

At this time, it was requested that the mover and seconder of the original motion withdraw their motion, in order that another may be proposed. Councillors DeRoche and Baker agreed to withdraw their original motion.

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

"THAT a Public Hearing be held November 2, 1983 at 7:00 P.M. to deal with Rezoning Application No. RA-TLB-37-83-02."
Motion Withdrawn.

The above motion was withdrawn as it was determined that this date also was inconvenient for the majority of Council Members to attend due to previous commitments.

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

"THAT a Public Hearing be held November 3, 1983 at 7:00 P.M. to deal with Rezoning Application No. RA-TLB-37-83-02."
Motion Carried.

Subsequent to the above, Warden MacKenzie declared a ten minute recess.

MANAGEMENT COMMITTEE REPORT

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

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

Proposed Lease and Improvement to Parkland

Mr. Kelly reading from the Management Committee Report, advised:

"The Management Committee received a report respecting a request from the Tantallon Woods Homeowner's Association, a duly incorporated body under the Societies Act, that the Municipality lease to the Association a piece of parkland located on White Birch Drive, Tantallon Woods Sub-division.

The Homeowner's Association intends to construct a playfield on the lot. The Recreation Department has indicated their agreement with the proposed facility and lease arrangement. A swampy area presently exists on the site and must be drained by means of a trench before the playfield can be built. The estimated cost of this work is \$1,500.

The Homeowner's Association requests that an amount of \$1,500. for construction of the drainage ditch be made available from the Municipality's Reserve Fund for Green Areas.

The Management Committee recommend to Council that the Municipality enter into a leasing agreement with the Tantallon Woods Homeowner's Association to facilitate maximum use of the subject property and

further that an amount of \$1,500. be made available from the General Green Area Reserve Fund to enable the required drainage and that subsequent ground work be carried out in accordance with recommendations made by the Engineering Department to ensure proper drainage of the property in the future."

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

"THAT the Municipality enter into a leasing agreement with the Tantallon Woods Homeowner's Association to facilitate maximum use of the subject property and further that an amount of \$1,500. be made available from the General Green Area Reserve Fund to enable the required drainage and that subsequent ground work be carried out in accordance with recommendations made by the Engineering Department to ensure proper drainage of the property in the future."

Councillor Eisenhauer spoke at length in opposition to the above motion. It was his understanding that the General Green Area Funds were not to be used for this purpose but rather for the purchase of Parkland.

However, Mr. Meech advised that the old Planning Act is silent on this issue which would not necessarily mean that it was not in accordance with the Act, while the New Planning Act does indicate that the funds could be used for this purpose. It was the Solicitor's opinion that the Old Planning Act did intend that the funds could be used for upgrading and development of Parkland, as the new Planning Act spells it out clearly.

This was also the position of Mr. Cragg, Municipal Solicitor, that the funds could be used for improvements or upgrading and development of Recreational Parkland, as well as for the purchase of such land.

Subsequent to the above discussion, the question was called on the motion.

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

"As written previously."
Motion Carried.

Request From Cole Harbour Boys and Girls Club for Site for Proposed New Facility

Mr. Kelly reviewed this item from the Management Committee Report, advising:

"The Management Committee received a report respecting a request from the Cole Harbour Boys and Girls Club that the Municipality make available to the Club approximately one acre of land to construct, through its own fund raising, a new facility. The proposed site is located on the Northeast corner of Town Centre stage 3 in the Nova Scotia Housing Commission Forest Hills Development.

The Management Committee recommend to Council that the Municipality approve the request of the provision of a one acre site on a lease basis to the Cole Harbour Boys and Girls Club and further that a letter be forwarded to the Nova Scotia Housing Commission requesting both approval of their executive committee transferring this site to the Municipality prior to the conveyance of the Town Centre and that the Nova Scotia Housing Commission attempt to begin development and servicing of phases 10 and 11 in the vicinity of this site."

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

"THAT the Municipality approve the request of the provision of a one acre site on a lease basis to the Cole Harbour Boys and Girls Club and further that a letter be forwarded to the Nova Scotia Housing Commission requesting both approval of their executive committee transferring this site to the Municipality prior to the conveyance of the Town Centre and that the Nova Scotia Housing Commission attempt to begin development and servicing of phases 10 and 11 in the vicinity of this site."

Councillor DeRoche advised that three years ago Council had adopted a recommendation of the Urban Advisory Board which was that the Westphal Cole Harbour Service Commission would be the body responsible for Development of Recreational Facilities. He felt that by approving the above motion, Council was overriding that agreement.

Councillor Deveaux questioned whether the proposed location for the Boys and Girls Club was within the serviceable area; he was concerned that by recommending further construction of homes, the Eastern Passage Treatment Plant would be working over its capacity. However, Mr. Meech assured the Councillor that this portion of Phases 10 and 11 where the facility would be located was within the Serviceable Boundaries.

Councillor Mont referred to the Report on this issue from the Department of Engineering and Works which indicated that the proposed location of the Boys and Girls Club and Phases 10 and 11 were within the Serviceable Boundaries. He also advised that the above motion was to approve a new facility for the Boys and Girls Club and not to approve new housing. Councillor Mont advised that the new facility for the Boys and Girls Club was desperately needed right now and he did not think it was necessary to wait for the approval of the Westphal - Cole Harbour Service Commission.

Warden MacKenzie also spoke briefly in regard to the immediate requirement of a new facility for the Cole Harbour Boys and Girls Club.

Councillor McInroy agreed to modify his motion by deleting the last section, "and that the Nova Scotia Housing Commission attempt to begin development and servicing of Phases 10 and 11 in the vicinity of this site", in order to alleviate the concern of Councillor Deveaux. Councillor Mont, the seconder of the motion, agreed with this change.

Councillor DeRoche referred to his previous comments relative to the agreement with the Westphal - Cole Harbour Service Commission. He

advised that he was not in opposition to a new Facility for the Boys and Girls Club. However, he advised that the present motion on the floor authorizes the Municipality to acquire land for the facility. He indicated that there had been no consultation of this matter with the Service Commission; he was a member of the Commission and did not see the matter come to the Commission for discussion. Therefore, it was his opinion that to pass this motion, would be renegeing on the original agreement.

Subsequent to the above, the question was called on the motion which had been altered by the mover and seconder, as follows:

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

"THAT the Municipality approve the request of the provision of a one acre site on a lease basis to the Cole Harbour Boys and Girls Club and further that a letter be forwarded to the Nova Scotia Housing Commission requesting the approval of their executive committee transferring this site to the Municipality prior to the conveyance of the Town Centre."

Motion Carried.

Renewal of Borrowing Resolution - Westphal - Cole Harbour Service Commission

Mr. Kelly advised that the Management Committee had received a renewal of borrowing resolution for the Westphal - Cole Harbour Service Commission in the amount of \$9,883. He advised Council that this was an annual resolution which is brought before Council for renewal. It was the recommendation of the Management Committee that this borrowing resolution be approved.

