

Councillor Mont then questioned what Mr. Clark's opinion was, in light of the above, as to whether Council had already approved the P.U.D. Agreement at this stage in time.

Mr. Clark advised that the question posed by Councillor Mont was a Municipal law question; he reiterated that the P.U.D. Agreement was approved in principle according to the motion of January 1982, subject to the recommendations of the ECC. He indicated his understanding that Council was now merely deliberating on the three issues discussed throughout the Hearing. He further advised that the Developer could certainly arrange to dedicate the proper amount of Parkland to the Municipality.

Councillor Snow questioned whether Mr. Clark had a copy of the Agreement of Purchase and Sale to which he replied that he did.

Councillor Snow questioned when he would have an opportunity to review the document.

Deputy Warden Margeson indicated that it would be submitted as an exhibit and could be studied at any time. Mr. Clark agreed to submit the document as an exhibit.

Councillor Mont questioned whether there would be a deed to Cobequid Industrial Park, prior to the signing of the Agreement.

Mr. Clark advised that it could be arranged as the two companies Renaissance and Cobequid were so closely related; they could take the mortgage back and accomplish this fairly expediently.

Solicitor Cragg advised that, at such time as the Agreement is ready for signing, it will be signed by the Municipality and the Registered Owner.

There were no further questions for Mr. Clark.

ADJOURNMENT

Councillor DeRoche noted that the time had gone beyond the Curfew of the previous evening of hearing this issue. He advised that based on the complexity of this issue, it was unlikely that a decision could be reached this evening. He, therefore, proposed the following motion:

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

"THAT the Hearing be recessed until September 9, 1983, at 7:00 P.M."

Motion Carried.

Therefore, the Public Hearing adjourned at 11:30 P.M. until Friday, September 9, 1983 at 7:00 p.m.

SEPTEMBER 9, 1983

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

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
 Mr. G. J. Kelly, Municipal Clerk
 Mr. Robert Cragg, Municipal Solicitor
 Mr. Keith Birch, Chief of Planning and Development

SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING

Warden MacKenzie brought the Public Hearing to order at 7:10 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

PUBLIC HEARING - COBEQUID INDUSTRIAL PARK - DAY III

Warden MacKenzie reiterated the procedure to be followed for the Public Hearing, advising that on September 1, 1983, the Public Portion of the Hearing was completed and the floor was now open for a motion and discussion of Council.

MOTION AND DISCUSSION OF COUNCIL

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

"THAT the Application for the Planned Unit Development Agreement No. 3-79-14 for the Cobequid Industrial Park, Cobequid Road, Halifax County, be rejected by Municipal Council."
Motion Withdrawn.

The above motion was withdrawn subsequent to clarification of Mr. Cragg that if Council wished to reject the P.U.D. Agreement, then the previous motion, of January 19, 1982, approving the Agreement in principle would have to be rescinded.

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

"THAT the motion of Council, January 19, 1982, with regard to approval in principle of the Cobequid Industrial Park proposal be rescinded by Municipal Council."

Council questioned the Solicitor's ruling in this matter. Councillor Poirier, in particular, questioned how Council could rescind the motion when all Councillors cannot vote on the original project.

Solicitor Cragg advised that any Council can rescind a motion of a previous Council so long as no action has been taken.

Councillor MacKay questioned whether it was legally appropriate that every Councillor in attendance this evening would be eligible to vote on that motion, to which Solicitor Cragg advised that they would be eligible. Councillor MacKay then questioned if the above motion is defeated and a subsequent motion is proposed to accept the P.U.D. Agreement, who would be eligible to vote on the second motion.

Solicitor Cragg advised that should the motion to rescind pass, it would then be inappropriate to have another motion following thereafter to approve it.

Councillor Lichter did not think it was proper that Council should be told that only a portion of the Council can vote on the issue because some Councillors were not present at the outset and know little about the issue, yet all Council can vote to rescind the approval when presumably they still know little about it. He felt that two to three months ago, Council was directed to hear three specific issues and he felt that all Council Members should be permitted to vote on those three issues. He indicated it was a disservice to both the Developer and the opposing Residents, to hear an issue, refer it to the ECC, hold ECC hearings, accept recommendations of the ECC, then hear the three contentious issues and then to turn around and rescind the previous motion of approval in principle which had referred the issue to the ECC in the first place. Councillor Lichter indicated that he would not vote on a motion to rescind the previous motion.

Warden MacKenzie questioned Mr. Cragg as to Council's position if the motion to rescind were approved by Council, and was advised by Mr. Cragg that should this motion pass, it would void and nullify the previous motion of January 19, 1982 and there would be no motion whatsoever on the floor.

Councillor Mont indicated that once there was no motion on the floor, that the Staff recommendation would either have to be accepted or rejected in order to dispose of the matter; however, he agreed that it would make little sense to accept it.

Council then entered into lengthy debate regarding the restriction to three items and the present motion which would effectively place the entire issue of the P.U.D. on the floor for consideration. As well, Council discussed how this would tie in with the Solicitor's previous ruling relative to the voting procedure which would restrict at least seven Councillors from voting on the issue.

This discussion resulted in the following motion of deferral:

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

"THAT the decision relative to the Cobequid Industrial Park P.U.D. Agreement, be deferred subsequent to a short Public Hearing in which the entire issue can be aired before all Councillors, who can then make a proper decision."

Motion Defeated.

Councillor MacKay questioned whether all Councillors in attendance tonight were eligible to vote on a positive motion to accept the whole P.U.D. proposal.

Solicitor Cragg advised that he saw no reason why all members of Council cannot vote on the motion to rescind or why they could not all vote on a motion to reconfirm a previous motion of Council, subject to whatever changes.

Councillor MacKay then question whether all Councillors present this evening were eligible to vote on the three issues discussed throughout the Hearing regardless of their attendance during the Hearing to which Mr. Cragg advised that if all Councillors in attendance this evening feel that they are competent to vote on it and if they feel they have a firm grasp on all facts and facets of the proposal, then yes, they should be permitted to vote on the entire issue.

