

STAFF REPORT

Dorothy Cartledge read the staff report requesting an amendment to Section 49E of the Zoning By-Law No. 24, entitled "Industrial uses" by including District 4. Ms. Cartledge indicated in the report that the purpose of the amendment was to require "Industrial Uses", other than those associated with agriculture, forestry, or fishing, to apply for and receive either I-1 (Industrial General) or I-P (Industrial Park) zoning prior to receiving Building Permits.

In the analysis of the report Ms. Cartledge indicated that that the application of the Industrial Uses section has three effects. Firstly it would require rezoning for all new industrial uses.

Secondly, it would make all existing industrial uses non-conforming. and thirdly, it would specifically apply to this entire district.

In the analysis Ms. Cartledge also indicated that that the Industrial uses is perhaps the only general protection mechanism available under the present zoning system. Ms. Cartledge also indicated that the zone would have to apply to the entire district and not selected sections of the district.

It was staff's recommendation that this by-law be adopted for this district and as well for all other areas governed by By-Law 24.

QUESTIONS FROM COUNCIL

Councillor MacKay asked if all new industrial uses in an industrial park would have to have individual hearings. Ms. Cartledge indicated that once the industrial park had had a public hearing and was approved all businesses in the park that fell under the industrial classification would not require a hearing.

SPEAKERS IN FAVOUR OF APPLICATION RA-24-08-84-04

Ms. Suzanna Rowley spoke in favour of the application indicating that this rezoning would increase surveillance of industry in the area and therefore better protect the residents of the area.

QUESTIONS FROM COUNCIL

None.

Peter McGinn spoke in favour of the application indicating that increased control would be of benefit to the community in general.

QUESTIONS FROM COUNCIL

Councillor MacKay inquired whether Mr. McGinn felt developers would be willing to provide the reports necessary or able to provide the information needed prior to development. Mr. McGinn indicated he felt the developers would have at least general information which would be satisfactory even if they did not have the specific environmental information that a professional would have access to.

Mr. John Kuhn, resident from prospect Bay, spoke in favour of including District 4 under by-law 24 subsection (d). He felt that if District 4 was included under By-Law 24 it would give the residents adequate input into the development of his District.

Mr. Ken Tobin spoke in favour of the application as well.

Mr. P. J. McGavney from McDan Enterprises Ltd. indicated that his organization was in favour of the application and would not be opposing or appealing the re-zoning.

SPEAKERS IN OPPOSITION

None.

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

"THAT the amendment to By-Law 24 subsection (d) be amended to include District 24."  
Motion Carried.

There being no further business, the public hearing adjourned at 8:10.

PUBLIC HEARING MINUTES

MARCH 26, 1984

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

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk  
Mr. Robert Cragg, Solicitor  
Mr. Keith Birch, Director of Planning and Policy  
Mr. Joseph Hefler, Chief Building Inspector  
Ms. Dorothy Cartledge, Senior Planner  
Mr. Bob Gough,

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CALL TO ORDER

The Warden called the meeting to order at 7:05 p.m. with the Lord's Prayer.

APPOINTMENT OF RECORDING SECRETARY

C. L. Weeks was appointed as recording secretary.

PROCEDURES FOR PUBLIC HEARING

The Warden read the procedures for a public hearing for the benefit of those people in the Gallery.

ROLL CALL

Mr. Kelly called the roll.

STAFF REPORT

Dorothy Cartledge presented the staff report indicating the changes to be made to the five zones affected by the changes to Section 4.19 of the Zoning By-law.



QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF APPLICATION ZA-A-1-84

None.

SPEAKERS IN OPPOSITION OF APPLICATION ZA-SA-1-84

None.

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

"THAT Section 4.19, entitled CONFORMITY WITH EXISTING SETBACKS be deleted from the Zoning By-law for Sackville."  
Motion Carried.

It was moved by Councillor Deveaux and seconded by Deputy Warden Adams:

"THAT Section 4.19, entitled CONFORMITY WITH EXISTING SETBACKS be deleted from the zoning by-law for Eastern Passage/Cow Bay."  
Motion Carried.

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

"THAT Section 4.19, entitled CONFORMITY WITH EXISTING SETBACKS be deleted from the zoning by-law for Cole Harbour/Westphal."  
Motion Carried.

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

"THAT Section 4.19, entitled CONFORMITY WITH EXISTING SETBACKS be deleted from the Zoning By-law for Timberlea/Lakeside/Beechville."  
Motion Carried.

Mr. Kelly read a letter received from Clayton Developments indicating their agreement with the zoning changes.

It was moved by Deputy Warden Adams and seconded by Councillor DeRoche:

"THAT Section 4.19, entitled CONFORMITY WITH EXISTING SETBACKS be deleted from the zoning by-law for Lake Major, North Preston, Lake Loon/Cherry Brook and East Preston."  
Motion Carried.

There being no further business, the Public Hearing was adjourned at 7:20 p.m.



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REGULAR COUNCIL SESSION

MARCH 6, 1984

PRESENT WERE: Warden MacKenzie, Chairperson  
Councillor Walker  
Councillor Larsen  
Councillor Gaudet  
Councillor Baker  
Councillor Deveaux  
Councillor DeRoche  
Councillor Adams  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor Margeson  
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, Director of Planning

Secretary: Ms. C. L. Weeks

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CALL TO ORDER

Warden MacKenzie called the Council Session to order with the Lord's Prayer at 6:08 P.M.

ROLE

Mr. Meech called the role.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT C. Lynn Weeks be appointed as recording Secretary."  
Motion Carried.



APPROVAL OF MINUTES

It was moved by Councillor MacDonald and seconded by Councillor Walker:

"THAT the minutes of the Public Hearing held January 30, 1984 be approved as submitted."

Motion Carried.