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

"THAT the renewal of Borrowing Resolution for the Westphal Cole Harbour Service Commission in the amount of \$9,883, be approved by Council."

Motion Carried.

Preliminary Budget Discussion

Mr. Meech advised that, although this matter was not on the agenda this evening, it was discussed at Management Committee level and was intended to be on the agenda.

He advised that the Committee had discussed his suggestion that Council hold preliminary discussions, regarding the budget, not dealing in specifics but in order to obtain an indication of the impact which present commitments will have on the 1984 budget.

He felt that these discussions should be held in an In-Camera, Committee of the Whole Format where the Department Heads could give their views on what services could be expanded if there are funds available.

Mr. Meech advised that subsequent to discussion, the Management Committee had agreed with this suggestion and had recommended to Council that a preliminary budget discussion be held in a Committee of the Whole Format and In-Camera, Tuesday, October 25, 1983 at 1:00 P.M.

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

"THAT Council hold an In-Camera, Committee of the Whole Meeting, October 25, 1983 at 1:00 P.M. to have preliminary discussions relative to the 1984 Budget."
(See Motion to Amend).

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

"THAT the Preliminary Budget Discussion not be held InCamera."
Amendment Defeated.

The above amendment was defeated subsequent to lengthy discussion, in which Councillor MacKay advised that there had been a decision arrived at several years ago, that budget discussion would not be held In-Camera.

However, Mr. Meech reiterated that this particular meeting was not to discuss specifics of the budget or make any decisions, but only to give Councillors an idea of the impact which present commitments were going to have on the budget and also to bring in Department Heads to give Council an indication of where they would like to go with their Departments if the funds can be made available.

Subsequent to this clarification the amendment was defeated.

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

"THAT the October 25th, Committee of the Whole Meeting be held at 7:00 P.M."
Amendment Defeated.

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

"THAT the October 25th, Committee of the Whole Meeting be held at 4:30 P.M."
Amendment Carried.

Subsequently, the question was called on the motion as amended.

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

"THAT Council hold an In-Camera, Committee of the Whole Meeting, October 25, 1983 at 4:30 P.M. to have preliminary discussions relative to the 1984 Budget."
Motion Carried.

POLICY COMMITTEE REPORT

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

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

Request For District Capital Grant - District 19

Mr. Kelly advised that the Policy Committee had received a request for a District 19, Capital Grant in the amount of \$1,000 for the Springfield Lake Recreation area - Phase 1.

The Committee recommended to Council that this request be approved.

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

"THAT a District No. 19 Capital Grant in the amount of \$1,000 for the Springfield Lake Recreation Area - Phase I, be approved by Council."
Motion Carried.

Request for District Capital Grant - District 3

Mr. Kelly advised that the Policy Committee had received a request for a District 3, Capital Grant in the amount of \$2,000 for improvements to recreation land, Lake of the Woods Subdivision - Phase 2.

The Policy Committee recommend to Council that this request be approved.

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

"THAT a District No. 3 Capital Grant in the amount of \$2,000 for improvements to Recreational Land, Lake of the Woods Subdivision - Phase 2, be approved by Council."
Motion Carried.

Request for District Capital Grant - District 15

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

"The Policy Committee received a request for a District Capital Fund Grant, District 15, of \$500.00 toward the purchase and installation of dry fire hydrants in the area served by ther Herring Cove and District Volunteer Fire Department."

This request was recommended to Council for approval.

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

"THAT a District No. 15 Capital Grant in the amount of \$500 be allocated to the Herring Cove and District Volunteer Fire Department, toward the purchase and installation of a dry fire hydrant system in the area served by that Department." Motion Carried.

The above motion was carried subsequent to clarification by the Municipal Solicitor that this was an allowable use for the District Capital Grant.

URBAN SERVICES COMMITTEE REPORT

This Report had been received by Council when the Supplementary Report to Council had been received earlier.

Grading and Asphalt Paving of Walkways - District No. 16

Mr. Kelly outlined this Urban Services Committee Report advising:

"The Committee was informed of a proposed project to include grading and paving of walkways in District No. 16.

The total cost of completing this project as provided by a contractor to supply all necessary equipment, materials and labour to complete work as required, i.e supply and grading crushed stone, supply and place a two inch compacted thickness of hot mix asphalt, supply and placing of culverts where required amounts to \$27,726.

The Committee recommend to Council that the balance of District 16 Green Area Fund in the amount of \$2,343. be used for this project and the balance of the cost be shared on a 50-50 basis between the County Green Area Fund and the Nova Scotia Housing Commission, subject to receiving approval for cost-sharing for this project by the Nova Scotia Housing Commission."

Councillor MacKay proposed the following motion, altering the Committee recommendation:

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

"THAT the Walkways in District No. 16 be upgraded to Standards of the Municipality, as per the Report of Mr. John Markesino, to the maximum amount of \$27,726.00; \$2,343.00, to come from the District No. 16 Reserve Green Area Fund (depleting the fund), \$12,500.00 from the Nova Scotia Housing Commission and \$12,883.00 from the County General Green Area Reserve Fund."

Motion Carried.

Councillor MacKay spoke at length on behalf of the above motion, subsequent to which it was approved by Council.

AMENDMENT TO TAX EXEMPTION BY-LAW

As part of the Supplementary Agenda, Mr. Kelly had distributed an amendment to the Tax Exemption By-Law which added the following two facilities to the By-Law:

Canadian Association for the Mentally Retarded,
Lower Sackville

Exempted in
Whole

Mount Traber Bible Club Movement

Exempted in Whole,
with the exception
of Director's
Residence

Please see Amendment to By-Law for full clarification.

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

"THAT the By-Law Respecting Tax Exemption be amended to add the CAMR, Sackville for Whole Exemption and the Mount Traber Bible Club Movement for Whole Exemption with the Exception of the Director's Residence."
Motion Carried.

Prior to the passing of the above motion, there was a great deal of discussion, initiated by Councillor DeRoche, particularly with respect to the CAMR and other Organizations who have the potential to arrive at a profit. He advised that the CAMR in Sackville has a workshop which could realize a profit and he questioned how many other Organizations on the Tax Exemption By-Law have this potential.

Mr. Kelly advised that the By-Law is supposed to be reviewed every three years but that amendments can be made to it at any time, either adding or deleting Organizations. He advised that if the status of an Organization changes at any time the By-Law can be amended.

However, Councillor DeRoche asked what mechanism, if any, is in place whereby Organizations which are tax exempt or partially tax exempt have to Report to the Municipality with Financial Statements, etc.

With respect to the CAMR in particular, Councillor Wiseman, indicated that they are a non-profit Organization but if any profit were realized, this would go back into the Organization's work in other areas.