Councillor MacKay took exception to this new ruling based on the inconsistency of the ruling. He advised that on the evening of September 1, he was told by the Solicitor that he would be ineligible to vote as he was not present on August 22, 1983. The Councillor further stated that a clear concise ruling should have been circulated to all Councillors relative to voting with alternatives included.

Solicitor Cragg advised that if Council wishes him to underscore his previous ruling that only those Councillors who were in attendance for each and every portion of both Public Hearings, could vote then he would do so; however, he advised that in fairness to all Councillors, in order that no-one would be disqualified from voting and so that all members of Council could participate, he is allowing them to vote, if they feel they are adequately apprised of all pertinent information relative to the Cobequid Industrial Park proposal.

Councillor Lichter advised that at the outset of each and every Public Hearing, the Chair indicates to Council, the manner in which a Public Hearing is to be conducted. He requested that Warden MacKenzie read to Council, the last sentence in that instruction.

Warden MacKenzie read to Council as follows: "Each Person will be allowed to speak only once on each Application following County Council hearing all opinions in favour of and opposed to the Application, as well as all written submissions, they will try to reach a decision that is fair and impartial."

Councillor Lichter indicated his understanding then that the emphasis was placed on fair and impartial. He asked Mr. Cragg whether it was fair and impartial to lead a party to believe for two years and two months that Council approves of their proposal in principle and then because Council is weary of Public Hearings, to change its opinion, in a motion of rescission. He felt that if the three issues which had been addressed throughout the Hearing have been met and agreed to by the Developer, that Council then has an obligation to approve the proposal; if he has not or will not meet the ECC recommendations, relative to the three contentious issues, then and only then, should the proposal be rejected.

Councillor Lichter further advised that the present Developer has purchased the proposed site, with the understanding that approval of the project was imminent and further that Council has unwittingly and unintentionally increased the price of that land by its approval in principle which had increased its value.

Solicitor Cragg advised that based on Councillor Lichter's comments, then the only other motion which would be acceptable would be a motion to approve the project. Unfortunately, Councillor Snow had already placed a motion of rescission on the floor; that motion, he advised, is technically in order.

Councillor Lichter advised that the Solicitor had misunderstood the intent of his statements; Councillor Lichter advised that if even one of the three issues this Hearing was called to discuss, does not meet with the agreement of the Developer, then a motion of rescission of approval thus rejecting the proposal, would be acceptable.

Solicitor Cragg then advised, that obviously Councillor Snow did not feel that all three issues were acceptable to the Developer or to the Resident's Association.

Several Councillors debated this issue at length and were opposed to Councillor Snow's motion as it ignored the three issues and dealt with the entire P.U.D. from day one. Subsequent to this discussion, the question was called on the motion to rescind:

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

"As previously written." Motion Defeated.

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

"THAT the Application for the Planned Unit Development Agreement No. 3-79-14 for the Cobequid Industrial Park, Cobequid Road, Halifax County, be rejected by Municipal Council."

Councillor Snow advised that the proposed site for the Cobequid Industrial Park was one of the most environmentally-sensitive areas in the Region. He advised that studies are underway by the Federal Department of the Environment and the Provincial Department of Environment, to determine the impact of development in the area. On-Site sewers positively would not be feasible in this area. He advised that the site is poor one for what is proposed by Cobequid Industrial Park Limited Partnership. The cost to the residents had been high and will escalate further if the development fails and someone else has to take it over. He advised that the establishment of a waste water management district, if holding tanks are approved, could result in area tax payers having to pay the cost of cleaning up the lakes, should there be a control failure. Councillor Snow indicated that the proposal was not worth the risk of all the potential problems and costs. He indicated that the approval of the Cobequid Industrial Park was not in the best interests of the Municipality or of District No. 14. He advised that the risk associated with the Park far outweighs any possible benefits and furthermore there is no economic need for an additional Industrial Park in the Municipality at the present time. He indicated that all information suggests that there is an overabundance of parkland now and sufficient industrial parkland to service demands in the future.

Based on the above information, Councillor Snow requested Council's support in his motion of rejection of the proposed Industrial Park.

Councillor Lichter advised that he would not support the motion based on the fact that the proper manner in which to address this issue would have been to debate every single item of the three and should any one of those three items have failed, according to the opinion of Council, then the project should be rejected.

Councillor Deveaux indicated that he was not in support of the motion either, as the proposed use of holding tanks would prevent any potential damage to the area, in his opinion.

Councillor Wiseman advised that she had previously supported the motion of approval in principle back in 1982; however, during this Hearing it has become obvious to her that there were still no water-tight assurances with regard to the environmental concerns. Based on this, she was in support of the motion proposed by Councillor Snow.

Councillor Mont advised that he could support the Development if the Developer was agreeable to all three of the contentious recommendations of the ECC. However, in his broad interpretation of the Minister's intention when recommending the Treatment Plant, the Developer has indicated that there will be no "industrial waste" and he is not agreeable to construction of the treatment plant. Based on this he would not support the Development but would support Councillor Snow's motion of rejection.

At this point Mr. Birch interjected, referring Council to the summary of disposal methods which indicated that a Treatment Plant discharging into the Lakes would have a greater negative impact on the lake system than would holding tanks, which the Developer has agreed to.

Councillor Poirier indicated her opinion, relative to the Environmental concerns that there is no such thing as a water-tight solution. She was in favour of the Development in the Municipality and felt that the Businesses which would be located in that Park would be a boost to the tax base of the area. Councillor Poirier further advised that there was an Industrial Park in her area and she indicated that she would prefer septic tanks in that park over the treatment plant which is there now. She advised that the overflow of that treatment plant had dirtied Governor's Lake. Based on these aspects she would not be supportive of Councillor Snow's motion.

Councillor DeRoche indicated his opinion, that the motion on the floor should be rejected subsequent to which the three issues, referred to repeatedly throughout the Hearing, and in fact for which the Hearing was called, should be discussed.

Councillor Deveaux indicated his opposition to the motion on the floor as did Councillor Gaetz.

However, Councillors Eisenhower and MacDonald as well as Deputy Warden Margeson spoke in support of Councillor Snow's motion, subsequent to which the question was called on the motion.