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

"THAT the minutes of the regular council session be approved with the following changes:

1. Page 10--Councillor Lichter declared a conflict of interest.
2. Page 11--A defeated motion stating:

"THAT the maximum tax exemption for the year 1984 be increased to \$250 for owner occupied properties and the total annual income of all family members residing in the same household shall not exceed \$8,000.

be included in the minutes."

Motion Carried.

PAC REPORT--ALLEN HEIGHTS

It was agreed by Council to proceed to item 9-5.

Mr. Kelly read the report submitted to Council. There was some general discussion by Council and it was moved by Councillor Margeson and seconded by Councillor DeRoche:

"THAT the motion of August 16, 1983 Council Session be re-affirmed and any correspondence be tabled."

The motion of August 16, 1983 stated:

"THAT ownership of Lots P-4, P-5, and P-8 of the Allen Heights Subdivision be accepted by the Municipality of the County of Halifax and further that the deeds to these lots be registered at the Registry of Deeds."

Motion Carried.

Councillor MacKay asked for clarification regarding whether the lands would be accessible to the residents of the Municipality. Mr. Meech indicated that unless there is some agreement in place these lands would be public lands in the ownership of the Municipality and would be accessible to the public. Councillor MacKay inquired if these could be used exclusively by a particular group. Mr. Meech replied that when lease agreements had been entered into in the past with local community groups/organizations, there is a clause to the effect that the lands shall remain accessible to the general public of the Municipality. If there was a request for a different clause it would be necessary to go through the regular approval process.

PRESENTATION BY REPRESENTATIVES OF THE DARTMOUTH GENERAL HOSPITAL

It was agreed by Council to hear the presentation.

Mr. Meredith and the delegates from the Dartmouth General Hospital made their presentation requesting a grant of \$70,000 for nine years from the Municipality. There was some general discussion by Council members and it was moved by Councillor Deveaux and seconded by Councillor Margeson:

"THAT Council provide \$50,000 for a two year period, 1984, 1985, to support operating costs of the Dartmouth General Hospital."

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

"THAT this item be deferred by Council until the Budget deliberations for the 1984 fiscal year are completed."  
Motion Carried. (12 in favour/8 opposing.)

LETTERS AND CORRESPONDENCE

There were no letters and correspondence.

ADDITIONS TO THE AGENDA

Councillor Lichter asked that the subject of Flag Lots be added to the agenda.

Councillor Reid asked that the subject of Public Hearings be added to the agenda.

DEFERRED ITEMSCorrespondence, Public Works Canada--Councillor MacKay

Councillor MacKay indicated that in attempting to establish either a permanent or permanent site for a tourist bureau in Sackville, a letter had been forwarded to the Department of Public Works of Canada. Councillor MacKay indicated that he had received a reply indicating the property was still in the hands of Revenue Canada. Councillor MacKay asked Mr. Kelly to correspond with Revenue Canada asking this Department to make the lands available to the Municipality for the purpose of locating a Tourist Bureau on this property.

Metropolitan Authority Report--Councillor MacDonald

Councillor MacDonald indicated the Provincial Government had changed direction in their policies to take over the Sackville Correctional Center. Councillor MacDonald indicated that the Municipality should re-establish negotiations with the Provincial government to re-initiate grants which may be available to the Municipality.

There was some general discussion by Council and it was moved by Councillor DeRoche and seconded by Councillor Deveaux:

"THAT the Provincial Government be requested to consider our original request for additional funding of several months ago and to respond to it as soon as possible."  
Motion Carried.

#### RCMP, Cole Harbour--Councillor Mont

Councillor Mont indicated the situation regarding the RCMP in Cole Harbour had been resolved to his satisfaction for the time being.

#### Parking Lots

Developing parking lots within the City of Halifax for commuters was discussed by Council. It was also discussed that a transit route to extend to Ocean View Manor was expected to be initiated within the next few months.

#### Boundaries--Councillor MacKay

Councillor Mackay indicated he had received the information he required on the boundaries for the Community of Waverley and indicated he felt that a very close eye should be kept on any amendments to those boundaries.

There was some general discussion by Council members.

#### MANAGEMENT COMMITTEE REPORT

It was agreed by Council to hear the Management Committee Report regarding the Musquodoboit Harbour Mainstreet Program.

Mr. Kelly read the report in the supplementary agenda.

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

"THAT Council endorse the application to the Provincial Department of Development by the Business Improvement District Committee - Musquodoboit Harbour, for an Anchor Project to develop plans for the Mainstreet Program and also endorse the membership of the BIDC and further that Council grant the Business Improvement District Committee--Musquodoboit Harbour \$2,400 which is 40 percent of the total funds necessary for the plans to be completed.  
Motion Carried.

#### PLANNING ADVISORY COMMITTEE

##### Proposed alteration to Watercourse Park, Phase 3, Forest Hills

Mr. Kelly read the report to alter the boundary of Watercourse park in Phase 3 of Forest Hills to accommodate the realignment of the proposed extension to John Stewart Drive.



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

"THAT Council approve the request to alter the boundary of Watercourse Park in Phase 3 of Forest Hills to accomodate the realignment of the proposed extension of John Stewart Drive."  
Motion Carried.

Rezoning Application No. RA-CH/W-53-83-07

Mr. Kelly read the report to rezone Lot 4, Lake Loon Crescent Subdivision, 34 Montague Road, from R-1a to an R-2 zone. It was recommended in the report that the date for the Public Hearing be April 2, 1984 at 7:00 p.m.

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

"THAT a Public Hearing be scheduled for April 2, 1984, at 7:00 p.m. to hear the re-zoning application No. RA-CH/W-53-83-07."  
Motion Carried.

Rezoning Application No. RA-24-45-83-14

Mr. Kelly read the report to rezone Lot A of Products Tank Car Shops limited located on the Fall River, Windsor Junction Road from an unzoned status to an I-1 zone.