Councillor MacKay agreed with the above and advised that this information would also be available at the Social Services Department.

Councillor McInroy then indicated his opinion that the Eligibility Review Officer who has recently been appointed could look into this problem much the same as he would investigate any other abuse of the Social Service System.

Subsequent to the above and further brief discussion the motion was approved by Council.

REPORT, RE: POSITION OF PLUMBING INSPECTOR

A Report was contained in the Council Agenda relative to a Plumbing Inspector which advised:

"In November of 1980, Council amended the Building By-Law to require that new construction meet the requirements of the National Building Code of Canada 1980. The Code, under Part VII, requires that every Plumbing system should meet the requirements of the Canada Plumbing Code 1980.

This service, for residential construction, is presently being carried out by the building inspectors. Any large scale commercial or industrial development or particular plumbing problems have been forwarded to the Department of Labour, Plumbing Inspection Department. Most complaints are dealt with by our own building inspection staff. No inspection is done prior to an occupancy permit being issued though most illegal connections are done after occupancy of the dwelling.

With the introduction of plastic piping, most plumbing installation in residential dwellings is done by the builder and should receive a regular or qualified inspection service."

The Report outlined the following alternatives to this situation:

1. Continue under present arrangements.
2. It is felt that two plumbing inspectors would be needed to give full coverage to the Municipality to meet the requirements of the 1980 Building Code. However, it may be more appropriate to commence with one inspector who would be primarily concerned with the serviceable areas and particular problems, while day to day inspections be carried out by the building inspectors. A further report on the efficiency of this latter approach would be made after an appropriate period of time. The estimated costs for one inspector, including mileage is \$30,000.

It was the recommendation of the author of the above report, Keith Birch, that one inspector be hired on the understanding that a report on the function be forthcoming in due course.

Mr. Meech had indicated his concurrence with this recommendation.

This report was discussed briefly by Council; however, it was felt that no decision could be made at this time, without first seeing the budget and particularly the Building Inspection Budget.

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

"THAT this matter be deferred until such time as the Budget and particularly the Building Inspection Budget is reviewed."
Motion Carried.

RECOMMENDATIONS OF HALIFAX COUNTY INDUSTRIAL COMMISSION

Councillor MacKay requested that this item be deferred until the last agenda item, as people were coming in at a later time to provide Council with a presentation relative to this item. He also requested consideration that this item be dealt with In-Camera.

Councillor Poirier also requested that her item which she had added to this evening's agenda, Lakeside Industrial Park be deferred and discussed in conjunction with the H.C.I.C. Item.

It was agreed by Council that the items relative to the Lakeside Industrial Park and the Halifax County Industrial Commission be deferred until the last agenda items and that they be dealt with In-Camera.

MCNAB'S AND LAWLOR'S ISLANDS - COUNCILLOR DEVEAUX

Councillor Deveaux had requested at the last Council Session that this item be added to this evening's agenda.

The Councillor spoke at length giving detailed background information relative to a Recreational Plan for McNab's and Lawlor's Islands in the early 1970's and which had been abandoned later for economic reasons, prior to proposing the following motion:

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

"THAT a letter be written to the Minister of the Department of Development of the Province of Nova Scotia requesting the Provincial Government, in conjunction with the Federal Government, seriously consider implementing the plans proposed for McNab's and Lawlor's Islands in the early 1970's pertaining to Recreation, Cultural, Historic and other facilities and further that a copy of this letter be sent to the Provincial Minister of Lands and Forests, the Minister of Tourism and the MLA for the subject Constituency, Mr. David Nantes, and the Honourable Gerald Reagan." Motion Carried.

MUNICIPAL AND REGIONAL DEVELOPMENT PERMITS - DEPUTY WARDEN MARGESON

The Deputy Warden had requested at the last Council Session that this item be added to this evening's agenda.

The Deputy Warden indicated his concern that when the Municipal Development Plans were put in place and the Regional Development Plans were still in place in other parts of the Municipality, Regional Development Permits could be appealed by any person aggrieved by the Granting of a Regional Development Permit, yet there was no avenue of appeal under a Municipal Development Plan. The Deputy Warden requested input from Council as to whether it was felt that some avenue of Appeal should be established for persons aggrieved that a permit has been issued for a Development in an area covered by a Municipal Development Plan and Zoning By-Law.

Warden MacKenzie referred the Deputy Warden to a Report prepared by Staff and contained in the Council Agenda. This Report was prepared in response to the Deputy's Warden request for it at the last Council Session and included two separate sections (1) relative to Municipal Development Permits and (2) relative to Regional Development Permits, as follows:

1. Municipal Development Permits

Section 76 of the Planning Act requires that where a land use by-law is in effect, a municipal development permit is required prior to development being undertaken. Since developments may be exempted from this requirement.

Under Section 77 of the Planning Act, the Development Officer has thirty days from receiving a completed application to grant or refuse a permit.

Section 78 of the Act, allows an applicant to appeal refusal to issue a permit.

Issuance of a permit indicates that the applicant has met all applicable by-laws and regulations of the Municipality. The Planning Act Review Committee was very strong that in such instances there be no appeal permitted to the Act. A person(s), however, feeling that the development officer has erred in issuing the permit, has a remedy of appealing to the Supreme Court to have the permit quashed.

This situation existed under the previous Planning Act.

2. Regional Development Permits

Section III(I) of the Planning Act maintains the requirements regarding the Halifax - Dartmouth Metropolitan Regional Development Plan and regulations. Section V requires that where no municipal development permit is required, then a regional development permit is required.

Section III(II) permits: "Any person aggrieved by the granting of a regional development permit may, within ten days from the granting of the permit, appeal to the Board ...".

This right was contained within the previous Planning Act and may be considered appropriate because of the "broad brush" nature of the Regional Development Plan.

Appeals are to the Nova Scotia Municipal Board.

Mr. Birch, when asked to comment, advised that the above outlines what is in the Act at the present time, and there was nothing he could add to that.

The Deputy Warden advised that he was not comfortable with this and advised that he was now being asked to proceed with Municipal Development Plan in District 15 and wanted to ensure that the Zoning By-Law in the Plan was in concurrence with the MDP.

The Deputy Warden also advised that he wanted assurance that the Public would be drawn into the Planning Process throughout all stages.

Several Councillors spoke on this issue and it was the concensus that no matter how carefully a Municipal Development Plan and Zoning By-Law is prepared something could come up in the future which would necessitate changes.

Mr. Meech indicated his understanding that what Deputy Warden Margeson was looking for was further research into the Municipal Development Plan and Zoning By-Law process. He pointed out that a few months ago the Planning Advisory Committee put together an extensive report in response to the proposed Planning Act. He felt that this section as well as others was addressed at that time and, to his knowledge, the Municipality did not take a stance contrary to the Planning Act.

