recommended approval of this loan request.

It was moved by Councillor Snow, Seconded by Councillor Gaetz:

"THAT a loan in the amount of \$10,000 be advanced to the Waverley Fire Department for the purchase of a Fire Department Vehicle, to be repaid over a ten-year period with principle and interest and further that Council reserve the right to levy an area rate in default of payment of principle and-or interest."

Motion Carried.

APPROVAL OF 1983 AREA RATE - FIRE FIGHTING - LWF FIRE DEPARTMENT

Mr. Kelly read to Council the brief memo in the Council Agenda from Mr. Gary Smith, Chief Accountant which advised:

"Please be advised the list of 1983 area tax rates which was approved by Council on April 19th, 1983 included a rate of \$.075 per \$100 of assessment for the above subject fire department. District No. 14 Councillor Snow advised me today that the rate should be increased to \$.095 per \$100 of assessment as a result of a Ratepayer's Meeting held sometime prior to April 19th, 1983, and the attached revised budget.

Councillor Snow requested this information be brought to your attention so that it could be taken to the next Council Session for approval of the amended \$.095 rate."

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

"THAT the District No. 14 \$.075 per \$100 of assessment fire fighting area rate be increased to \$.095 per \$100 of assessment."
Motion Carried.

FINANCING FOR FINAL DESIGN & CONTOURS - SACKVILLE LANDFILL SITE

Councillor MacKay had previously requested that this item be put on this evening's agenda. However, since three Council Members who sit on the Metropolitan Authority were not in attendance at the Council Session he proposed the following motion:

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

"THAT the issue "Financing for Final Design & Contours - Sackville Landfill Site be deferred until the next Council Session."
Motion Carried.

REMAINDER OF SUPPLEMENTARY AGENDA

At this time, Council agreed to deal with the remainder of the Supplementary Agenda.

Invitation From Sheet Harbour Board of Trade

An invitation had been received by Warden MacKenzie, from the Sheet Harbour Board of Trade, for Council to hold its second August Council Session in Sheet Harbour during Seaside Festival Week, which begins August 12, 1983.

The Board of Trade were holding open, Tuesday August 16th, 1983 pending a reply from Council.

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

"THAT the second Regular August Council Session be held at the Sheet Harbour Board of Trade, August 16, 1983 at 6:00 P.M."
Motion Carried.

It was also indicated that a Tour of the Town and a Supper would be enjoyed by Council during its visit to Sheet Harbour.

Building Inspector's Report

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

"THAT the Building Inspector's Report be received and further that the application for Lesser Side Yard Clearance contained therein (application for lesser side yard clearance of 7.5' and 7.7', Lot C, James Weaver Subdivision, Herring Cove, Applicant Paul M. Arthur) be approved."
Motion Carried.

ADDITIONS TO AGENDA ITEMSHighway 107 By-Pass - Councillor Gaetz

Councillor Gaetz indicated his dissatisfaction with the decision made by the Provincial Department of Transportation to locate the new 107 Highway By-Pass through Protobello.

Councillor DeRoche also indicated his disappointment regarding this decision advising that it was not in keeping with previous resolutions of the Municipality and the City of Dartmouth.

However, Councillor Deveaux, although in agreement with the above comments, advised that nothing could be done to alter the decision at this time. He felt that a letter should be sent to the Minister of the Department of Transportation thanking him for the decision.

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

"THAT a letter be sent to the Minister of Transportation thanking him for making a decision relative to the Highway 107 By-Pass."
Motion Carried.

ADDITIONS TO NEXT COUNCIL AGENDA

The following was requested to be added to the following Council Agenda:

1. Highway between Terence Bay and West Pennant - Councillor Baker.
2. Planning Report, Re: Update on RRAP Program and Necessary Procedures for Eligibility - Councillor Deveaux.

INFORMATION ITEM

Councillor Baker advised that there were indications of pollution in Power's Pond, Herring Cove.

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

"THAT the Department of Health be requested to test Power's Pond in Herring Cove." Motion Carried.

ADJOURNMENT

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

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

REGULAR COUNCIL SESSION

JUNE 21, 1983

PRESENT WERE: Warden MacKenzie, Chairman
Deputy Warden Margeson
Councillor Poirier
Councillor Larsen
Councillor Baker
Councillor DeRoche
Councillor Gaetz
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor MacKay
Councillor McInroy
Councillor Eisenhauer
Councillor MacDonald
Councillor Mont

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

SECRETARY: Christine E. Simmons

OPENING OF COUNCIL - THE LORD'S PRAYER

Warden MacKenzie brought the Council Session to order at 6:05 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

ANNOUNCEMENTS

Warden MacKenzie announced that Councillor Adams was absent due to illness while Councillors Wiseman, Gaudet and Deveaux were away at a Conference relative to School Board.