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

"THAT the Application for the Planned Unit Development Agreement No. 3-79-14 for the Cobequid Industrial Park, Cobequid Road, Halifax County, be rejected by Municipal Council."
Motion Carried.

The above motion was carried 13 - 7.

ADJOURNMENT

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

"THAT the Public Hearing adjourn."
Motion Carried.

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

PUBLIC HEARING

AUGUST 29, 1983

PRESENT WERE: Deputy Warden Margeson, Chairman
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
Councillor Mont

ALSO PRESENT: Mr. Keith Birch, Chief of Planning & Development
Mr. Robert Cragg, Municipal Solicitor

SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

Deputy Warden Margeson brought the Public Hearing to Order at 7:10 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Birch then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

PUBLIC HEARINGS

Deputy Warden Margeson reviewed, for the benenfit of those persons in the Gallery, the procedure to be followed for the Public Hearing.

REZONING APPLICATION NO. RA-SA-07-83-20

Rezoning Application No. RA-SA-07-83-20 was a request to rezone parcel "D", Phase 11, of the Sackville Land Assembly, located on First Lake Drive at Lower Sackville, District 20 From R-1 (Single Unit Dwelling) Zone to R-4 (Multi-Unit Dwelling) Zone.

Staff Report

Mr. Bob Gough, Director of Development, approached Council to provide information relative to this application.

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

Mr. Gough then advised that the N.S.H.C. had first requested that both Parcels "E-2" and "D" of Phase 11 be included in the rezoning application but that they had submitted a subsequent request that "E-2" be deleted from the application and only Parcel "D" be dealt with. This request has been received from the N.S.H.C. in writing.

Utilizing an Overhead Projected Map, Mr. Gough outlined to Council the location and surrounding area of the Parcel in question. This Parcel of land was 67,000 square feet, generally flat, with no significant vegetation cover. He advised that the future land use designation in the MDP for this parcel was Urban Residential.

Mr. Gough then advised that the avenue by which Council could consider this application, and if deemed advisable approve it, was set forth under Policy P-31 of the Municipal Development Plan for Sackville, which states: "Council may consider amendments to the Zoning By-Law to permit Rowhouses and Multiple Unit Dwellings".

The Criteria for Evaluation as stated in the Staff Report was as follows:

"In order to ensure that the proposed rezonings will not jeopardize either the spirit of the Municipal Development Plan or the quality of life in the plan area, Council has directed that such rezoning applications have regard to those provisions set forth under Policies P-31 and P-104."

The Comments from the Department of Engineering and Works, as specified in the Staff Report, were:

"The Department of Engineering and Works indicates that the multiple unit dwellings proposed on Parcel ... "D" will not overburden existing sewerage capacity since the main sewage trunk line extends along First Lake Drive. However, it is recommended that appropriate measures be taken to prevent siltation of First Lake, both during and after construction on Parcel "D"."

The Comments of the Department of Planning and Development were:

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

- (a) The proposed rezoning meets the intent of the Municipal Development Plan as required by Policy P-104(i).
- (b) The proposed developments, being located on First Lake Drive have adequate access to open space, shopping, and other community facilities. This is a major requirement for consideration as directed by Policy P-104(ii)(d).
- (c) The Department of Planning and Development notes that in considering multiple unit rezonings, Council shall have regard to Policy P-31(i) which encourages the adequacy of separation distances from low density residential developments. In this regard, the developer should be encouraged to expand upon the minimum side yard requirement adjacent to the single and two unit dwellings on Quaker Crescent, and retain tree coverage on this side yard.

These measures should ensure an adequate separation between the Quaker Crescent Dwellings and the proposed higher density development on this parcel."

Questions From Council

Councillor MacDonald questioned whether, with this change, there would be suitable protection for the R-1 area.

Mr. Gough advised that the N.S.H.C. are asking for the rezoning before the people get there in order to avoid any future problems.

There were no further questions from Council.

Speakers In Favour of Application

Mr. Jim Georgianis, N.S.H.C.: Mr. Georgianis advised that he was speaking in favour of the application on behalf of the N.S.H.C. He had nothing to add to the Staff presentation but advised that he would be happy to answer any questions Council may have relative to the application.

Questions From Council

Councillor MacKay questioned why Parcel "E-1" had been deleted from the Application.

Mr. Georgianis advised that the N.S.H.C had received interest from a Church Group to purchase this land for a use which was allowed under the R-1 Zone; therefore, there was no reason to rezone it.

There were no further questions for Mr. Georgianis.

Motion and Discussion of Council

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

"THAT the Rezoning request for Parcel "D" of the Lands of the Nova Scotia Housing Commission, Phase 11 of the Sackville Land Assembly, Located on First Lake Drive, Lower Sackville, District 20, from R-1 to R-4, be approved by County Council."

Motion Carried.

REZONING APPLICATION NO. RA-24-08-83-18

Rezoning Application No. RA-24-08-83-18 was a request to rezone Lot "H-1" of the Lands of H. Graham Hefler, located on the Lucasville Road at Lucasville, District 18, From G (General Building) Zone to T (Mobile Home Park) Zone.

Staff Report

Mr. Gough advised that the Public Hearing for this Rezoning Request had been advertised as prescribed under the terms of the Planning Act and that no correspondence had been received either in favour or in opposition to the application.

Utilizing the Overhead Projected Map, he located the subject property which was about one-half way between the Hammonds Plains Road and the No. 1 Highway.

Reading from the Staff Report, distributed to all Councillors, Mr. Gough indicated:

"An application has been received requesting that Lot H-1 of the lands of H. Graham Hefler, located on the Lucasville Road at Lucasville, be rezoned from G Zone to T Zone. As stated by the applicant, Mr. Graham Hefler, the purpose of the rezoning is to permit a 20-30 unit expansion to the present Timber Trails Mobile Home Park, thereby bringing the total number of units to approximately 235.

As a matter of interest, it should be noted that the Park has remained under the private ownership and operation of Mr. Hefler since it was established in 1969. In addition, Mr. Hefler has been successful on two previous occasions in gaining a "T" rezoning, once when the park was being established and again in 1970 when the park underwent a major expansion."