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

"THAT a Public Hearing be scheduled for April 2, 1984 at 7:00 p.m. to hear the rezoning application No. RA-24-45-83-14."  
Motion Carried.

Addition to C-3 Zone in Sackville

Mr. Kelly read the report requesting that a resolution be passed changing Sackville's Zoning By-Law be changed to read: "Two or more units instead of three or more".

There was considerable debate by Council members as to whether this change would be a re-zoning change or a Municipal Development Plan change. Councillor Lichter indicated his concern about this public hearing instituting a plan amendment as opposed to a zoning change. He referred to the staff report which supported this viewpoint.

Councillor MacKay indicated that the intent of the Sackville Municipal Development Plan was to allow both residential uses as well as commercial uses.

Mr. Birch indicated to Council that the intent of this zoning clause was to allow commercial development to facilitate the institution of a commercial core area in Sackville.

Councillor Mont asked if Councillor Lichter was concerned that an issue that should possibly be a plan amendment was coming to Council for a Public Hearing as a Zone amendment. Councillor Lichter confirmed this was his concern.

Councillor MacKay indicated that in a C-2 district only commercial and rooming/boarded houses were allowed. He also indicated that a C-3 zone allows for residential and commercial development. He commented that by re-zoning the area Council would be carrying out the original wishes of the community planners.

Councillor Deveaus asked for Mr. Meech's comments. Mr. Meech indicated that it should be referred to the County Solicitor to determine whether it is a plan amendment or a re-zoning application. Mr. Cragg indicated he did not feel it was a legal interpretation, but rather, a planning interpretation.

Mr. Cragg suggested that the amendment would be appropriate if the terms of the amendment were in agreement with the MDP. Councillor Lichter indicated that the staff report indicates that an amendment to the by-law would be inconsistent. Councillor Lichter asked if an appeal was held subsequent to a Public Hearing and Council voted in favour of the change, would that individual be able to appeal the decision of Council. Mr. Cragg indicated that an aggrieved person can appeal an amendment to the by-law, but there was no mention of the Municipal Development Plan itself.

Mr. Cragg indicated it would be best to have the person most interested in securing the amendment to make the application rather than Council initiating the amendment themselves.

Mr. Birch indicated his opinion that this change would require a plan amendment as opposed to a re-zoning due to the strong thrust in the Sackville Development for the development of a commercial core. To allow low density development to intrude into the core would take away that thrust of the plan.

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

"THAT item be deferred for examination by Planning Advisory Committee subject to adherence of Council's policy of public Participation."

Motion Carried.

Councillor Lichter asked for instruction from Council as to the direction PAC should take. Mr. Birch indicated that this item should be on the agenda of the next PAC meeting. Councillor Lichter asked if PAC was to contemplate the amendment to the MDP which would require public participation.

Councillor DeRoche indicated that PAC was being directed to exercise its mandate with regard to land use. He also indicated that if in PAC's judgement this item required a plan amendment and not a re-zoning it could return to Council and have the motion to recommend a date for a public hearing rescinded.

Building Inspector's Report: Lesser Setback and Side Yard Clearance

Mr. Kelly read the report requesting a lesser setback and side yard clearance for reconstruction of a dwelling on Station Road, Hubbards.

Councillor Walker indicated that a fire had taken place and the building was destroyed and there were some concerns he would like to have an opportunity to discuss with the Building Inspector.

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

"THAT this item be deferred."  
Motion Carried.

MANAGEMENT COMMITTEE REPORTNorth Preston Water System

Mr. Kelly read the report recommending to Council that the North Preston water system be operated by the Municipality as a private utility with actual operation and maintenance costs recovered by a fixed annual fee from customers using the system of approximately \$132 payable in quarterly installments of \$33.

There was some general discussion by Councillors and Deputy Warden Adams indicated his concern regarding the additional costs to residents of the area who may find it difficult to meet the additional cost burden.

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

"THAT council approve the North Preston water system be operated by the Municipality as a private utility with actual operation and maintenance costs recovered by a fixed annual fee from customers using the system of approximately \$132 payable in quarterly installments of \$33.  
Motion Carried.

POLICY COMMITTEE REPORTMinimum standards By-Law, Sackville Municipal Development Plan

The report from Policy Committee was read by Mr. Kelly recommending to Council the Minimum Standards By-Law currently in operation for the Beechville-Lakeside-Timberlea area be adopted for the Sackville Municipal Development Plan.

There was some general discussion by Council and it was moved by Councillor MacKay, seconded by Councillor Wiseman:

"THAT the minimum Standards By-Law currently in operation for the Beechville-Lakeside-Timberlea area be adopted for the Sackville Municipal Development Plan area."  
Motion Carried.



Association of Private Day Nursery Educators of Nova Scotia

Mr. Kelly read the report recommending to Council that a resolution to support the bill entitled "an act respecting the assessment of properties owned or occupied by members of the Association of Private Day Nursery Educators of Nova Scotia."

There was some general discussion by Council members indicating their concern regarding the provision for members of the association only.

It was moved by Deputy Warden Adams and seconded by Councillor McInroy:

"THAT Council support a resolution to support the bill entitled "an act respecting the assessment of properties owned or occupied by members of the Association of Private Day Nursery Educators of Nova Scotia with the provision that the bill be amended to provide the intended benefits to all private day nursery educators who are licensed." Motion Carried.

ADDITION OF ITEMS TO THE MARCH 20, 1984 Agenda

Councillor Margeson asked that recovery of former Sackville lands from the Town of Bedford be considered by Councillors for further action at a later date.

Councillor Margeson asked that the finished drawings for the Council Chamber be brought in for examination by Councillors. Mr. Meech indicated that this item could be addressed at the Management Committee meeting March 8, 1984.