APPOINTMENT OF RECORDING SECRETARY

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

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

APPROVAL OF MINUTES

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

"THAT the Minutes of the May 17th, 1983 Regular Council Session be approved."
Motion Carried.

ADDITION TO AGENDA ITEMS

None.

LETTERS AND CORRESPONDENCE

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

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

Letter From the Halifax County Housing Authority

A letter had been received from the Halifax County East Housing Authority which requested that Council consider building an additional ten to fifteen units to the existing twenty unit senior citizens complex at Sheet Harbour. The letter indicated that this complex was the first ever constructed in Halifax County, in 1976, and further advised that for the past three years there has been an increasing demand for the units in the Sheet Harbour area.

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

"THAT the Nova Scotia Housing Commission be requested to conduct a Need and Demand Survey for an additional ten to fifteen units at the existing twenty unit senior citizen's housing complex at Sheet Harbour."
Motion Carried.

Letter From the Department of Municipal Affairs

A letter had been received from the Honourable Tom McInnis, Minister of Municipal Affairs in response to the Municipality's letter of May 25th regarding Road Frontage Lots in Districts 10, 11, 12 and 13. This letter advised that Department of Municipal Affairs Staff are considering the proposed amendments to the subdivision regulations and further that the Municipality will have a response in the near future.

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

"THAT the Letter from the Department of Municipal Affairs be received."
Motion Carried.

REPORT OF THE DIRECTOR OF DEVELOPMENT

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

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

PLANNING ADVISORY COMMITTEE REPORT & SUPPLEMENTARY PAC REPORT

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

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

Zoning Report, RA-SA-10-83-16

Mr. Kelly outlined this item from the Planning Advisory Committee Report advising that this was a request to Rezone Portions of Lot "A" of the Lands of Lillia J. Clough, located on Sackville Drive, District 16, from R-1 to R-4 Zone.

He advised that it was the Committee's recommendation that a Public Hearing be held July 11, 1983. However, this item was also incorporated into the Supplementary Agenda as item No. 2, where the suggested date had been altered to July 18, 1983.

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

"THAT a Public Hearing be held July 18, 1983 at 7:00 P.M. to deal with Zoning Request, RA-SA-10-83-16, a request to rezone portions of Lot "A" of the Lands of Lillia J. Clough, District 16 from R-1 to R-4 Zone."
Motion Carried.

Proposed Amendments to the Forest Hills Planned Unit Development Agreement, Phase 3, Cole Harbour

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

"This was the requested amendment of the remainder of a block previously designated for multiple family purposes to low density development. As in the previous case, since it is down-zoning of the property, it is considered to be a minor variance to the Planned Unit Development Agreement; thus, not necessitating a public hearing. The Committee reviewed this staff report, and after discussion, the following motion was passed: That the proposed amendment to the Forest Hills Planned Unit Development Agreement be recommended to Council for approval."

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

"THAT the proposed amendment to the Forest Hills Planned Unit Development Agreement, from multiple Family to single family, lots TD-20 to TD-42 inclusive be approved by Municipal Council."
Motion Carried.

Zoning Report, RA-CH-W-11-83-07

Mr. Kelly advised that this was a request to rezone portions of the lands of the Nova Scotia Home for Colored Children, located on Highway No. 7, at Westphal, District No. 7, From R-1 to P-2 (Community Facility) Zone. The recommendation of the Planning Advisory Committee, subsequent to discussion of the application was that a Public Hearing be held to deal with the application on July 18, 1983.

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

"THAT a Public Hearing be held July 18, 1983 at 7:00 P.M. to deal with rezoning application No. RA-CH-W-11-83-07."
Motion Carried.

BUILDING INSPECTORS REPORT

It was agreed by Council that the Building Inspector's Report, included in the Supplementary Agenda be received at this time.

Application for Lesser Setback

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

"THAT the application for lesser setback of 24', Lot 19, Allen Heights Subdivision, Head of St. Margaret's Bay, applicant Glen Dexter be approved by Municipal Council."
Motion Carried.

Application for Lesser Side Yard Clearance

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

"THAT application for lesser side yard clearance of 5.7', lot 5 J.S. Saunders Subdivision, East Preston, applicant Paul Diggs be approved by Municipal Council."
Motion Carried.