The Report then described the lot in detail relative to area, dimensions and features, as well as surrounding land uses. (Please refer to Report, if additional detail is required.)

The Comments of the Department of Health, as specified in the Staff Report, were:

"In light of the fact that the existing mobile home park is serviced by private wells and two sewage treatment plants, the Department of Health was asked to comment on the proposed rezoning with respect to the existing servicing system's capability to handle the increased volumes of sewage and water consumption. The Department, while it feels an additional sewage treatment plant will be needed if an expansion takes place, has replied that it, "has no objections to the proposed rezoning provided that the technical requirements of water supply and sewage collection and disposal are met"."

The Comments of the Department of the Environment were:

"The Department of Environment has stated that it has no objections to the proposed rezoning. However, certain conditions would be compulsory in order to sustain the number of units projected for the site. Therefore, the Department, in conjunction with the Department of Health, will be requiring the applicant to satisfy all necessary requirements prior to any development taking place."

The Comments of the Department of Engineering and Works Management Committee, were:

"Through correspondence received from various provincial agencies, it is apparent that the applicant will be required to install a third sewage treatment plant should the rezoning application be approved. Given Council's policy of discouraging the development of private servicing systems, the application was forwarded to the Department of Engineering and Works for comment. The Department has replied that the matter was brought to the attention of the Management Committee with the result being: "so long as the requirements of the Departments of Health and Environment are received, the Municipality has no objections" to the installation of an additional sewage treatment plant."

The Department of Transportation commented:

"The Department of Transportation has advised that it has no objection to the proposed rezoning. However, the applicant will be required to consult with the Department prior to any points of ingress to the park being developed."

Mr. Gough advised that the recommendation of the Department of Planning and Development, was approval of the application for the following reasons:

1. The application has received favorable comments from all Departments that will eventually have some involvements in the park's development.
2. The historical record on the existing park clearly indicates that the applicant has taken exceptional care in complying with all applicable provincial and municipal regulations. This can be seen in the park's well maintained appearance and respectable operating record.
3. Given that the land surrounding the subject property is all but vacant, the proposed rezoning will not create an incompatible or competitive land use situation.

This Completed the Staff presentation.

Questions From Council

None.

Speakers in Favour of Application

Mr. Graham Hefler, Owner of Mobile Home Park: Mr. Hefler indicated that he was, of course, in favour of the application; however, he had nothing to add to the Staff Report. He advised that he would be happy to answer any questions Council may have.

Questions From Council

Councillor DeRoche questioned how large each Mobile Home Lot would be, as intended by Mr. Hefler.

Mr. Hefler advised that each lot would be approximately 4500 sq. ft.

There were no further questions for Mr. Hefler.

Speakers in Opposition to Application

None.

Motion and Discussion of Council

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

"THAT the requested rezoning of Lot H-1 of the Lands of H. Graham Hefler, located on the Lucasville Road, at Lucasville, from G (General Building) Zone to T (Mobile Home Park) Zone be approved by County Council."
Motion Carried.

APPLICATION NO. ZA-TLB-26-83

Mr. Birch, Chief of Planning and Development came forward to outline this application to Council: he read to Council the Report of the Planning Advisory Committee, as follows:

"Upon consideration of permitting development on serviced, private roads in Lakeside, the Report of the Planning Advisory Committee of July 19, 1983, has directed that staff make the necessary amendments to the zoning by-law for Timberlea-Lakeside-Beechville.

Policy P-21 of the Municipal Development Plan for Timberlea-Lakeside-Beechville expressed the intention of Council to permit development on private lanes identified by amendment to the Zoning By-Law. Policy P-21 states:

"It shall be the intention of Council to permit the subdivision of lands abutting private lanes which have municipal sewer and water services. In this regard, the zoning by-law may be amended to identify unlisted travelled ways where subdivision and development may be accommodated. In addition, Council shall establish a schedule of priorities in co-ordinating the development of lands with the road improvements necessary to provide a reasonable level of service to existing and future residents and land users."

Council recently approved of entering into an agreement with the Department of Transportation to permit subdivision on certain private roads. In order that this may be effective in Lakeside, the area's zoning by-law must be amended as follows:

....

1. By adding to Section 4.9 immediately after the words "are satisfied" the following:

"Further, where municipal central sewer and water services are available, development permits may be issued for lots created where the land to be subdivided abuts an unlisted travelled way identified in Appendix "E" of this By-Law."; and

2. By adding "APPENDIX 'E' UNLISTED TRAVELLED WAYS" to the Table of Contents and by inserting Map 1 (attached) as "APPENDIX 'E'" immediately following "APPENDIX 'D'" of the By-Law."

Questions From Council

Councillor MacKay referred to a portion of Policy P-21 where it stated: "In addition, Council shall establish a schedule of priorities co-ordinating development of lands with the road improvements necessary to provide a reasonable level of service to existing and future residents and land users". He requested that Mr. Birch interpret the meaning of this excerpt from Policy P-21.

Mr. Birch advised that this would involve, where appropriate, suggestions for improving the quality of a private lane; he advised that he could not speak directly to any one lane but that Council must establish its priorities.

Councillor MacKay questioned what other priority would there be other than up-grading the road or providing other services that would not be available at the present time.

Mr. Birch advised that as he was not directly involved with the Public Participation Committee, he would not be able to answer this question; however, he agreed that, if required, he would bring this matter of the priorities back before Planning Advisory Committee. However, he advised that it was not an impediment in changing the By-Law.

At this time, Councillor Poirier indicated that she would wish to be exempted from discussion and vote on this issue as it would represent a Conflict of Interest. This was agreed to by Council.

Councillor MacKay indicated that in the Beechville-Lakeside-Timberlea area and also in the Eastern Passage area there was an agreement at some point in time, years ago, with the Department of Transportation that private lanes would be put on a list and as the funds became available over the years, the Department of Transportation would upgrade them to their standards and list them. He indicated his understanding that the intention of this recommendation, would be to take that responsibility away from the Department of Transportation. He indicated his concern that this would leave Council vulnerable, at some future date, for a request from the residents on that road to provide services such as snow removal or upgrading.