Flag Lots

Councillor Lichter informed council a meeting had been held with the Honourable Tom McInnis, Minister of Municipal Affairs respecting the approval of flag lots. It has since been indicated there will be no changes to the subdivision regulations.

It was moved by Councillor Lichter and seconded by Councillor Deveaux:

"THAT a letter be written to the Minister requesting information on the possibility of reaching a compromise on the subdivision regulations." Motion Carried.

Public Hearings

Councillor Reid indicated some concern over the format of the public hearings.

It was moved by Councillor Reid and seconded by Councillor Lichter:

"THAT the Policy Committee examine the format of Public Hearings and in particular that summations and rebuttals be added to the process and report back to Council with their findings." Motion Carried.

There being no further business, the meeting adjourned at 9:45 p.m.

ANNUAL COUNCIL SESSION MINUTES

MARCH 20, 1984

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

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk  
Mr. K. R. Meech, Chief Administrative Officer  
Mr. Bob Cragg, Solicitor, County of Halifax  
Mr. Keith Birch, Director of Planning  
Mr. John Markesino, Co-ordinator of Recreation

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CALL TO ORDER

Warden MacKenzie called the meeting to order at 6:06 p.m. with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Margeson, seconded by Councillor Deroche:

"THAT C. Lynn Weeks be appointed as recording secretary."  
Motion Carried.

APPROVAL OF MINUTES

It was moved by Councillor Walker and seconded by Councillor Poirier:

"THAT the minutes of the Public Hearing dated January 23, 1984 and February 6, 1984, be approved as submitted.  
Motion Carried.

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

"THAT the minutes of the Public Hearing dated February 12, 1984, be approved as submitted."  
Motion Carried.

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

"THAT the minutes of the regular council session of February 21, 1984, be approved as submitted."  
Motion Carried.

It was moved by Councillor DeRoche and seconded by Deputy Warden Adams:

"THAT the minutes of the regular council session of March 6, 1984, be approved with revisions:

Councillor Lichter asked that revisions be made to page 8 - flag lots.

Page 1--Councillor Gaetz was present

AGENDA ITEMS

Councillor Wiseman requested that the topic of Civic Numbers be added to the agenda.

Councillor Margeson asked for an update on the Council Chambers. Mr. Meech indicated to him that this information was available from the Management Committee Minutes of March 8, 1984.

DEFERRED CHIEF BUILDING INSPECTORS REPORT

Mr. Kelly read the report for a lessor set back and side yard clearance. The building inspector's report recommended council approve the request for a lessor setback of 5' and side yard clearance of 6', respectively. Station Road, Hubbards. Applicant Jasmet Morar.

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

"THAT Council approve the lessor setback and side yard clearance for Jasmet Morar on Station Road as requested."  
Motion Carried.



LETTERS AND CORRESPONDENCE

Mr. Kelly read the correspondence from the Metropolitan Transit Commission of Halifax, Dartmouth, and the County of Halifax.

It was moved by Councillor Deroche and seconded by Councillor Gaetz:

"THAT this item be deferred and discussed with item 12 on the agenda".

Motion Carried.

Mr. Kelly read the correspondence from the Sackville Mainstreet Program to the Warden.

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

"THAT Council support the Mainstreet program in principle, the membership of the Sackville BIDC, and the Sackville Mainstreet Program boundaries."

Motion Carried.

REPORT OF THE PLANNING ADVISORY COMMITTEE1. Proposed Amendment to the Zoning By-Law for Cole Harbour/Westphal

Mr. Kelly read the report to amend the zoning by-law for Cole Westphal area. He indicated that the committee recommended approval of the rezoning and that a public hearing was recommended for April 16, 1984 at 7:00 p.m.

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

"THAT a public hearing be recommended for April 16, 1984 at 7:00 p.m."

Motion Carried.

2. Proposed Amendment to the Municipal Planning Strategy and Land use By-Law for Cole Harbour/Westphal

Mr. Kelly read the report to amend the by-law and the Municipal Planning Strategy for the Cole Harbour/Westphal area. He indicated the committee was in favour of the proposed amendment, the committee was in favour of entering into a development contract, and the committee recommended a public hearing for April 16, 1984 at 7:00 p.m.

It was moved by Councillor DeRoche and seconded by Deputy Warden Adams:

"THAT a public hearing be recommended by Council for April 16, 1984, at 7:00 p.m."

Motion Carried.

3. Forest Hills Planned Unit Development Agreement, and the Implications of Applying Cole Harbour/Westphal Zoning to the PUD lands.

Mr. Kelly read the report indicating the resolution which the PAC had adopted regarding this area of land. The resolution indicated: "That Council be requested to approach the Minister of Housing with a view of having the Municipal Planning Strategy and Zoning By-Law apply in the whole Forest Hills Planned Unit Development area, rather than portions as contemplated in current staff discussions.

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

"THAT Council approve the resolution from PAC recommending Council approach the Minister of Housing with regard to the Forest Hills Planned Unit Development Agreement and the implications of applying Cole Harbour/Westphal zoning to the PUD Lands."  
Motion Carried.

4. Rezoning Application No. RA-EP/CB-07-84-06

Mr. Kelly read the report indicating the request to rezone lands of Marcella Kelly located on the Caldwell Road in Eastern Passage from I-1 (Light Industry) to R-2 (two unit dwelling) zone and Rural Estate to R-7 Zone. The purpose of the request is to allow the construction of a single unit dwelling.

The committee recommended approval of the application, that a public hearing be set for April 17, 1984 at 6:00 p.m., and that the costs for advertising be waived in this instance.

It was moved by councillor Deveaux and seconded by Councillor MacKay:

"THAT a Public Hearing be recommended for April 17, 1984 at 6:00 p.m." Motion Carried.