Application for Lesser Side Yard Clearance

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

"THAT application for lesser side yard clearance of 4', Lot 45 Sheldrake Subdivision, Sheldrake Lake, applicant Clark Brunelle be approved by Municipal Council."
Motion Carried.

MANAGEMENT COMMITTEE REPORT AND SUPPLEMENTARY MANAGEMENT COMMITTEE REPORT

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

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

Carroll's Corner School - Proposed Lease

Mr. Kelly outlined this item from the Council Agenda which advised that the Carroll's Corner Community Association, incorporated under the Societies Act, had submitted a request to Mr. Bill Keenan, the Municipality's Property Management Supervisor, to lease the surplus Carroll's Corner School for community purposes. It was Mr. Keenan's recommendation to the Management Committee that this request be approved.

It was, therefore, recommended by the Management Committee that Council approve this request for a lease agreement at the rate of \$1.00 per year.

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

"THAT the Municipality enter into a lease agreement with the Carroll's Corner Community Association for the Carroll's Corner School at the rate of \$1.00 per year."

Motion Carried.

Black Point School - Proposed Lease

Mr. Kelly advised that the Black Point Community Centre has submitted a request to lease the surplus Black Point School for community purposes. However, this organization was not as yet incorporated under the Societies Act. Mr. Keenan had requested that the Management Committee recommend to Council approval of this request.

Subsequent to discussion, the Management Committee recommended to Council approval of the lease agreement subject to the official incorporation of the Community Centre under the Societies Act.

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

"THAT the Municipality enter into a lease agreement with the Black Point Community Centre for the Black Point School at the rate of \$1.00 per year subject to the official incorporation of the Community Centre Group."

Motion Carried.

Amendment No. 2, County Pension Plan

Mr. Kelly advised Council, that Mr. Percy Fawson, Personnel Co-ordinator had joined the Management Committee to provide information relative to an amendment to the County Pension Plan.

This Plan had been evaluated and approved last year, both by the Pension Advisory Task Force and by Municipal Council and had then been forwarded to Revenue Canada. However, Revenue Canada has now requested Amendment No. 2, which was of a housekeeping nature and would merely enhance the County Pension Plan. This amendment was included in the Council Agenda - (Please refer to Amendment for clarification).

It had been the recommendation of the Management Committee that these housekeeping amendments be approved by Municipal Council.

Subsequent to brief discussion:

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

"THAT Amendment No. 2, as specified in the Council Agenda and requested by Revenue Canada, be approved by Municipal Council."
Motion Carried.

SUPPLEMENTARY MANAGEMENT COMMITTEE REPORT

Amendment to the Tax Exemption By-Law

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

"The Management Committee has considered two requests for tax exemption as follows:

a) The Canadian Association for the Mentally Retarded

The CAMR is located in Sackville and operates a workshop used in the retraining and rehabilitation of mentally handicapped adults.

b) Mount Traber Bible Camp

Mount Traber Bible Camp is located in Cook's Brook and carries out a number of activities at this location, including church services and conducting a summer camp for youths.

The Management Committee recommend to Council that the Canadian Association for the Mentally retarded at Sackville and Mount Traber Bible Camp at Cook's Brook, excluding the dwelling (Director's Residence) be included in the tax exemption by-law and further that the amendment to the by-law be forwarded to the Department of Municipal Affairs for approval."

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

"THAT the CAMR at Sackville and the Mount Traber Bible Camp at Cook's Brook, excluding the Director's Residence, be included in the Tax Exemption By-Law and further that the amendment to the By-Law be forwarded to the Department of Municipal Affairs for approval."
Motion Carried.

Agreement of Purchase and Sale

Mr. Kelly advised that the Management Committee has considered an agreement of purchase and sale from Atlantic Wholesalers Ltd. to purchase Lot 6B of the Lakeside Industrial Park. Subsequent to discussion at the Management Committee level, the Committee recommended approval of the offer from Atlantic Wholesalers Ltd.

A copy of the Agreement was included in the Council Agenda for information purposes - (Please refer to agenda for detail if required.)

Subsequent to brief discussion,

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

"THAT the offer from Atlantic Wholesalers Limited to purchase Lot 6B of the Lakeside Industrial Park be accepted by the Municipality."
Motion Carried.

SUPPLEMENTARY AGENDA

It was agreed by Council that the remainder of the Supplementary Agenda be dealt with by Municipal Council.

Conveyance of Property, Re: IOOF to the Municipality

Mr. Kelly advised that a warranty deed has been prepared by the Municipal Solicitor to convey property at Middle Musquodoboit from Craigmyle Lodge No. 141 IOOF to the Municipality of the County of Halifax. He advised that the building on the property is undergoing renovations and will be utilized for community purposes. Mr. Kelly also advised that a resolution of Council is required for the acceptance of this property by the Municipality.