Councillor Deveaux indicated his understanding that this was no different than the agreement reached for Eastern Passage, where sewer and water services were being provided in Private Lanes. His interpretation was that the last last portion of P-21 is only asking Council to establish priorities but does not indicate that Council should pay for the upgrading of all these lanes. If, in fact, some of the lanes have to be brought up to Highway Standards, the decision will have to be made at that time. He advised that in his area, unless the Provincial Government was willing to cost-share in any upgrading that it would have to be costshared by the people abutting the roadway.

Deputy Warden Margeson questioned whether any correspondence had been received, either in favour of, or in opposition to, this application.

Mr. Birch advised that the Public Hearing on this application had been duly advertised and that no correspondence had been received.

There were no further questions for Mr. Birch.

Speakers in Favour of Amendment

None.

Speakers in Opposition to Amendment

None.

Motion and Discussion of Council

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

"THAT the Amendments to the Zoning By-Law for Timberlea-Lakeside-Beechville, as outlined in the Staff Report be effected."
Motion Carried.

ADJOURNMENT

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

"THAT the Public Hearing adjourn."
Motion Carried.

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

August Council Session - 1983

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REGULAR COUNCIL SESSION

AUGUST 2, 1983

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

ALSO PRESENT: 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 Regular Council Session to order at 6:00 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

APPROVAL OF MINUTES

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

"THAT the Minutes of the April 26, 1983 Public Hearing be approved by Municipal Council."
Motion Carried.

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

"THAT the Minutes of the June 7, 1983 Regular Council Session be approved by Municipal Council."
Motion Carried.

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

"THAT the Minutes of the June 21, 1983 Regular Council Session be approved by Municipal Council."
Motion Carried.

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

"THAT the Minutes of the July 5, 1983 Regular Council Session be approved by Municipal Council."
Motion Carried.

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

"THAT the Minutes of the July 11, 1983 Public Hearing be approved by Municipal Council."
Motion Carried.

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

"THAT the Minutes of the July 18, 1983 Public Hearing be approved by Municipal Council."
Motion Carried.

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

"THAT the Minutes of the July 19, 1983 Regular Council Session be approved by Municipal Council."
Motion Carried.

ADDED AGENDA ITEMS

At this time, Warden MacKenzie questioned whether any Councillors had any items of an emergency nature, which they would like to add to this evening's Council Agenda. The following item was added to the agenda:
- Preston Fibreglass - Councillor MacKay

LETTERS AND CORRESPONDENCE

It was pointed out by Staff that there were no Letters and Correspondence in the Council Agenda. This item had been added to the agenda in case any last minute letters came to Council's attention.

MANAGEMENT COMMITTEE REPORT

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

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

Council Representative - Canada Parks & Recreation Association Conference

Mr. Kelly outlined the Management Committee recommendation relative to a memo received by the Committee, respecting the Canada Parks and Recreation Association Annual Conference to be held in Saint John, N.B. from August 14th to August 18th.

The Management Committee recommended to Council that Councillor Deveaux attend the Conference as a representative of Municipal Council.

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

"THAT Councillor Deveaux attend the Annual Canada Parks and Recreation Association Conference in Saint John, N.B. from August 14th to August 18th as a representative of Municipal Council."
Motion Carried.

Prior to the passing of the motion, Councillor MacKay indicated his understanding that Councillor Deveaux had attended this Conference for several years. He questioned why no other Councillors had been given this opportunity.

Councillor Poirier advised that Councillor Deveaux is a member of a Special Recreation Committee and as such it is his obligation to attend the Conference.

Council Resolution - Capital Grant Reserve \$500,000

Mr. Kelly advised that the Management Committee had received a Council Resolution respecting withdrawal from the Capital Grant Reserve Fund \$500,000 for the Lakeside-Timberlea sewer project.

A copy of this resolution was attached to the Council Agenda for the information of all Councillors - please refer to resolution.

The recommendation of the Management Committee was that Council approve the resolution regarding the withdrawal of the \$500,000 from the Capital Grant Reserve Fund for the Lakeside-Timberlea sewer project.

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

"THAT Council approve the Resolution for the withdrawal of \$500,000 from the Capital Grant Reserve Fund for the Lakeside-Timberlea sewer project."
Motion Carried.

Temporary Borrowing Resolution - \$400,000

Mr. Kelly advised Council that the Management Committee had received a request for a temporary borrowing resolution in the amount of \$400,000 for school properties. (Copy of resolution attached to Council Agenda - please refer to resolution for detail, if required).

It was the recommendation of the Management Committee that Council approve the temporary borrowing resolution.

Mr. Ken Wilson advised that the Municipality does not own the land on which the Smokey Drive School, Sackville and the Cole Harbour High School, Cole Harbour sit. He advised that funds were required to purchase these lands; \$53,745 and \$71,625 respectively. The remaining funds were required for contingency items only.

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

"THAT Council approve a temporary borrowing resolution in the amount of \$400,000 for school properties."
Motion Carried.

Proposed Funding, 1983

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

"The Management Committee received from Mr. Wilson, Director of Finance, a report respecting proposed funding for 1983, totalling \$2,600,000.00, and for which a bond issue is required from the Municipal Finance Corporation.

(Attached is a copy of the Report)

The Management Committee recommend to Council for approval funding from the Municipal Finance Corporation in the amount of \$2,600,000.00."

Mr. Wilson, who had also joined Council for the clarification of this item, read from his August 2nd memo to Members of Council, which further advised:

"The Management Committee report for the Council Session on August 2nd, 1983, recommends to Council the approval of funding \$2,600,000 with the Municipal Finance Corporation.

I have today contacted the Municipal Finance Corporation and they have an additional \$24,107 of that issue which is available. As the County is normally the largest borrower for any issue, we usually are able to accomodate them by funding the odd amounts for the Finance Corporation. I therefore recommend that the Council approve borrowing of \$2,624,107.

The additional \$24,107 would be used to fund the sewage installations for Lakeside. This would mean that the amount shown on the proposed funding for this project would be \$1,331,535.20 in the place of the \$1,307,428.20 which was reported.

We will eventually have to fund approximately \$3,000,000 of the Lakeside Project and any additional amounts funded now will mean we do not have to fund them in the later stages.