5. Rezoning Application No. RA-SA-48-83-16

Mr. Kelly read the report indicating a request by Oakdene Estates to rezone Lot A8A of the lands of William A. Sharkey and Marguerite J. Sharkey, located on Florence Street, Lower Sackville; and a portion of Lot R-2A of the lands conveyed to the Nova Scotia Housing Commission, located northeast of the intersection of Florence Street and Sackville Drive at Lower Sackville from R-1 to R-4 to construct a 70 dwelling apartment building.

It was moved by Councillor Margeson and seconded by Councillor Walker:

"THAT a public hearing be held on April 30, 1984, at 7:00 p.m."  
Motion Carried.

6. Proposed Amendment to the Forest Hills Planned Unit Development Agreement

Mr. Kelly read the report indicating a request by the Department of Housing to amend the Forest Hills Planned Unit Development Agreement by changing the Multiple Family Parcel (MFTC4-1) to Single Family and semi-Detached.

Committee passed a resolution recommending Council accept the changes as outlined in the staff report.

It was moved by Councillor Gaetz and seconded by Councillor Deveaux:

"THAT Council approve the amendment to the Forest Hills Development Plan."  
Motion Carried.

SUPPLEMENTARY REPORT OF THE PLANNING ADVISORY COMMITTEE

1. ReZoning Application No. RA-TLB-13-84-02

Mr. Kelly read the report indicating the request by the Municipality to rezone lot 12 of the land conveyed to the Municipality of the County of Halifax located at 1559 St. Margarets' Bay Road, Lakeside, from R-1 to R-4 zoning.

It was recommended by Committee that: the request be approved based on the information in the staff report and a public hearing be scheduled for April 16, 1984, at 7:00 P.M.

It was moved by Councillor Gaudet and seconded by Councillor Deveaux:

"That a public hearing be scheduled for April 16, 1984, at 7:00 p.m."  
Motion Carried.

2. C-3 zone of the Sackville Municipal Planning Strategy

Mr. Kelly read the report from Committee containing the following resolution:

"THAT THE ORIGINAL RESOLUTION TO COUNCIL STAND, IN THAT THE DEFINITION OF MULTIPLE FAMILY DWELLINGS AS DEFINED IN THE SACKVILLE ZONING BY-LAW UNDER C-2 USES, BE ALTERED TO READ TWO OR MORE DWELLING UNITS AS OPPOSED TO THREE OR MORE DWELLING UNITS."

It was also noted in the report that the resolution was not unanimously passed and the vote was three in favour and two against with only five committee members present.

Council passed a resolution stating:

"THAT a public hearing be scheduled for April 30, 1984, at 7:00 p.m."

REPORT OF THE DIRECTOR OF DEVELOPMENT

Mr. Kelly indicated the Director of Development had submitted his report.



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

"THAT the report of the Director of Development be approved as received."  
Motion Carried.

#### MANAGEMENT COMMITTEE REPORT

##### Provincial Volunteer Week

Mr. Kelly presented the report indicating the Committee's recommendation to Council to approve an amount of \$1,000 towards the cost of this proposed Volunteer Week Project.

It was moved by Councillor Gaudet and seconded by Councillor Deveau:

"THAT Council approve the amount of \$1,000 towards the cost of this proposed Volunteer Week project."  
Motion Carried.

##### Mainstreet Program

Mr. Kelly read the report indicating the Committee's recommendation to Council to approve the concept of the Mainstreet Program and to approve the development of a policy respecting funding for mainstreet programs in the Municipality and for referral to Policy Committee for development of this policy.

It was moved by Councillor Gaetz and seconded by Councillor Walker:

"THAT Council approve the recommendations as outlined in the Management Committee report and refer this matter to Policy Committee for development of a policy."  
Motion Carried.

##### Revised Committee Structure

Mr. Kelly read the report indicating the recommendations from Policy Committee to change the committee structure for a period of six months to two (2) committees the Executive Committee and the PAC. It was indicated by Mr. Cragg that a change in the by-laws would be necessary to change the present committee structure.

There was much general discussion by Councillors about the merits of either changing the present system by altering the by-laws governing the committee structure or for a temporary arrangement to simply combine the Management and the Policy Committees.

It was moved by Councillor Deveaux and seconded by Councillor Lichter:

"THAT the two Committees, Policy and Management, be consolidated for the trial period of six months."  
Motion Defeated.

It was moved by Councillor Mont and seconded by Councillor Walker:

"THAT The new committee structure recommended by Policy Committee, as shown in the report, be adopted for a trial period of six (6) months and the necessary amendments to the by-law be processed by Mr. Cragg."

Motion Carried. (15 in favour; 6 opposed)

Request for Capital Grants

Mr. Kelly read the report from Policy Committee recommending Council approve a District Capital Grant for District 8 in the amount of \$6,000 with the provision that the proposed funding from the Province in the amount of \$12,000 is available.

It was moved by Deputy Warden Adams and seconded by Councillor Gaetz:

"THAT Council approve the request for \$6,000 for a District Capital Grant for District 8 on the condition that the \$12,000 being requested from the Province is made available to District 8."

Motion Carried.

Scheduling of Public Hearings

Mr. Kelly read the report indicating the Policy Committee had reviewed the scheduling for Public Hearings. The report recommended to Council that Public Hearings be scheduled for the second and fourth Mondays of each month.

Council discussed the recommendation and the possible implications of delaying public hearings for great lengths of time. Some of the councillors indicated in their view enforcing this type of scheduling would not serve the interests of the public to the greatest advantage.

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

"THAT priority be given to establishing the second and fourth Mondays of each month as dates for public hearings with additional dates during the month being utilized as required."

Motion Carried.

METROPOLITAN AUTHORITY REPORT

Councillor Mont presented the report to Council.

Councillor Mont indicated that prisoners were being housed in every available area in the facility. He also indicated that this practice had to be stopped because many of the areas in which prisoners were being housed were unsuitable.