Councillor DeRoche added to the above that just this evening a resolution was adopted whereby the Planning Advisory Committee is to be charged with maintaining the Public Participation aspect with respect to Planning and planned use. He also advised that in the development of a Municipal Development Plan, there has been more than ample opportunity for the people to ensure that what they want is in fact placed in the Plan. By virtue of this and the fact that there are a number of individuals and organizations that are concerned with the plan and its application, he felt that the public participation aspect is working and he felt that the majority of residents and taxpayers of the Municipality have their rights protected through that process. If, however, they feel a right has been overlooked, they have recourse under civil action through the Courts. He felt that errors will be made from time to time and corrective action, via amendments or other avenues, will have to be made at that time to correct such mistakes.

Councillor MacKay advised that he was in concurrence with the present rules and regulations pertinent to the Planning Act and appeal avenues. He felt that human error would occur at times and would have to be corrected; however, he felt that there should be no change in the present system.

The Deputy Warden was still not satisfied; however, he agreed to leave the issue stand as is for the present.

WALKWAYS, DISTRICT NO. 16 - COUNCILLOR MACKAY

This item had been added to the agenda of this evening's Council Session by Councillor MacKay at the September 20th Council Session.

However, this item had been addressed with the Urban Services Committee Report on the Supplementary Agenda.

Councillor MacKay had also requested that the following items be added to this evening's agenda: (1) Curfew By-Law, (2) Arsenic Filter Units. He agreed at this time, to defer these issues to the following Council Session.

CURFEW ON SCHOOL PROPERTY - COUNCILLOR DEVEAUX

Councillor Deveaux had requested that this item be added to this evening's agenda as an emergency item; however, at this time he agreed to defer it until the next Council Session.

RRAP PROGRAM - COUNCILLOR BAKER

Councillor Baker had requested that this item be added to this evening's agenda as an emergency item.

Councillor Baker indicated dissatisfaction with the service his District was receiving from the Truro Rural and Native and Housing Office relative to the RRAP Program. He requested that this matter be followed up.

Warden MacKenzie advised, that with respect to the particular case Councillor Baker was attempting to resolve, he would put the necessary call through to Truro himself from his office tomorrow.

Subsequent to this, there was some brief discussion relative to the RRAP Program in Rural and Urban Areas.

ADDITION OF ITEMS TO NEXT COUNCIL AGENDA

Warden MacKenzie requested what items, if any, Council would like to have put on the next Council agenda. The following items were added to the Agenda:

1. Sewer Legislation - Councillor MacKay
2. Fire Prevention and Suppression - Deputy Warden Margeson
3. Development Contract, District No. 7 - Councillor DeRoche
4. Bus Routes to Parking Lots Outside Cities - Councillor Eisenhauer

NEW BUSINESS

Councillor Deveaux advised that the two Cities of Halifax and Dartmouth were holding up approval of the new Funding Formula for MTC and the Transit By-Law, at the Metropolitan Authority level. He proposed the following motion to expedite approval of these issues:

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

"THAT Warden MacKenzie meet with the Mayors of the Cities of Halifax and Dartmouth in an attempt to expedite approval of MTC Funding Formula and Transit By-Law." Motion Carried.

RECOMMENDATION, HALIFAX COUNTY INDUSTRIAL COMMISSION

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

"THAT Council go In-Camera to discuss the Recommendations of the Halifax County Industrial Commission, as well as the issue raised by Councillor Poirier, relative to the Lakeside Industrial Park." Motion Defeated.

The above motion was defeated subsequent to lengthy discussion initiated by Councillor Lichter who advised that he had read through the recommendations and saw no reason why they should be discussed In-Camera.

At this time, Mr. Lorne Denny, Industrial Promotions Officer of the Halifax County Industrial Commission and Mr. Donald Cleveland and Gary Armstrong both of the Professional Directors Inc., a financial consulting firm, joined Council to discuss the financial feasibility of developing the Aerotech Industrial Park through the creation of a private corporation selling shares to the Public.

Councillor MacKay, as Chairman of the H.C.I.C. opened the discussion on this issue advising that the Industrial Commission and Council has given the Aerotech Industrial Park top priority and he advised that both the Commission and Council is concerned about the huge financial commitment to the Park todate. He advised that development up until this point in time has been held up due to necessary studies; however, in his opinion it has reached a critical stage on two points, development and marketing. He advised that the key point relative to these issues is financing.

Councillor MacKay advised that the Industrial Commission is recommending to Council tonight a study of a potential source of funding, after considerable study, investigation and deliberation. He advised that if this is successful, it would have the potential to fund Aerotech Park and other developments in the Municipality such as Lakeside.

Prior to the presentation of Mr. Denny, Mr. Cleveland and Mr. Armstrong, Councillor MacKay proposed the following motion:

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

"THAT the Municipality adopt the Study to be completed by Professional Directors Inc., to study the feasibility of developing the Aerotech Business Park through creation of a private Corporation selling retractable, preferred shares to the public (to be completed within 11 weeks) to the maximum amount of \$30,000; \$15,000 from the Municipality and \$15,000 from the Province."
Motion Carried.

Mr. Denny advised that about 15 months ago the Industrial Commission had received a call from a DREE office stating that they had before them a proposal that they felt the Municipality should consider. He advised that Mr. Cleveland who had the proposal was brought before the Commission; the Commission suggested at that time, that they would like to investigate further and that they would get in touch with the Province to see if they would assist the Municipality.

Mr. Meech spoke with the Province and reported back that Mr. Cleveland was going to talk to Members of House. In due time this was completed and Mr. Meech came back with a Report and approval from the Department of Development that they would cost share by 50% in this study.

Mr. Denny then read to Council a portion of the Halifax County Industrial Commission minutes, which outlined to an extent, the proposal of Mr. Cleveland. These minutes indicated that the Commission had recommended to Council approval of the Financial Proposal which would cost \$30,000.

Mr. Meech advised that he could add little to Mr. Denny's presentation; he had sent out to all Councillors the appropriate background material on this issue. He had also distributed to Council copies of the written communication from the Province indicating that they are willing to cost share by 50% this \$30,000 study. Mr. Meech indicated his position that the proposal was a unique idea in the Province of Nova Scotia and he indicated his support of going ahead with the study.

Mr. Meech also advised that he had had the proposal assessed by Mr. Ken Wilson and himself; he had also had discussions with Provincial Officials and he was aware that Mr. Cleveland and Mr. Armstrong have had a number of meetings with Cabinet Ministers as well as Officials at the Province and it had been communicated to them through certain Ministers that they were supportive of the Study.

Mr. Meech advised that Mr. Cleveland was one of the Principals of the Firm, Professional Directors Inc., and Mr. Armstrong was one of the Senior Partners of this Firm. Mr. Meech also named the remaining partners and Principals of the Firm, for Council's information.