The rates that we will be receiving on this funding are 11.15% for one to five years; 12.22% for six to ten years; and 12.75% for eleven to fifteen years.

I have also been informed by the Municipal Finance Corporation that they have an additional \$85,000 available out of this same issue. This would fall within the one to nine years for interest rates. We certainly could use this amount as well and if Council so wishes, they could approve this additional \$85,000 for the Lakeside Sewer project or other projects which we still have to fund. The request to use the \$85,000 is only a request of the Finance Corporation."

Mr. Wilson further discussed the purpose of the proposed funding in the original amount of \$2,600,000.00 This information was found in the Council agenda, as follows:

<u>Description</u>	<u>Proposed Funding</u>
Construct Sewage Holding Tank, E-P	\$ 166,973.00
Pollution Control Decant Tank, E-P	\$ 80,352.59
Elkins Barracks Sewage System	\$ 19,876.21
Sewage Installation, Lakeside	\$1,307,428.20
Installation Water Services, Lakeside	\$ 900,000.00
Smokey Drive School Land Purchase	\$ 53,745.00
Cole Harbour High School Land Purchase	\$ 71,625.00
Total	<u><u>\$2,600,000.00</u></u>

Subsequent to discussion and further clarification of the above information,

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

"THAT the Management Committee recommend to Council for approval, funding from the Municipal Finance Corporation in the amount of \$2,624,107.00."
Motion Carried.

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

SUPPLEMENTARY AGENDA

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

"THAT the Supplementary Agenda be received."
Motion Carried.

Report, Re: Planning Advisory Committee

Mr. Birch outlined this item from the Supplementary Agenda, which outlined two rezoning applications.

The first rezoning application, no. RA-24-08-83-18 was a request to rezone Lot "H-1" of the lands of H. Graham Hefler, located on the Lucasville Road at Lucasville, District no. 18, from G (General Business) Zone to T (Mobile Home Park) Zone. It was the recommendation of the Planning Advisory Committee that Council approve the rezoning request and that a Public Hearing be held August 29th, 1983 to deal with the rezoning request.

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

"THAT a Public Hearing be held August 29, 1983 at 7:00 p.m. to deal with Rezoning Application No. RA-24-08-83-18."
Motion Carried.

The second rezoning application, no ZA-TLB-26-83, was a request to amend the Zoning By-Law for Beechville-Lakeside-Timberlea, in order to permit development on serviced, private lanes in Lakeside. It was the recommendation of the Planning Advisory Committee that the amendment to the zoning by-law be approved by Council and that a Public Hearing be held August 29, 1983 to deal with the suggested amendment.

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

"THAT a Public Hearing be held August 29, 1983 at 7:00 P.M. to deal with an amendment to the Zoning By-Law of Beechville-Lakeside-Timberlea."
Motion Carried.

Annexed Lands - City of Halifax Action

The following Report of the Planning Advisory Committee was distributed to Council and outlined by Mr. Kelly:

"The Committee discussed with the Chief of Planning and Development the status of the City's actions with respect to the County's objection to the proposed Plan and Zoning By-Law amendments, and where the matter was with respect to any court appeals. Mr. Birch advised that action directed to the Appeals Division of the Supreme Court had been denied, but was possible through the Trials Division, which is being followed by the Solicitor.

Mr. Birch further advised that, notwithstanding the County's objection, the City approved their staff recommendations, bringing about amendments to the Plan and Zoning By-Law, to permit industrial development with onsite services. Consequently, the Committee passed the following motion: That it be recommended to Council that, subject to the Minister approving the land use strategy, the City of Halifax amendments to the Land Use By-Law, contained in a Staff Report dated June 6, 1983, and numbered case No. 4372, be appealed to the Nova Scotia Municipal Board."

Subsequent to brief discussion of this item,

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

"THAT the Supplementary Planning Advisory Committee Report relative to annexed lands - City of Halifax Action be tabled by Municipal Council."
Motion Carried.

Appointment to Jury Committee

A memo from Mr. Kelly was distributed to Council which read:

"The Prothonotary of the Supreme Court has requested the Municipal Council to appoint a person to represent the Municipality on the Jury Committee.

The Jury Committee is required under the Juries Act to select names of persons to serve as Jurors.

Council is therefore requested to appoint a person to represent the Municipality on the Jury Committee."

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

"THAT Councillor Gordon Snow be appointed to represent the Municipality of the County of Halifax on the Jury Committee."
Motion Carried.

RRAP PROGRAM - COUNCILLOR DEVEAUX

Councillor Deveaux had requested that this item be added to this evening's agenda. However, he now advised that he had recently attended a Policy Committee Meeting at which this item had been discussed; he, therefore, advised that there was no need to discuss the issue further this evening.

MINIMUM STANDARDS & MAINTENANCE BY-LAW - COUNCILLOR MACKAY

Councillor MacKay had previously requested this item to be put on this evening's agenda for the purpose of receiving an up-date. However, he advised that Mr. Kelly has already provided him with an up-date on the By-Law.

Councillor MacKay requested, however, that some provision be included in the By-Law for Smoke Detectors to be installed mandatorily in Single Family Dwellings.

Solicitor Cragg advised that the Draft Minimum Standards & Maintenance By-Law he had prepared had been revised by Staff and would soon be presented to the Policy Committee in connection with the RRAP Program.

CURFEW BY-LAW - COUNCILLOR MACKAY

Councillor MacKay, who had previously requested this item to be put on the agenda, advised that when the Municipality had previously attempted to establish a Curfew By-Law, the Department of Municipal Affairs had advised that such a By-Law would not pass legislation.

Councillor MacKay did not agree with that. He felt that if the Municipality owns parklands, etc. it should be able to put hours of limitation on that property.

He further advised that, whenever possible, the RCMP attempt to enforce the Loitering By-Law. However, in discussions with the RCMP, it was indicated to him, that they felt there should be a simpler and more enforceable By-Law, such as a Curfew By-Law.

Councillor MacKay also advised that the City of Dartmouth has a Curfew By-Law which is working favourably for them.