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

"THAT the Municipality of the County of Halifax agree to accept title of Craigmyle Lodge No. 141 IOOF, Middle Musquodoboit, which property will be used for community purposes."
Motion Carried.

Easement Abandonment

A memo had been received by Mr. Kelly from Mr. Ed Wdowiak of the Department of Engineering and Works relative to an Easement Abandonment, Colby Village Subdivision, Cole Harbour. This memo advised:

"We have been asked for an abandonment of an easement shown on a plan of survey as E-C1. The easement E-C1 is a portion of an easement expropriated by County Council on February 16, 1971, and this portion has not been used, due to a change in alignment of the force main from the Bissett Lake Pumping Station. The alignment of the force main was re-routed to be positioned within the boundaries of Boling Green Crescent."

Also included in the Council Agenda was a declaration of abandonment and resolution. Mr. Kelly advised that a resolution of Council was required in order to finalize the Easement Abandonment Agreement.

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

"THAT an Easement Abandonment for Easement E-C1, Colby Village Subdivision be finalized by the Municipal Solicitor."
Motion Carried.

Expropriation of Easements

The Council Supplementary Agenda advised: Attached is a copy of a memorandum respecting expropriation of easements M-1, M-2 and M-3 for installation of municipal services at Timberlea.

This memo from Mr. Bill Keenan encouraged that these easement expropriations be approved by Municipal Council in order that the appropriate documents could be executed, returned to the Municipal Offices and recorded at the Registry of Deeds so that access to these lands can be provided to the Municipality at the earliest possible date.

The Supplementary Agenda indicated that resolutions of Council were required to execute the required expropriation documents.

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

"THAT Easement No. M-1 over lands in Timberlea owned by Keldan Developments Limited be expropriated by the Municipality of the County of Halifax and that the appropriate documents to carry out this action be executed by the Municipal Solicitor."
Motion Carried.

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

"THAT Easement No. M-2 over lands in Timberlea owned by Kenneth Fitzgerald be expropriated by the Municipality of the County of Halifax and that the appropriate documents to carry out this action be executed by the Municipal Solicitor."
Motion Carried.

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

"THAT Easement No. M-3 over lands in Timberlea owned by Frank J. Fitzgerald be expropriated by the Municipality of the County of Halifax and that the appropriate documents to carry out this action be executed by the Municipal Solicitor."
Motion Carried.

ADDITION TO AGENDA

At this time, Deputy Warden Margeson requested information relative to Insurance for the IOOF Hall in Middle Musquodoboit. He was advised by Mr. Meech that it was covered by third party liability, PL & PD.

The Deputy Warden requested that Mr. Keenan be requested to check into the situation relative to Fire Insurance for this property.

This request was taken under advisement by Staff.

POLICY COMMITTEE REPORT

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

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

Request for District Capital Grant - District No. 18

Mr. Kelly advised that the Policy Committee had received a request for a District Capital Grant from the District No. 18 Councillor, in the amount of \$5,000 for the Hammonds Plains Area Fire Department. Subsequent to discussion of the Committee, it was the recommendation to Council that this amount be approved from the District No. 18 Capital Grant.

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

"THAT a District No. 18 Capital Grant be allocated to the Hammonds Plains and Area Fire Department."
Motion Carried.

Request for District Capital Grant - District No. 3

Mr. Kelly advised that the Policy Committee had received a request from the District No. 3 Councillor for a District Capital Grant in the amount of \$2,500 for improvements to Parkland Property, Lake of the Woods Subdivision.

Subsequent to discussion at the Policy Committee level it was recommended to Council that this amount be approved.

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

"THAT a District No. 3 Capital Grant in the amount of \$2,500 be allocated for improvements to Parkland Property at Lake of the Woods Subdivision."
Motion Carried.

Purchasing Policy

Mr. Kelly advised that copies of the Purchasing Policies and Procedures had been forwarded to all Council Members. He advised, as well, that the Policy Committee had reviewed these Policies and Procedures, as presented by Mr. Dave Ardley, and recommended to Council that they be approved for the Municipality of the County of Halifax.

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

"THAT the Purchasing Policies and Procedures, as presented, be approved by Municipal Council."
(See Motion to Defer).

Based on the fact that the lengthy Purchasing Policies and Procedures had been received only recently by some Councillors the following motion was proposed:

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

"THAT discussion of the Purchasing Policies and Procedures be deferred until the next Session of Council in order that all Councillors may have an opportunity to review them in greater detail."