Councillor Lichter indicated his understanding that some time ago, Council had approved a motion "in principal" for the acquisition of lands and he advised there was a rider on that motion to the effect, "subject to Government participation" or "Government Funding". He questioned if that motion was as stated or was there a later motion that would indicate that the Municipality could go ahead without Provincial and Federal Financing or Funding.

Mr. Meech agreed that in terms of development of the Park itself, he had not checked recently, but he did remember that such a motion had been passed in Council previously and he did not remember any subsequent motions which would eliminate the rider requiring Provincial Participation.

However, Mr. Meech advised that it was still the intention to pursue Provincial and - or Federal Financial Assistance toward the land acquisition costs as well as the infrastructure development. He advised that when this new proposal came forward it appeared to be a concept that should be at least considered further.

Mr. Meech advised that the question had been raised on several occasions as to what the implications would be with respect to the Municipality's expectation of receiving financial support from either both or one of the Senior levels of Government. He advised that, at the moment, it was not felt that the proposal would be in conflict with that and further it was felt that it might at least be useful to explore.

Councillor Lichter referred to Mr. Denny's statement that 15 months ago the Department of Development spoke with the Financial Consultants and suggested to them that there was a concept that was worth exploring. He felt that indicated that the Government was attempting to see if the Municipality could finance it without their assistance. Therefore, he felt that exploration of the possibility that Mr. Meech mentioned seems to be a little weaker than he had hoped some time ago.

Councillor Lichter then referred to the body of the Report and read one paragraph, as follows:

(page 3, appendix A) - "To be considering the long-term development of an Aerotech Park of the scope proposed would appear to be in the light of using Government sources of funding in these economic times, a doubtful proposition. Financing has become a word to be avoided at all costs in Provincial and Federal Circles."

Councillor Lichter indicated his position that if neither the Provincial or Federal Governments can afford that kind of financing, and then it is suggested that a corporation be set up, shares be issued in the amount \$100,000,000.00 and that those shares be guaranteed by the Municipality, is paramount to saying that while the Federal Government does not want to take on a financial risk and the Provincial Government does not want to take on a financial risk, that the taxpayers should take the risk.

Councillor Lichter advised that if the above was the whole thrust of the study, then he had serious doubt as to whether it should be endorsed. He added that when the Aerotech Industrial Park was first proposed he had felt it was a great dream which he hoped would be realized. However, subsequent to that New Wings, a Consulting Firm, had become involved, then Environmental Study Consultants, and now he found that an additional Consultant was being considered at a time when the Municipality did not even know if the Environmental Study is going to prove to be positive or negative. Councillor Lichter advised that the above were his doubts and based on that he was not in favour of taking \$15,000 from the taxpayers pocket and \$15,000 more from the same taxpayers, at the Provincial level, in order to undertake a study which is based on the fact that Government Assistance, in these economic times, is a doubtful proposition.

Councillor DeRoche advised that, nowhere in the Report, did he get an indication of how long the study is to take although he did get the clear indication that the study is to cost up to a maximum of \$30,000 and that the Consultant is taking a risk in that it may cost more than the \$30,000 and the Consultant is prepared to absorb the costs of the overrun. He advised that the Report, prepared by the Consultants also indicates that if it goes under \$30,000 they will only bill the Municipality for what it actually costs and that the billing will be on a monthly basis with the accounts payable upon receipt. However, nowhere is there an indication of the amount of time the study will take.

Mr. Armstrong advised that the Firm is prepared to start work within five working days of approval to go ahead and they anticipate that a draft submission will be available not later than eight weeks and a final report within two weeks of review of the draft report; this was a total of eleven weeks; therefore the Report, if approved by Council should be completed by the second or third week of December.

Councillor Mont questioned whether the Firm had had discussion or consultation with an Underwriting Firm or what type of investigation they had done to determine whether there was a market for this type of stock offering.

Mr. Armstrong advised that they have had preliminary discussions with underwriters as to the impact that retractable, preferred shares would have on the Canadian Investing Public, and it was the Underwriter's opinion that there is considerable demand for these, and in fact, they could advise Province by Province to what extent these shares would be used up. He advised that there has been considerable demand, to the point where the current demands for investment in this type of vehicle cannot be fulfilled.

Councillor Mont then questioned, based on that, whether it was Mr. Armstrong's feeling and intention that the Municipality would be able to raise fully the additional funds required to develop this Park, from this source, without going to the Federal or Provincial Governments.

Mr. Armstrong relayed the Underwriter's feeling that this was possible.

Deputy Warden Margeson questioned whether enough money could be raised through this method of financing to pay off the existing debt to which Mr. Armstrong replied in the affirmative.

Mr. Armstrong then referred back to Councillor Lichter's question as to the reason the Firm is present tonight and how this evolved; he indicated that the Firm was working for the Municipality and not the Province or Federal Government. He advised that when this all began and there were great intentions of Federal and Provincial Funding, they were talking in terms of \$300,000 to \$400,000. Then the economic situation worsened, and the Federal Government had to advise that the funds were no longer available. Mr. Armstrong advised that in conversations with Lorne Denny and Jack MacLeod, the feeling was that rather than the Municipality incurring a significant cost of an Underwriting and all the research necessary to do that, it was suggested that a mini-study be made and the \$30,000 figure was the figure arrived at. The purpose of the study was to look at it from all angles. Prior to making this proposal, the Firm had, at no-one else's cost, but on a research basis among themselves, looked at the financial, the modelling, the tax, the legal, the federal and provincial statutes on a global basis. They have talked to people who are knowledgeable in these areas and talked to some Underwriters, etc. He advised that the feeling has been after meeting with many people, right through to the Minister of Labour and the Minister of Finance, is that it is a sound proposal.

Mr. Armstrong advised that the proposal was not suggested from the point of view of doing away with Provincial and Federal Funding. He felt that to the extent that Provincial or Federal Funding is available, it should be used and he felt it would be used in a number of ways. First, if it is decided to go ahead with the Park; currently a few million dollars are tied up in the Park and the carrying costs currently run between \$30,000 and \$40,000 a month to let it sit there. That is either interest cost or the lost interest on money; at least \$1,000 a day. He felt the best thing to do to get the Park off the ground is to get it active as soon as possible and self supporting. He advised that if it could be completely Federally-funded that is fine, but at the moment Government Funds are running out, and if that is the only method of funding the Park it cannot go ahead. He advised that the retractable, preferred share idea is an investment vehicle in the Canadian Market Place which is quite new; it is attractive to the investor from a tax investment standpoint, it had dividend priveledges and means that the Canadian taxpayer across the Country could find this an attractive investment similar to Canada Savings Bond, and shares in Companies that could have a dividend program whereby dividends are more attractive to the taxpayer than interest dollars as they are worth more in after-tax dollars. He advised that if the Municipality uses this vehicle it could be an investment attraction to the Canadian Public and if, at the same time, those funds could be used to augment the available or non-available Federal-Provincial and other funding, that could be a good method to go by. He advised that the early studies of this whole package look like it is a viable way of the Municipality financing the Park, provided the Municipality is happy with the Park, what should go in, what it does to the ecology, etc. He advised those were major factors in the whole discussion.