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

"THAT the Policy Committee be requested to investigate the possibility of establishing a Curfew By-Law for Municipally-owned property and, if necessary, meet with Officials of the Department of Municipal Affairs."

Motion Carried.

Councillor MacKay also requested that he be invited to attend the Policy Committee Meeting at which this issue is discussed. This request was agreed to by Council.

SPEED LIMIT, SANDY COVE - COUNCILLOR BAKER

This item had been added to this evening's Agenda at the last Council Session.

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

"THAT the Department of Transportation be requested to post a Speed Limit Sign in Sandy Cove, Terence Bay, indicating a Speed Limit of 50 kilometers, per hour."

Motion Carried.

Councillor Baker clarified that this sign would be for the one quarter mile of road leading from the Beach to the Cul-de-sac.

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

"THAT the Department of Transportation be requested to reduce the speed limit from the City of Halifax limits to beyond Herring Cove on the Ketch Harbour Road, from 70 kilometers to 50 kilometers."

Motion Carried.

PUBLIC HEARING

Warden MacKenzie outlined to those present in the Council Chambers, the procedure to be followed for the Public Hearing advising that subsequent to a Staff Report, those persons in favour of the applications would be permitted to speak, then those in opposition. Subsequent to that, Council would make the decision relative to the applications.

Minor Variance Application No. MV-20-15-83

Warden MacKenzie advised that this Minor Variance Application was a request by Saysf Developments Limited for a flankage Yard Setback of 15 feet on Lot 27AX of the Fred A. Dyer Subdivision located on the corner of Mowat Crescent and Caudle Park Crescent, Sackville.

Staff Report

Mr. Mike Hanusiak distributed to Council photographs of the subject property. He then read to Council, the Staff Report on the Appeal which advised:

"The following is a chronological list of events surrounding the granting and subsequent appeal of Minor Variance Application No. MV-20-15-83, a request by Saysf Development Limited to construct a single family dwelling with a flankage yard setback of 15 feet on Lot 27AX of the Lands of Fred A. Dyer, located at the corner of Mowat Crescent and Caudle Park Crescent. The list is supplemented with information pertaining to the manner in which the variance was granted.

1. June 16, 1983 - Application submitted by Saysf Developments requesting a minor variance to permit construction of a dwelling within 15 feet of Mowat Crescent.
2. June 17, 1983 - Lot 27AX, lands of Fred A. Dyer is approved as per the County of Halifax Subdivision Regulations.
3. July 1, 1983 - Appeal period for Lot 27AX expires.
4. July 5, 1983 - Minor Variance Application No. MV-20-15-83 was approved as requested under the terms outlined in Section 80 of the Planning Act.
- Property Owners within one hundred (100) feet of the requested variance notified of the approval and advised that an appeal could be lodged within 18 days from the date the letter was issued.
5. July 15, 17, 1983 - Letters of appeal received from:
- Mr. B. R. Cavier
Mr. A. J. Hartnell
- (Mr. Hartnell's objection not considered valid as his property is beyond the 100 foot affected area.)
6. July 26, 1983 - Residents within 100 feet of requested variance notified of appeal and the date and time to be heard by Council.

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."

Questions From Council

Councillor MacKay questioned how the front of the proposed dwelling, lines up with the building lines of the other lots on Mowat Crescent.

Mr. Hanusiak replied that it does not line up too badly; in fact he has seen worse in the same neighbourhood.

Warden MacKenzie questioned whether the foundation of the proposed dwelling had been started and was advised by Mr. Hanusiak that the lot is still vacant.

The Deputy Warden questioned whether the minor variance would cause a traffic hazard and he was advised by Mr. Hanusiak, that in his opinion, it would not. He advised that there was a stop sign there and sufficient sighting distance.

Council further questioned Mr. Hanusiak briefly in regard to the size of the property.

Speakers In Favour

Mr. Bill Garnett, Representative of Saysf Development Limited: Mr. Garnett advised that the property is presently owned by Mr. Dyer and Saysf Development will purchase the property if and when the minor variance is approved. If approved, the Company wishes to construct a 24 foot wide and 40 foot long single family dwelling on the property as shown in the plans distributed to Council as part of the Staff Report. He advised that in order to put that size of home on the property which is approximately 30 feet by 60 feet, a 15 foot variance is required on Mowatt Crescent. He advised that the Company did not feel this would jeopardize the looks of the surrounding properties or the subject property; in fact, they felt the proposed dwelling would fit in nicely with the other homes in the neighbourhood with a market value in the same price range.

Questions From Council

In response to questioning from Councillor McInroy, Mr. Garnett advised that the house would be stick built.

There were no further questions for Mr. Garnett and no further speakers in favour of the Minor Variance Application.

Speakers in Opposition

Mr. B. R. Cauvier, Appellant: Mr. Cauvier advised that when he purchased his home, the lot in question was not a building lot but was owned by the Municipality and being used as a type of garbage disposal area. He advised that he was in opposition to the construction of a home on the lot with a 15 foot variance as it would depreciate the value of his home and he was also concerned about overcrowding of the neighbourhood.

Questions From Council

Councillor Lichter questioned whether there were water and sewer services in that area when Mr. Cauvier had moved in.

Mr. Cauvier advised that there were.

Councillor Lichter then questioned whether Mr. Cauvier was aware of the usual size of a serviced building lot, when he had purchased his home.

Mr. Cauvier advised that he had not been aware of the size of a serviced building lot at that time as his home had already been built.

Councillor Lichter indicated to Mr. Cauvier that persons who are afraid of overcrowding usually go into a Rural area where they can purchase a larger lot.

Council then briefly discussed the history of ownership of the lot and determined that it had previously been a portion of the N.S.H.C. lands.

There were no further questions for Mr. Cauvier and no further speakers in opposition.

Motion and Discussion of Council

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

"THAT the position of the Department of Planning and Development be upheld, relative to Minor Variance application No. MV-20-15-83."
Motion Carried.

Undersized Lot Application No. F255-83-9

This Application was to consider the lands of Desmond and Lucy Dobson under the Municipality's Undersized Lot Legislation.

Staff Report

Mrs. Dorothy Cartledge outlined the following Staff Report to Council.