Motion Carried.

FINANCING FOR FINAL DESIGN & CONTOURS, SACKVILLE LANDFILL SITE

This item had been added to this evening's Council Agenda by Councillor MacKay.

The Councillor indicated his understanding that, at the time, it had been decided that the Landfill Site was to be located in Sackville, there was a commitment made by the Provincial Government, that once the Site was filled to capacity, the area would be turned into a recreation area and turned over to the Municipality. However, it now appeared that the new Provincial Government had no intention of following up on this former commitment.

At a previous Council Session Staff had been requested to investigate this matter and to attempt to locate written communications which reinforced Councillor MacKay's understanding of the Provincial Government's commitment.

This understanding was shared by several other Councillors. These included Councillor MacDonald, Councillor Eisenhauer, Councillor Baker and the Deputy Warden.

However, Mr. Meech advised that Staff had researched the files and could find no written communications to that effect. He had checked with Mr. Mort Jackson of the Metropolitan Authority who also researched his files and found no written evidence of such a commitment. Mr. Meech had even spoken with Mr. Harry Bensted who was the Municipal Clerk at the time and Mr. Bensted could not remember whether there was such a commitment or not. Mr. Meech indicated that it was possible that the commitment to make a recreation area out of the site and to turn it over to the Municipality could have been strictly verbal.

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

"THAT the issue of financing for final design and contours of the Sackville Landfill Site be referred to the Urban Services Committee."

Motion Carried.

APPEAL, MINOR VARIANCEStaff Report

Mr. Bob Gough, Director of Development, distributed to all Council Members a comprehensive Information Package containing materials pertaining to the Granting of a Minor Variance Application No. MV-16-08--83, a request by Astik Enterprises for a reduced Front Yard of 20 Feet on Lot 7A of the Garfield Hartley Subdivision, located on Hillside Avenue at Lower Sackville.

This Minor Variance Approval had been appealed by Mrs. Doris J. Wile, Mr. William B. Ritchie and Mr. Walter C. Harrison.

Included in Mr. Gough's Information Package was a chronological list of events which surrounded the granting and subsequent appeal of the Minor Variance application including supplementary information. Mr. Gough proceeded to read the list of events as follows:

1. March 11, 1983: Lot 7A of the Garfield Hartley Subdivision is approved as per the County of Halifax' Subdivision Regulations;
2. March 30, 1983: A representative of Astik Enterprises applies for a Municipal Development Permit to construct a single family dwelling on the subject property;
3. April 5, 1983: Municipal Development Permit No. 2743 approved by the Development Officer subject to applicable regulations of the R-1 Zone in Sackville. Of particular importance is the condition that, "if lots which abut either side of this lot have front yards which are equal to or greater than 30 feet, the required minimum front yard of this lot be 30 feet."
4. April 6, 1983: Preliminary Building Certificate to allow footings to be poured was issued by the Chief Building Inspector;
5. May 2, 1983: Realizing that the footings should have been placed 30 feet from the front lot line, A. J. Gillespie, of Astik Enterprises applied for a minor variance to rectify the problem. As stated by the applicant, the improper location was completely innocent due to the fact that, in attempting to maintain the established building line along the southern side of Hillside Avenue, he failed to recognize that the highway right-of-way decreased to 50 feet at the eastern property line of Lot 57B, and that the dwelling on this lot was in fact set back 30 feet from its front lot line;
6. May 26, 1983: Minor Variance Application No. MV-16-08-83, approved as requested under the terms outlined under Section 44 of the Planning Act. Residents within 200 feet of the subject property notified of the approval and advised that an appeal could be lodged within 10 days of receiving the approval notice;
7. June 1, 6 & 7, 1983: Letters of Appeal forwarded by: Mrs. Doris J. Wile, Mr. William B. Ritchie and Mr. Walter C. Harrison.

Mr. Gough's Report concluded as follows:

"Given the evidence presented in this report it is Council's prerogative to either uphold the decision of the Development Officer or in turn reject the decision, thereby ordering the applicant to rectify the situation to the satisfaction of the Municipality. However, it is the position of the Department of Planning and Development that the approval be upheld."

(Please refer to the Information Package for the Substantive Information, as well as the letters of appeal submitted by Mrs. Wile, Mr. Ritchie and Mr. Harrison).

Questions From Council

Councillor MacKay questioned whether the Planning Department was ever aware of the difference in the street width, the highway right-of-way prior to this application where it changes from 50' to 66' between 7A and Civic No. 76.

Mr. Gough advised that if anyone had specifically looked at the Plans they would have been aware of it; he advised that the Department was aware of it when they looked at the Subdivision Plan.