However, he advised that if the Municipality could not raise the money the land sits there with all the dollars tied up in it. He advised that the \$30,000 study is a mini-study to look at the various finite terms and conditions of going this route. He further advised that there was a possibility that they could come back and state that it is not viable to go this route; however, they are convinced that it will be a viable solution to the funding problems with the Park. He advised that this could be an alternative, supplementary or a sole means of financing the Park.

Subsequent to the above clarification, Council debated the issue of creating a private corporation to sell retractable, preferred shares, to the public, as a means of financing the Aerotech Industrial Park, at great length. The following points were made during this lengthy discussion:

1. The shares sold to the Public would be guaranteed by the Municipality;
2. The investment would provide a "pot" from which to draw funding to proceed with the development of the Park;
3. This proposal does not preclude Provincial or Federal Funding, which will be used to construct infrastructure;
4. Once the Park is begun, which it soon must be, the County will have a competitive edge in the industrial market;

5. The Municipality will hold 51% of the shares which it will not have to buy but will be allocated up-front, thereby retaining control of the Park.

Subsequent to discussion of the above, the majority of Council agreed that the Industrial Park must be operational as soon as possible in order to recoup its multi-million dollar investment and to obtain spin-off industry from the offshore oil business.

The question was then called on the original motion.

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

"THAT the Municipality adopt the Study to be completed by Professional Directors Inc., to study the feasibility of developing the Aerotech Business Park through creation of a private Corporation selling retractable, preferred shares to the public (to be completed within 11 weeks) to the maximum amount of \$30,000; \$15,000 from the Municipality and \$15,000 from the Province."
Motion Carried.

Subsequent to the above, Mr. Cleveland and Mr. Armstrong retired from the Council Session.

LAKESIDE INDUSTRIAL PARK - COUNCILLOR POIRIER

Councillor Poirier had requested that this item be added to this evening's Council agenda as an emergency item.

Councillor Poirier indicated that the Lakeside Industrial Park has been in Operation in the Municipality for 25 years and has proven quite successful; however, she indicated her opinion that central servicing would increase the success of this Park. The Councillor advised that a Study had been done previously which indicated that servicing would be a valuable asset to the Park; however, at that time, the funds were not available to construct the required servicing. The Councillor indicated the Park's proximity to the City of Halifax which was an asset, the fact that it is bordered by Highway No. 3 and Highway No. 102 and that it has a Railway running through it, which, coupled with central servicing, could make the Park one of the most successful in the Metro Area. Councillor Poirier then proposed the following motion:

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

"THAT Mr. Lorne Denny, Industrial Promotions Officer of the Halifax County Industrial Commission be directed by County Council to re-evaluate the Lakeside Industrial Park in terms of cost estimates for central servicing and avenues of possible expansion and further that Mr. Denny report back to Council within three months with his recommendations."
Motion Carried.

Councillor Poirier indicated her intent that this Central Servicing be financed through the proposed Municipal Finance Corporation, as previously discussed for the Aerotech Business Park, should the mini-study be successful and the Corporation is realized.

ADJOURNMENT

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

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

Therefore, there being no further business, the Regular Council Session adjourned at 12:15 A.M.

REGULAR COUNCIL SESSION

OCTOBER 18, 1983

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

SECRETARY: Christine E. Simmons

OPENING OF COUNCIL - THE LORD'S PRAYER

Warden MacKenzie brought the Regular Council Session to order at 6:45 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

APPROVAL OF MINUTES

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

"THAT the Minutes of the August 29, 1983 Public Hearing be approved by Municipal Council." Motion Carried.

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

"THAT the Minutes of the September 20, 1983 Regular Council Session be approved by Municipal Council."
Motion Carried.

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

"THAT the Minutes of the October 3, 1983 Public Hearing be approved by Municipal Council."
Motion Carried.

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

"THAT the Minutes of the October 4, 1983 Regular Council Session be approved by Municipal Council."
Motion Carried.

AGENDA ITEMS

At this time, Warden MacKenzie questioned whether any Councillors had any items of an emergency nature which they would like to have added to the Council Session Agenda. The following item was added to the agenda by Councillor Lichter:

- Discussion of Motion passed by Council, May 17, 1983 -

LETTERS AND CORRESPONDENCE

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

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

Letter From the Nova Scotia Housing Commission

Mr. Kelly read to Council the letter contained in the Council Agenda from the Nova Scotia Housing Commission as follows:

"I wish to advise that the Nova Scotia Housing Commission is presently considering the establishment of a 15 unit senior citizens project in the Forest Hills area, located on lands owned by the Nova Scotia Housing Commission adjacent to a recently completed 15 unit senior citizens project on Circassion Drive.

If the Municipal Council of the County of Halifax is in agreement with our request to establish a project in this area, would you please provide my office with a copy of the Municipal Resolution requesting the project at your earliest convenience."

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

"THAT Council approve a Resolution for a 15 Unit Senior Citizens Project in Cole Harbour."
Motion Carried.

Councillor McInroy also advised that the Management Committee has made a recommendation regarding this particular Senior Citizens Project; he requested that the Management Committee Report be received at this time, in order to deal with that recommendation.

MANAGEMENT COMMITTEE REPORT

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

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

Financial Allocation - Senior Citizens Complex, Cole Harbour

Mr. Kelly outlined this item from the Management Committee Report, advising: "The Management Committee was informed that the Nova Scotia Housing Commission is considering the construction of a 15 unit Senior Citizens Complex in the Forest Hills area to be located on lands owned by the Nova Scotia Housing Commission and adjacent to a recently completed 15 senior citizens project on Circassion Drive.

In conjunction with the establishment of additional senior citizens units it is proposed that a senior citizens community recreation facility be constructed as part of the project. This would provide for a community facility for senior citizens in the area.

It is necessary that the Municipality guarantee an amount of \$50,000. for the construction of the recreation facility at this time in order for the facility to be included in the plans for the total complex.

Notwithstanding any grants that may be available toward the construction of the senior citizens recreational facility, the required amount will be recovered through an area rate in the Cole Harbour districts.

The Management Committee recommend to Council the Municipality guarantee to the Nova Scotia Housing Commission that an amount of \$50,000. required for the senior citizens recreation facility will be provided from the Municipality and if necessary from an area rate levied in the Cole Harbour Districts."