"The Development Control Division has received the attached application for Final Subdivision Approval for Block DD-1 of the lands of Desmond and Lucy Dobson, located in West Lawrencetown, through the section of the Municipality's Undersized Lot Legislation.

The purpose of this request is to enable Block DD-1 to be subdivided from the remaining property which contains approximately 40 acres. There is a dwelling on Block DD-1 and this lot has an area of 2.24 acres, but only 25 feet of road frontage, falling short of the Municipality's requirement of 75 feet by 50 feet.

The reason for the reduced road frontage on this lot is that the remaining property must be left in an approvable state with at least the required 75 foot of road frontage. Since no extra frontage can be acquired from adjacent properties, Block DD-1 can only receive approval through the Undersized Lot Legislation.

This application has been processed in the normal manner and positive comments have been received from the Department of Transportation, Department of Municipal Affairs, and the Department of Health.

(As well, Mrs. Cartledge advised that the Municipal Solicitor sees no problems with the application).

The Development Control Division would recommend: That Block DD-1 of the Desmond and Lucy Dobson Subdivision, located on the West Lawrence-town Public Road at West Lawrencetown be approved by County Council."

Questions From Council

None.

Speakers In Favour

Mr. John Wood, Solicitor for Lucy Dobson: Mr. Dobson advised that the problem with this lot is that there is a great deal of land but only a small road frontage. He also advised that since it is in a Rural area it is not serviced. He indicated that although there was 40 acres of land, due to the dissolution of the marriage of Desmond and Lucy Dobson, this lot of 2.24 acres, is going to be cut off and given to the husband.

He further advised that Mrs. Dobson would have 38 acres of land left on which she intends to place a Mobile Home. He indicated that the land has been in Mrs. Dobson's family since 1907.

Questions from Council.

Councillor DeRoche questioned whether it was intended to decrease the frontage on the roadway. He was advised by Mr. Wood that this was not the case.

There were no more questions for Mr. Wood and no further speakers in favour.

Speakers In Opposition

None.

Motion and Discussion of Council

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

"THAT Block DD-1 of the Desmond and Lucy Dobson Subdivision, located on the West Lawrencetown Public Road at West Lawrencetown, be approved by County Council under the Undersized Lot Legislation."

Motion Carried.

REPORT, RE: SACKVILLE LANDFILL SITE - DEPUTY WARDEN MARGESON

The Deputy Warden had requested at the last Council Session, that a Report be tabled relative to the Sackville Landfill Site during this evening's Council Session.

The following report, relative to leachate treatment and methane gas at the site, was distributed to Council:

"This report was prepared in response to a request from Halifax County Council. It is intended to update Council on the activities that have taken place this year at the Highway 101 Landfill Site regarding the treatment of leachate and the collection of methane gas and to outline work planned before the end of the year.

On March 8th, 1983 an invitation was sent out to four engineering consultants requesting proposals on conducting a leachate treatability study. The proposals received were reviewed with the Nova Scotia Department of the Environment and on May 10th the study was awarded to H. J. Porter and Associates Limited. The study commenced immediately with the preparation of laboratory facilities. On May 24th a meeting was held with the consultants to arrange for flow measuring facilities to be installed at the landfill and for the use of Authority Personnel maintenance. The first sample of leachate was sent to the Pathology laboratory for analysis in June. As of the middle of July results of the analysis had not been received. Delays in subsequent lab results will not have a significant bearing on the study.

The leachate recirculation system was put in operation in May. This system recirculates leachate from the treatment pond back to infiltration wells constructed in the landfill. The recirculation system is capable of recirculating about 180 percent of the leachate flow. The system has been modified making it possible to regulate the amount of leach being returned.

This will eliminate the possibility of lowering the liquid level in the leachate ponds to a point where the liners will begin to float.

With the leachate recirculation system in place it was possible to eliminate the effluent flow from the leachate ponds to the surface water settling ponds. No flow has taken place since the middle of June.

In April the aeration system to aerate the leachate treatment ponds was placed in operation. One pond was aerated and the other pond was operated as an anerobic lagoon. On July 22nd the amount of dissolved oxygen in the pond that was being aerated was measured. It was found that the pond was anerobic and that the aeration system was not capable of turning the pond aerobic. It was decided to shut down the aeration system and operate both ponds anerobically until the recommendations of the treatability study are known.

One of the recommendations of the 1982 study conducted by H. J. Porter and Associates on the landfill was that a second outlet be constructed from the final surface water settling pond. This second outlet would direct the effluent from the pond to a second swamp thus giving the swamp that is presently receiving the flow a chance to recover. Due to the dry summer there has been no flow from the ponds since the end of June. Tenders were invited from five contractors for the construction of this outlet. These tenders close August 10th, 1983. Construction of the outfall will take place shortly thereafter.

In 1982 the four surface water settling ponds were dredged out. This year it is planned to pump out the first pond only to determine how much silt has accumulated over the past year. If a sufficient amount has been deposited in the pond it will be cleaned out. If the first pond is kept clean it may be several years before the other ponds will have to be dredged out again.

As a result of a Federal-Provincial Government energy agreement funds were made available to the Metropolitan Authority to conduct a methane gas recovery experiment at the landfill. In 1982 a system of collection wells and piping was constructed. Preliminary tests indicated that methane gas of burnable quality was available. However, when the well field was pumped it was found that a sustained yield of gas was not available. It was found possible to burn the gas for a maximum of fifty-five minutes only. It is believed that there are two reasons for not getting a large quantity of gas at the time. One is due to the fact that the garbage was still relatively fresh. It had not broken down to the point where large quantities of methane would be generated. The second is that there may not be good migration of gas from one garbage cell to another, thus the wells were picking up methane gas only from the cells they penetrated.

The gas collection system remained in place, however, it is not being operated or tested at the present time. It is anticipated that the leachate recycling program will help improve the quality and quantity of methane gas. The system will be tested from time to time and when sufficient gas is available the experiment will continue."

Council discussed this item at length and the following was requested by the Deputy Warden:

1. That Staff investigate selling old tires on land at or near the landfill site and report back to Council with recommendations;
2. That Staff also report on the samples of leachate that were sent to the Department of Health when they are completed;