Councillor MacKay questioned whether or not that would have been looked at when the Permit was first applied for so that the applicant would be properly advised.

Mr. Gough advised that it would not necessarily have been looked up at that time. He advised that those stipulations are shown on the back of Appendix "B" and "C". (Please refer to appendices). He advised that they are written in there and it is up to applicant to conform with them. He advised that the applicant has to do the same for the Surveyor's Certificate when that is required by the Building Inspection Department so he can either get the Survey Firm to lay out his lot for him or he can assume that he knows where the corners are, lay it out himself, and ask the Survey Firm to come in and give him a Certificate of Location later; it is a matter of opinion as to which way it should be done.

Councillor MacKay questioned whether the Municipality was assured that the street width in front of Lot 7B is actually 66'.

Mr. Gough advised that to the best of the Department's knowledge that was correct.

Councillor MacKay questioned this as Mrs. Wile's Civic 70 has a street width of 74 feet.

Mr. Gough advised that he was speaking with Mrs. Wile, and looking at Appendix "A" attached to the Report, her lot's Survey Plan shows a distance of either 6.8' or 8.9'. He advised that the reason there was a problem there is that the street was done under a road improvement survey and the alignment that was eventually taken over by the Department of Transportation was not the same as originally laid out in the Subdivision Plan. He indicated this was the only explanation the Department of Planning and Development had for it.

Councillor MacKay advised that only three residents within 200 feet of the subject property had been advised of the minor variance, one person had requested the letter and has not received it and lives directly across the road. Further, the house that would be in back of it on Hillcrest Avenue, to the best of his knowledge, has not been advised and another one directly across the road from Lot No. 72 has not been advised.

Mr. Gough advised that the Planning & Development Department gets the appropriate information from the Assessment Office and as provided under the terms of the Planning Act, the letter is mailed by certified mail to these people who have to sign that they have received them. He did recall that someone called the Office requesting the letter and had to be mailed another one.

Councillor Mont questioned whether the homes on Lots 7A and 7B have been completed as yet and was advised by Mr. Gough that they appeared to be all boarded in, the rooms were tight and the outside appeared to have windows in it, etc.

Councillor Mont also questioned whether any Building Permit, other than the Preliminary Building Permit had ever been issued and was advised by Mr. Gough that there has been no permit issued for Civic No. 74; however, Civic No. 72 is in order and has probably been completed.

Councillor Mont advised that in the schedule of events, as previously read by Mr. Gough, a Preliminary Building Permit is mentioned, which would only allow the footings to be put in. He questioned whether it was true that the Contractor built the home anyway without the Permit.

Mr. Gough advised that this is not handled by the Department of Planning and Development; however, he was aware that the house was there and to his knowledge the developer did not have a permit for it.

Councillor Mont indicated that the letter of appeal from Mrs. Wile states that the two houses are erected, windows, doors and siding installed. That would, therefore, be in violation of Municipal Regulations. Mr. Gough agreed with this statement.

Councillor McInroy advised that the permit to issue the footings was issued April 6th. He questioned if Mr. Gough knew when the footings were poured.

Mr. Gough advised that he did not; however, he spoke to the Building Inspection Department about it and had been advised that approximately 8 or 10 men had been working there and to put up a house that size, they could have the footings in one day and the house boarded in the next day.

Councillor McInroy questioned if the footings could have been put in before April 6th; however, Mr. Gough did not know whether they were.

Councillor McInroy then questioned whether the Planning and Development Department paid attention to these things and was advised by Mr. Gough that the granting of a Minor Variance had nothing to do with when the footings were put in but only with the setback from the street.

Councillor McInroy advised that if the Minor Variance approval is not upheld there will be a great difference in tearing up footings and going back 10 feet or taking down a house from a foundation and going back 10 feet. However, Mr. Gough advised this was Council's prerogative and further that the Developer did not have a Permit to do what he did and therefore had proceeded at his own risk.

Councillor Eisenhauer indicated that the surrounding houses seemed to be fairly close in line to which Mr. Gough agreed they were, with a possible difference of two or three feet.

Subsequent to the above, the three Appellants came before Council as a Group to state their objections to the Minor Variance Approval. The first to state her objections was Mrs. Wile.

Mrs. Wile was concerned that the application had been submitted on May 2nd and the residents were not notified until May 26th that they had the right to appeal.

Mr. Gough advised that when the Department receives an application, they have to be dealt with as they come in, co-operation must be received from other Municipal Departments and the letters have to be written and mailed out. This, he advised could take up to three weeks.