Councillor McInroy expanded on the information in the Management Committee Report adding that the funds would basically be a loan from the Municipality to be recouped as a last resort from the Districts of Westphal and Cole Harbour by an area rate; he indicated that the three Councillors of the Districts involved have discussed this issue and agree to the area rate, if it is deemed necessary.

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

"THAT the Municipality guarantee to the Nova Scotia Housing Commission, that an amount of \$50,000.00 required for the senior citizens recreation facility will be provided from the Municipality and, if necessary, from an area rate levied in the Cole Harbour Districts."

Motion Carried.

Councillor Mont then requested that an item on the Policy Committee Report be dealt with, relative to a District Capital Grant in his District.

POLICY COMMITTEE REPORT

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

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

Request for District Capital Grant - District 21

Mr. Kelly outlined this item from the Supplementary Policy Committee Report advising: "The Policy Committee received a request for a District Capital Grant, District 21 in the amount of \$2,000.00 for fencing public walkway, Flying Cloud Drive, Cole Harbour. The Policy Committee, recommend this Grant for approval."

Subsequent to brief discussion and clarification,

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

"THAT Council approve a District No. 21 Capital Grant in the amount of \$2,000.00 for fencing of a Public Walkway, Flying Cloud Drive, Cole Harbour."
Motion Carried.

Councillor Lichter questioned whether this was 100% of the financing of that walkway from Public Funds; subsequent to receiving an affirmative answer, he then questioned if this was in keeping with the Municipality's policy and was advised that it was in accordance with the Municipality's Capital Grants Policy.

Mr. Meech advised that as far as the District Capital Grants portion of the Capital Grant Policy is concerned, it has become the practice that the 70% maximum does not apply.

Subsequent to the above, Council returned to dealing with Letters and Correspondence.

LETTERS AND CORRESPONDENCE

Letter From Office of the Minister - Canada Mortgage & Housing

Mr. Kelly had received a letter from the above, which advised: "On behalf of the Honourable Romeo LeBlanc, I wish to acknowledge receipt of your letter of September 28, 1983 concerning the Residential Rehabilitation Assistance Program.

You can be assured that your letter will be brought to the Minister's attention at the earliest opportunity."

The above letter was for Council's information only.

Letter From the Dartmouth General Hospital

A letter had been received from the Dartmouth General Hospital acknowledging receipt of the Municipality's \$10,000 donation to the Hospital. The letter indicated the Hospital's appreciation of this donation.

This letter was also for Council's information only.

PLANNING ADVISORY COMMITTEE REPORT

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

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

Rezoning Application No. RA-24-19-83-14

Mr. Kelly advised that the above-mentioned application was a request by the Waverley Ratepayers' Association to zone and rezone portions of the Community of Waverley under Zoning By-Law No. 24.

He outlined the Planning Advisory Committee Report on this item which read:

"At the October 11, 1983 meeting of the Planning Advisory Committee, the Committee heard a staff presentation on the Waverley Ratepayers' Association Rezoning Application. The Committee discussed this issue for approximately two hours. During that time, the Committee heard comments from Mr. Bill Lockhart of the Waverley Ratepayers' Association, Councillor G. Snow and Mr. John Bottomly of the Shubenacadie Lakes Advisory Board.

The application submitted by the Waverley Ratepayers' Association is for extensive zoning for the Community of Waverley.

In concluding discussion, the following resolution was passed by the Committee:

It be recommended to Council that a Public Hearing be held to consider approval of the Waverley Ratepayers' Association Rezoning Application on December 5, 1983 with the following amendments:

- (a) That the Application be approved on the basis of the Staff recommendation to replace a portion of the C-1 Zone with the IP Zone (Industrial Park).
- (b) That the areas indicated P (Park & Institutional) Zone (for buffer purposes) which are not in existence, be eliminated and replaced by the adjacent zone.

The vote on the resolution was not unanimous. There were five members in favor, and two opposed.

It was the general concensus of the Committee that a rezoning or any other applications or development agreements not be deferred on the basis that there is a Municipal Planning Strategy underway."

Solicitor Cragg advised that the Municipality had to deal with the application as presented to Council; therefore, it could not be advertised with an amendment. It was agreed to indicate that the changes (a) and (b) were recommendations of the Committee and not amendments.

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

"THAT a Public Hearing be held December 5, 1983 at 7:00 P.M. to deal with rezoning application No. RA-24-19-83-14, inclusive of the above-mentioned recommendations of the Planning Advisory Committee."

Motion Carried.

Subsequent to the passing of the above motion, there was lengthy discussion and debate in Council as to the content of the advertisement for the Public Hearing.

Solicitor Cragg indicated his opinion that the application as presented by the Applicants should be advertised; however, he felt that an addendum could be included which would indicate that it would be the intent of Council to consider the recommendations (a) and (b) of the Planning Advisory Committee.

Considerable discussion took place relative to whether denying the applicant's request for C-1 Zoning on a portion of the subject property and replacing it with the recommended IP Zone would be more or less restrictive. This would have an effect on whether the issue could be dealt with at the Public Hearing.

Solicitor Cragg advised that he could not really define whether going from C-1 to IP would be more or less restrictive. He felt that it was possibly a lateral move in which case Council could vote either way, C-1 or IP.

Councillor Lichter advised, that if the opinion of the Solicitor were followed at the PAC meeting, then the Application would have had to be rejected. It was the opinion of the Planning Advisory Committee, however, that the application would be acceptable with the two changes.

Councillor Lichter also advised that Mr. Miller, the Solicitor for the Waverley Ratepayers' Association had advised him, that the Association has no difficulty with accepting recommendation (b) of the Planning Advisory Committee; however, the Association is opposed to recommendation (a). Councillor Lichter also advised that it would be a good idea to have the applications for rezoning looked at by Solicitor Cragg, before going to PAC so that the Committee will have the benefit of his advice before making their recommendations.

Council Members expressed concern over which zone was more restrictive and with regard to how they could vote at the Public Hearing; there was some concern that if Council wants to zone it to a less restrictive zone than advertised for the Public Hearing, that an additional Hearing would have to be advertised including the new zone, to which Council would like to rezone.

Mr. Birch provided Council with some clarification regarding the recommendation of the PAC. He advised that the Planning Act sets out that Council is the body which authorizes rezoning, not an Applicant.

He indicated that when a recommendation is made to hold a Public Hearing, if an area is residential and it is advertised that it will be considered for commercial, which would prevent future residential development, all Applications for residential development would be placed on hold if the commercial development is approved. He advised that it is extremely critical that Council's intention is clearly relayed to the Public.

He indicated that Staff recommended to PAC that the application was acceptable with the exception of one area; PAC then recommended the other change relative to Parks and Institutional Buffer Zones.

Mr. Birch advised that Staff's sole reason for recommending it go forward with the IP is that the C-1 Zone contains a residential element which was being placed adjacent to a Quarry, when earlier in the year, Council had turned down an application for a Quarry because people two miles away were complaining about its impact upon them. Therefore, he indicated that it was necessary to go to a zone which did not have a residential component and the most suitable zone for that was the IP Zone. He advised that the PAC accepted that as a logical recommendation.