There was some general discussion by Council. Councillor MacKay had some concerns about the useage of the facility and the class of prisoners to be housed in the facility. Councillor Mont indicated the Metropolitan Authority had been attempting to gain clarification from the Provincial government regarding the useage of this and other facilities in the Metro area. Councillor Mont also indicated that the Warden, as chairman of the Metropolitan Authority, had written to the Premier and to the Attorney General to establish a meeting to ascertain the provinces' plans for this facility. Councillor Mont indicated the only reply received stated the Premier and the Attorney General would continue to negotiate and meet with the Executive of the Union of Nova Scotia Municipalities.

Councillor DeRoche inquired about the criteria used to determine which persons should be turned away from the Sackville facility and under who's authority, and for what reason. Councillor MacKay indicated the persons who were turned away were refused entry as a result of overcrowding. Councillor Mont indicated that it was the inspector of penal institutions who was turning people away from the facility, not the superintendent of the facility. Councillor DeRoche stated his understanding of the situation was that these persons were under no further surveillance once they had been turned away from the facility. Warden MacKenzie relayed to Councillor DeRoche that in fact, these persons are actually under house arrest and are supervised and checked at particular hours.

Councillor MacDonald indicated his concern regarding the adoption of the Young Offender's Act and the implications of keeping these individual in a separate institution.

Councillor brought forward the transit report and indicated his concern regarding the report submitted. He stated that he felt the parking lot at the transit facility could be used very effectively for commuter parking and transport individuals from this point in Dartmouth.

Councillor Mont indicated with regard to the item of correspondence received from the Metropolitan Transit Commission be referred to the County Solicitor.

It was moved by Councillor Mont and seconded by Councillor Wiseman:

"THAT this item be referred to the County Solicitor."

There was some general discussion by Council members agreeing with this motion.

Motion Carried.

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

"THAT Policy Committee examine the Metropolitan Authority performance to provide a review and update regarding costs."  
Motion Carried.



APPROVAL OF DISTRICT OFFICERS

Mr. Kelly presented the report indicating the District Officers.

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

"THAT the list of District Officers be approved by Council dependent on changes by Councillors."  
Motion Carried.

CORRESPONDENCE--MINISTER OF MUNICIPAL AFFAIRS

Mr. Kelly read the letter from the Minister of Municipal Affairs. Councillor Poirier reviewed the background of this situation to the Council indicating that the gentleman in question ran a bottle exchange and through the process of a public hearing had been granted the necessary zoning to carry on his business. Councillor Poirier also indicated that after the zoning had been granted an MDP went into effect and since the gentleman in question had not acted immediately on his zoning application, had subsequently lost the appropriate zoning.

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

"THAT Mr. Meech correspond with the Minister of Municipal Affairs to outline the situation more completely in order for the Minister to grant the policy changed necessary to regain the zoning granted to the gentleman in question during the public hearing."  
Motion Carried.

APPEAL, RE: MINOR VARIANCE--ROBERT OLIVER

Mr. Kelly read the memorandum from Dr. R.A. Oliver, requesting an appeal of a minor variance for 81 Driftwood Crescent, Cole Harbour.

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

"THAT the appeal for a minor variance by Robert Oliver be referred to the April 17, 1984 Session at 7:00 p.m."  
Motion Carried.

RESOLUTION--APPOINTMENT OF ADMINISTRATOR--HALIFAX COUNTY REGIONAL REHABILITATION CENTER

Mr. Kelly read the report of the Committee of the Whole recommending the appointment of an Administrator of the Halifax County Rehabilitation Center.

It was moved by Councillor Poirier and seconded by Councillor Mont:

"THAT Municipal Council approve the appointment of Mrs. Janet Calder as Administrator of the Halifax County Regional Rehabilitation Centre effective April 2, 1984, subject to the approval of the Minister of Social Services."  
Motion Carried.

CIVIC NUMBERS

Councillor Wiseman introduced the topic of civic numbers. Councillor Wiseman indicated that the numbers on houses on streets are not consecutive and this causes problems for ambulances, fire trucks, etc. Councillor Wiseman also indicated that the numbers are also difficult to see and she felt some guidelines be established to govern the size of numbers placed on houses.

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

"THAT this project be referred to the planning department for a report."

There was some general discussion by Councillors and it was indicated that site numbers are sometimes being used instead of civic numbers.

Motion Carried.

ADDITION OF ITEMS

Councillor Snow asked that Transit--District 14 be added to the agenda.

Councillor Lichter asked that Garbage Collection--Districts 13 and 14 be added to the agenda.

ADJOURNMENT

There being no further business, the meeting was adjourned.

MAY 1, 1984

### SETTING TAX RATE

Warden Mackenzie introduced the topic for discussion and there was much general discussion by the Councillors.

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

"THAT the 1984 Tax Rate be set at .73¢/\$100 assessment for the residential rate and the tax rate be set @ \$1.50/\$100 of assessment for the commercial rate and the total budget be reduced by \$156,000 for the Municipality of the County of Halifax."

Motion Carried.

Councillor Gaudet indicated that due to the budget cuts in his district, many projects related to the schools, i.e. Sir John A. MacDonald High School--ground improvements were supposed to take place in the amount of \$20,000; Atlantic Memorial--\$5,000; Terrence Bay--\$2,000; had been cut as a result of these budget cuts.

Councillor Margeson asked how the proposed tax rate would affect taxes for the average home owner considering the increase in assessed value of the homes. Mr. Wilson indicated it would have a very small affect on the taxes the individual would pay.

Mr. Meech indicated the rise in taxes would be just under the five (5) per cent mark.