Mrs. Wile was also concerned that a person could put up a building this quickly without a building permit. However, Mr. Gough advised that the Minor Variance application and the Building Permit Applications were not related.

Mrs. Wile indicated her general dissatisfaction with the entire system which would allow construction to go on in this manner without proper notification. She questioned whether Council was aware of what goes on in the various Municipal Departments. She also advised that the Building Inspector, a Mr. McGee was out to the site almost daily, knew what was going on and did nothing about it.

She advised that aside from her own personal problems, drainage, etc., which really had little to do with the Minor Variance application, the above were her major concerns.

Mr. Harrison advised that he felt the same as Mrs. Wile. He felt that the lot should not have been divided and only one house should have been built on the lot. However, the lot was divided and two houses went up. It was not until after the houses were up that the residents were advised they could appeal the granting of the Minor Variance. He felt that the houses are too close to the street, and two close together, were not very attractive and devalued the homes that were already there.

Mr. Ritchie did not feel that this was an honest mistake made by the Contractor but that anyone building in the Sackville area for so long should know the rules and regulations.

Mr. Ritchie also echoed the previous comments of Mrs. Wile and Mr. Harrison.

Subsequent to a brief question and answer session with the Appellants, Councillor McInroy confirmed with the Municipal Solicitor, that if Lot 7A had been developed first it would have required a 30 foot front yard as well as Lot 7B; however, since Lot 7B was the first lot to be developed there was no requirement for a 30 foot front yard. Councillor McInroy advised that it may have been a coincidence, or it may not have been, that Lot 7B had been developed first.

Councillor Mont was extremely concerned with the system which would allow this situation to develop merely because one lot had been developed before the other.

Councillor MacKay then advised that he had met with the residents, he had met with Mr. Gillespie, Mr. Hefler, Mr. Leo Brooks and Mr. Cragg and he felt that to go back and dissect the matter would expose two issues:

1. Mr. Gillespie proceeding with construction without a valid permit, which Mr. Cragg will be dealing with later;
2. The granting or rejection of a Minor Variance.

He advised that looking at the latter situation in isolation, it was his understanding that the Housing Commission made some errors when they developed the area and these errors have been transmitted through the years. He felt the Building Inspection and Planning and Development Departments should have researched this area in more detail to determine that there was a difference between a 50' and a 66' right-of-way and possibly even a 74' right-of-way.

Based on the above, he felt that Mr. Gillespie made a reasonable approach in attempting to line up the front of the houses so that they are lined up between 70' and 76'. That part he found reasonable.

All things being equal, he felt that the residents here this evening also have a valid point in objecting to seeing a house constructed before receiving a notice of appeal.

Councillor MacKay agreed that Mr. Gillespie did proceed against the explicit wishes of the Building Inspection Department in completing the house; however, Mr. Gillespie would be prepared to explain to Council his reasons why.

However, Councillor MacKay felt that the residents had a very valid point regarding the efficiency of the whole system, which was one of the questions before Council this evening.

Subsequent to the above remarks, the Appellants retired and Mr. Gillespie came before Council.

Mr. Gillespie advised that he had constructed approximately 25 homes in Sackville over the winter months; these homes were in an affordable range and were sold very quickly in accordance with the high demand. He indicated that due to this high demand for reasonably priced housing, there was a demand to erect the homes quickly using a panel system which allows the developer to pour the foundation one day and erect the house the next day. This was done in many cases.

He advised that in the cases of 7A and 7B, 7B was constructed first because it was sold first; he further advised that 7A would be sold for the end of the month.

He advised with regard to the pavement width (which he referred to as an imaginary line created by the Department of Transportation) the DOT widened the road to 66 feet. He advised that when walking along the side of the street one would not notice any change whatsoever in the pavement; it continues on in a gradual curve and the houses appear to be the same distance from the road.

He advised that he must apply for building permits so often that it becomes automatic and the preliminary permit is granted, the Surveyor comes out to certify where the footings are and then the application for Building Permit is submitted. He advised that by the time this occurred Lot 7B was pretty well roof tight. He advised that he had constructed a house on Zinck Ave., had been about a week late getting windows in; vandals had gone in and destroyed the electrical panel and the few windows that had been put in had been smashed. He, therefore, had decided to get the windows and doors in on Lot 7B and get the siding on so that the house would be roof tight and protected. He had planned to go that far and stop until it became known how much farther he could go. He advised this is what he had done. Mr. Gillespie then distributed to Council pictures of the construction on both 7A and 7B.