Mr. Birch also advised that the more or less restrictiveness of the recommendation was of the least concern when the staff recommendation was made. It was his opinion that any change of a major proportion, whether it be more restrictive or less restrictive, should result in another Public Hearing duly advertised, although he felt that a minor change could be dealt with at the initial Public Hearing.

Councillor MacKay advised that he had questioned Staff at the PAC Meeting relative to which zone was less restrictive; he had been advised at that meeting, by Mrs. Cartledge, that the IP Zone would be less restrictive than the C-1, so that on the night of the Public Hearing, Council would be able to go from the IP to the C-1 but could not go the other way.

Mr. Birch advised it was correct that the above was Mrs. Cartledge's opinion; however, he indicated his own opinion that IP was more restrictive than the C-1.

At this time it was agreed by Council that Mr. Paul Miller, Solicitor for the Waverley Ratepayers' Association, be permitted to come forward and address Council. Mr. Miller advised:

"I was also present at the PAC Meeting at which this was discussed a little over a week ago. With reference to the Amendment (b) relative to buffer zones, it was my understanding, and that has been supported throughout discussion here tonight, that the Waverley Ratepayers' Association had agreed to remove those buffer zones so I don't think that is in contention. I think I can say for the Waverley Ratepayers' Association, that they will concur with the amendment (b) of the PAC. With reference to amendment (a), regarding the C-1 and IP Zone, it is the Waverley Ratepayers' Association request, and I have no instructions to the contrary, that they want that land zoned C-1. With reference to what is more restrictive or less restrictive, I don't have an answer to that either but I don't think it really makes much difference. I think the Waverley Ratepayers' Association would commit itself to allow, from their perspective, not to object if Council moved in either direction, but at the same time they do, at this stage, want it zoned C-1 and they will give their reasons for C-1 at the Public Hearing. If it assists Council in any way for the Ratepayers' Association to commit itself not to object to a lateral movement, for all intents and purposes to determine that they are laterally done, I think we can commit to that without altering what we are recommending which is C-1 Zone. ... I think it is safe to say that it may only be a temporary zoning measure until the PPC come in with their recommendations. ...the Ratepayers feel that this area is under extreme development pressure because of its proximity to Dartmouth and the Halifax-Sackville area. On that basis there has to be some kind of order to the growth, in the interim before an MDP is approved. ... The Ratepayers' Association feel that C-1 is the best zone for the time being and Planning Staff are of the opinion that it should be IP. Other than that, I believe there is agreement on the rest of the map."

Mr. Meech then advised that, although the motion to hold the Public Hearing had been passed, it had still not been clarified as to exactly what was to be advertised in the newspaper.

Solicitor Cragg reiterated his opinion that the application as received by the Applicant must be advertised; however, it could also be stated in the advertisement that that it is Council's intention to consider the application inclusive of the recommendations (a) and (b) of PAC.

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

"THAT the previous motion, passed relative to rezoning application no. RA-24-19-83-14, be rescinded by Municipal Council."
Motion Carried.

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

"THAT there be a Public Hearing, Monday, December 5, 1983 at 7:00 P.M. to deal with rezoning Application No. RA-24-19-83-14."
(See Motion to Amend).

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

"THAT the Advertisement, as prescribed under the Planning Act for the Public Hearing, also indicate Council's intention to consider that the application be approved on the basis of the staff recommendation to replace a portion of the C-1 Zone with the IP (Industrial Park) Zone."
Amendment Carried.

Subsequently, the question was called on the motion as amended.

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

"THAT there be a Public Hearing, Monday, December 5, 1983 at 7:00 P.M. to deal with Rezoning Application No. RA-24-19-83-14 and further that the advertisement, as prescribed under the Planning Act for the Public Hearing, also indicate Council's intention to consider that the application be approved on the basis of the staff recommendation to replace a portion of the C-1 Zone with the IP (Industrial Park) Zone."
Motion Carried.

REPORT OF THE DIRECTOR OF DEVELOPMENT

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

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

MANAGEMENT COMMITTEE REPORT

The Report of the Management Committee had previously been received by Council.

Water and Sewerage System, Glengarry Gardens Subdivision, Timberlea

Mr. Kelly reviewed this item from the Management Committee Report, advising: "The Management Committee received a report respecting the existing water and sewerage systems serving Glengarry Garden Subdivision. ... It is the recommendation of the Management Committee that Council approve the takeover of Glengarry Gardens Water and Sewage Systems as recommended in the report."

Subsequent to brief discussion of this item,

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

"THAT Council approve the takeover of the Glengarry Gardens Water and Sewage systems."
Motion Carried.

Loan Request - District No. 10 East Volunteer Fire Department

Mr. Kelly advised that the Management Committee had received a request for a loan for the District No. 10 East Volunteer Fire Department in the amount of \$4,000 for the purpose of carrying out improvements to

the Fire-Community Hall Property. The estimated cost of the project is \$8,000 and the Department already has \$4000 made available through fund raising and have requested a borrowing of \$4000 to fund the remaining portion.

It was the recommendation of the Management Committee that Council approve a loan in the amount of \$4000 for the District No. 10 East Volunteer Fire Department over a ten year term of repayment including interest and further that Council reserve the right to levy an area rate in default of principal and-or interest repayment.

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

"THAT Council approve a loan advance of \$4000 for the District No. 10 East Volunteer Fire Department over a ten year repayment term including interest and further that Council reserve the right to levy an area rate in default of principal and-or interest repayment."

Motion Carried.

Proposed Fire Station Location Study - Sackville

Mr. Kelly advised that the Management Committee received a report respecting a proposed Fire Station Location Study in Sackville. It was the recommendation of the Management Committee that Council approve that the Municipality engage the services of the Nova Scotia Research Foundation Corporation to carry out a Fire Station Location Study for the community of Sackville with a 50% contribution from the Municipality to be covered as a charge to the Sackville Fire Department Operations for the fiscal year, 1984.

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

"THAT Council approve that the Municipality engage the services of the Nova Scotia Research Foundation Corporation to carry out a Fire Station Location Study for the community of Sackville with a 50% contribution from the Municipality to be covered as a charge to the Sackville Fire Department Operations for the fiscal year, 1984."

Motion Carried.

POLICY COMMITTEE REPORT

This Report had also been previously received by Council.

Curfew By-Law

Mr. Kelly advised that the Policy Committee had received a proposed Curfew By-Law prepared by the Municipal Solicitor, a copy of which was attached to the Council Agenda.

It was the recommendation of the Policy Committee that the Curfew By-Law be approved and further that it be forwarded to the Department of Municipal Affairs for their approval.