Councillor MacKay inquired if the following information was correct. That \$1.5 million was taken from the surplus account in 1983 to sustain



the tax rate and at the end of 1983 there was a surplus of \$1.4 million on the operation during the fiscal year 1983. Mr. Wilson indicated that \$2.2 million were taken from surplus in 1983. He also indicated that \$.8 million had to be used in 1983. Councillor MacKay indicated that the councillors had considered the proposed tax rate and with their figures the increase amounts to 5.71 per cent increase with a 20 per cent increase in assessment and 10.11 per cent increase in taxes with a 25 per cent increase in assessment values. Councillor MacKay indicated that he supported the fact that a sum of money should be left in reserve for working capital, however, did not feel any money should be borrowed and should be taken out of surplus. Councillor MacKay indicated he supported taking \$1.5 million out of surplus. He also indicated that the Municipality should be aware that if we take this money out of surplus it would not be available in the future, however, the Province was reducing the grants because the Province was in a deficit position and the Municipalities were not.

Councillor Mont asked if the intent of Councillor Lichter's motions was to approve the budget or to simply set a tax rate. Councillor Lichter indicated it was his intent to simply set the tax rate and to have \$156,000 cut from the budget and staff could come back to council recommending where the cuts could be made.

Mr. Meech asked if his understanding was correct that \$1.5 million be taken from reserves and a tax rate of \$.74 per residential dwelling and \$1.50 per commercial rate. Mr. Meech indicated that the \$156,000 reduction had been included in the resolution and that the rate of .73¢/\$100 could be met with less than \$156,000 reduction in the budget.

Councillor Lichter inquired if the County raised from residential assessment \$11,498,924 and divided it by \$.74 each cent represents a number of dollars and it is \$156,000 rounded down to the nearest thousand. Mr. Wilson agreed that this was correct. Mr. Wilson indicated that the \$.74/\$100 rate was rounded up to the nearest whole number and a cut of \$156,000 would therefore not be necessary to achieve this tax rate.

Councillor Lichter indicated that he would change his motion to state that "the cut be sufficient to allow the \$.73 rate.

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

"THAT THE resolution be amended to direct staff to remove the allocation of \$60,000 to the Port Commission and further that Council increase the allocation under grants to organizations and individuals by \$30,000 to be allocated at a later date."

Councillor Walker inquired if this amendment would require the Council to rescind the motion of support to the Port Commission. Councillor Mont indicated that it was his impression that support of the Port Commission was approved in principle subject to Council being satisfied with all the regulations and the legislation. If this was the case then Councillor Mont indicated any specific allocation of funds would have to come back to Council for approval.

Mr. Meech indicated that Council was still in a position to take a final decision on participation by the County on the basis that the conditions which were established for the County's participation have not yet been fulfilled.

Mr. Meech indicated that the resolution by Councillor Lichter could be passed and then the amendment proposed by Councillor Mont could be treated as a separate motion.

Councillor Mont indicated that if Mr. Cragg agreed with this interpretation of parliamentary procedure then he would withdraw his amendment to be dealt with later as a separate motion. Mr. Cragg indicated this was correct to deal with this matter in the fashion indicated by Mr. Meech.

Councillor Mont withdrew his amendment.

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

"THAT staff remove the allocation of \$60,000 to the Port Commission and further that Council increase the allocation under grants to organizations and individuals by \$30,000 to be allocated at a later date."

Councillor Larsen indicated that he would be unable to support the motion due to lack of information and requested that Management Committee review this and bring a recommendation back to Council.

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

"THAT this item be examined by Management Committee and brought back to council with recommendations after their examination of the issue."

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

"THAT the 1984 District area rates as proposed be approved."

Councillor Mont indicated that both he and Councillor McInroy would like to change the words "Heritage Society" to read "Heritage Farm Museum" in the form describing the area rate. Warden MacKenzie asked Councillor DeRoche if he was in agreement. Councillor DeRoche indicated this was an entirely new item and was brought to his attention upon receipt of the area rate booklet and was not included in the listing which was presented to Mr. Smith.

Mr. Smith indicated this item was added to the District 7 area rate through a misunderstanding and he suggested that if Councillor DeRoche was not in agreement with it then it be deleted. Mr. Smith also indicated that there would be approximately \$1,600 less available for the Heritage Farm Museum and the Councillors involved would have to decide if they wished to increase the rate for the Museum to \$.004 to make up the difference.

Warden MacKenzie asked Councillor DeRoche if he wished to have that amount deleted from the area rate. Councillor DeRoche indicated that he did want this item amended.

It was moved to amend by Councillor DeRoche, seconded by Deputy Warden Adams:

"THAT the area rates for District 7 be amended to reflect the list which was presented and signed by Councillor DeRoche."  
Motion Carried.

Councillor Baker inquired if the area rate in his district reflected an anticipated increase in salary for the fire fighters in his area. Mr. Smith indicated that the budget provides for an increase in salary although, if the increase is granted, is something the Councillor and ratepayers would have to deal with.

Motion Carried.

Councillor Eisenhauer indicated he would like to express appreciation to Gary Smith for the services he has provided over the past year regarding these area rates administration and for his staff.



MINUTES & REPORTS

OF THE

SECOND YEAR MEETINGS

OF THE

FORTY - FIRST COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

APRIL COUNCIL SESSION

TUESDAY, APRIL 3 and 7, 1984

&

PUBLIC HEARINGS

APRIL 2, 16, & 30, 1984

&

JOINT COUNCIL SESSION

APRIL 24, 1984

PUBLIC HEARING

APRIL 2, 1984

PRESENT WERE: Warden MacKenzie, Chairman  
Councillor Walker  
Councillor Poirier  
Councillor Larsen  
Councillor Gaudet  
Councillor Baker  
Councillor DeRoche  
Deputy Warden Adams  
Councillor Gaetz  
Councillor Lichter  
Councillor Snow  
Councillor MacKay  
Councillor MacInroy  
Councillor Eisenhower  
Councillor MacDonald  
Councillor Wiseman  
Councillor Mont

ALSO PRESENT: Mr. Bob Gough, Director of Development  
Mr. Keith Birch, Chief of Planning and Development  
Mr. Mike Hanusiak, Senior Planner  
Mr. Bob Cragg, Solicitor  
Mr. G. J. Kelly, Municipal Clerk

Secretary: Ms. C. Lynn Weeks

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CALL TO ORDER

Warden MacKenzie called the meeting to order with the Lord's Prayer at 6:06 p.m.