Mr. Gillespie felt that what was being discussed was a technicality because if the road width had remained at 50 feet, the construction on both lots would have been O.K. He felt that discussing whether the construction on Lot 7B occurred before 7A was also a technicality as was the technicality of the road widening to 66 feet.

He further advised that the reason he put two houses on what some people considered one lot, was that the price for the lot was \$14,000 and since there was a drop of about 20 feet from the street, it was going to require about \$6,000 worth of fill, thereby making a \$20,000 lot. He advised that it would not be feasible to sell a \$50,000 house on a \$20,000 lot. This is why he had decided to subdivide that lot and build two homes on it.

Mr. Gillespie advised that when he made the application he did submit a plot plan showing that the units were 20 feet back from the street; a month later it was pointed out to him that on the back of the development permit it is noted that you must check for 30 feet. He thought that if the other houses were back thirty and he appeared to be back the same distance, then he felt he was back the 30 feet as well. However, when the Survey Certificate came in he found that he was only

back 20 feet and it was then that he found he had a problem. He then advised that the permit was mailed accidentally to 20 Chandler Drive; his address was 207 Chandler Drive. However, he called the Municipality who advised that everything was O.K., the permit was issued and he could go ahead, which is what he did. He advised that by the time he had realized what was occurring construction had already gone quite far. He advised that when one constructs so many houses and is familiar with the routing, it rarely occurs that there may be a problem.

Mr. Gillespie advised he was aware that he had to be thirty feet back from the road; however, he had thought he was the required distance from the road. He advised that the Surveyor was also a busy person and he could not get out to do the Survey right away. Since the construction business is so busy at present, a developer cannot always wait that length of time. Therefore, they sometimes go ahead with the foundation, which he did in this case. He agreed that he was in error to have done this but advised that a summons awaits him and he will be paying for this mistake.

However, he advised this was not the matter under consideration this evening; what was to be considered was the application for minor variance.

Mr. Gillespie also advised Council that the property has already been sold; however, he advised that todate there were no carpets or other flooring installed.

With regard to the water problem being experienced by Mrs. Wile (indicated in Mrs. Wile's letter of appeal) he advised that he was willing to take the following corrective measures as indicated in his letter of June 21st, 1983 to Mr. Bob Gough, Director of Development.

The letter read:

"This is to confirm that we will undertake to do the following with regard to Lot 7B:

1. Construct a gabion wall adjacent to 70 Hillside Ave. approximately 5' high;
2. To dig a scalloped trench, i.e. swale from between 7A and 7B toward the undisturbed area at the rear of the property;
3. To rough grade the rear of the lots 7A and 7B as discussed with Mr. Leo Brooks.

I had always intended to do the above as part of good building practice. I am providing this undertaking knowing that it has nothing whatsoever to do with the appeal in question. I was asked to give this reassurance by the Councillor of the area."

Council questioned Mr. Gillespie at length with regard to the above information.

Motion and Discussion of Council

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

"THAT the Minor Variance Application No. MV-16-08-83 be granted by Municipal Council." Motion Carried.

Although the above motion was carried, two Councillors voted in opposition to it while several others approved it with reluctance and with the hope that the Municipality's regulations may undergo a change in the near future to be more fair to all parties concerned in issues of this nature. These Councillors were particularly concerned regarding the delay from receipt of the minor variance application to the time the residents were notified of their right to appeal.

REPORT, RE: METROPOLITAN AUTHORITY

Councillor MacDonald advised that there have been no meetings at the Metropolitan Authority recently and there was little to report with the exception of the following:

Take-Over of the Halifax County Correction Centre by the Department of the Attorney General

He advised that this issue was moving very slowly; the Authority was setting up a Committee to deal with the overcrowding situation of the facility and have been attempting to schedule a meeting for some time. This situation will not be addressed in the near future; therefore, they are attempting to make a few minor renovations within the facility to temporarily alleviate the situation:

One of the proposed measures is to possibly relocate the female inmates to another facility. However, no firm decisions will be taken until a meeting of the Special Committee is scheduled.

This concluded the Metropolitan Authority Report.

HIGHWAY BETWEEN TERENCE BAY AND PENANT - COUNCILLOR BAKER

At the last Council Session Councillor Baker had added this item to the agenda.

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

"THAT a delegation be formed to meet with the Minister of the Department of Transportation and his Deputy Minister regarding the establishment of a Highway between Terence Bay and Pennant." Motion Carried.

It was agreed that the members of this delegation be the following:

1. Councillor Baker;
2. Councillor Gaudet;
3. Warden MacKenzie;
4. Mr. Meech; 5. Councillor Poirier;
6. Deputy Warden Margeson.