ROLL CALL

Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT C. Lynn Weeks be appointed as recording secretary."  
Motion Carried.

PROCEDURES FOR A PUBLIC HEARING

Warden MacKenzie outlined the procedures for a public hearing for the benefit of those persons in the gallery.

STAFF REPORT

Mr. Mike Hanusiak, Planner gave the staff report for the application No. RA-CH/W-53-83-07 and described the request to rezone Lot 4, Lake Loon Subdivision, located at 34 Montague Road from an R-1 zone to an R-2 zone to allow the addition of a solarium to the present dwelling.

It was recommended by staff to approve this recommendations for the reasons outlined in the report.

Warden MacKenzie asked for questions from Council.

QUESTIONS FROM COUNCIL

Councillor DeRoche asked for verification as to whether there was any correspondence either in favour or opposed to the application. Mr. Hanusiak replied that he had not received any correspondence to date. Councillor DeRoche indicated that he had been informed there would be at least one written submission from the community.

SPEAKERS IN FAVOUR OF APPLICATION NO. RA-CH/W-53--83-07

Mr. Stanley Dupuis, owner of the property in question, made a presentation in favour of the application. He indicated that when the property was purchased it was zoned R-2 and C-4. He also indicated he was not aware of a change of zoning which had occurred since the purchase of the property.

Councillor DeRoche inquired if Mr. Dupuis did have the R-2 zoning prior to the MDP being instituted. Mr. Dupuis indicated that this was the case. Councillor Deroche also inquired if any commercial enterprises would be carried on from the property. Mr. Dupuis indicated that the uses for the property in question were intended to be residential. Mr. Dupuis indicated that last summer he had had some items for sale on the front of his premises but since receiving a letter from the Municipality to cease this activity there had been nothing else for sale on the front of his property. Councillor DeRoche again asked for confirmation of the fact that no activities other than those activities permissible under the MDP would be carried out on the premises.

Councillor MacDonald asked for confirmation of what the solarium was. Mr. Dupuis showed Councillor MacDonald a diagram of the proposed addition to the premises.

SPEAKERS IN OPPOSITION TO APPLICATION NO. RA-CH/w-53-83-07

Mr. Blinkhorne, resident, Lake Loon Crescent, spoke in opposition to the application. Mr. Blinkhorne spoke in opposition to the application on the grounds that if the zoning was changed in accordance with the request, some type of commercial business may be established. Mr. Blinkhorne indicated there was a garage on the property.



Councillor Poirier inquired to the location of the garage. Mr. Blinkhorne indicated it was a workshop and it was located adjacent to the dwelling on the property.

Mr. Blinkhorne indicated there was a garage across the street from him which was carrying on a commercial operation in conflict with the MDP and he felt there would be some type of accident on the premises.

Councillor Poirier inquired if the garage was actually a commercial operation. Mr. Blinkhorne indicated the garage was operating under cover and the business was doing quite well. Mr. Blinkhorne also indicated that a car had run "away" onto one of his neighbors property during the last week.

Mr. Blinkhorne reiterated his concern regarding a second commercial operation opening if this zoning was granted.

Warden MacKenzie indicated to Mr. Blinkhorne that he would like him to point out his lot on the map. Mr. Blinkhorne did so.

Councillor Poirier asked for clarification of what an R-1A zone was. Mike Hanusiak indicated that an R-1A was very similar to an R-1 but is in fact much more restrictive. It especially restricts home occupations. For example an R-1 allows the office of a professional person where an R-1A does not.

Councillor MacDonald inquired where the commercial garage was located that Mr. Blinkhorne described. Mr. Hanusiak indicated the property was across Lake Loon Crescent.

Mr. Blinkhorne indicated that steps had been taken to have the present owner of the garage cease the commercial operation of the garage, but nothing seems to have been done about the situation.

Councillor Snow inquired if the residents in the Lake Loon Crescent area were on central sewage system. Mr. Blinkhorne indicated that they were not. Councillor Snow asked if this was the major concern. Mr. Blinkhorne indicated that the concern was based on the fact that this may evolve into a commercial enterprise.

Councillor DeRoche indicated that every attempt had been made to apprehend the individual operating the commercial garage without success. Councillor DeRoche indicated that if Mr. Dupuis received his R-2 zoning and the property was sold, then the stipulations of having two families living there would remain the same. Mr. Blinkhorne indicated that there were three families living on this property to the best of his knowledge.

Councillor Walker asked what Mr. Blinkhorne's interpretation of an R-2 zone was. Mr. Blinkhorne indicated he felt he was in a residential area. A single dwelling area.

Mr. Thomas, Resident, Lake Loon Crescent spoke in opposition to the application. He indicated that this was the first zoned mobile home subdivision with the intent that people would build homes where they previously had mobile homes. He indicated that the residents in the area did not want to see the property in question zoned as an R-2 zone. Mr. Thomas indicated that the residents were not against the solarium, it was the change from R-1 to R-2.

Mr. Thomas indicated that there was presently a business being run by either Mr. or Mrs. Dupuis on the property. Mr. Thomas indicated the preference of the resident's of the area was to allow the solarium to be built under the present zoning. Mr. Thomas indicated that by allowing the R-2 zoning Mr. Dupuis would also receive implicit consent through the zoning to carry on certain businesses from the property.

Councillor DeRoche asked if the concern of the residents was the possibility of commercial enterprises being carried out from the location. Mr. Thomas indicated that it was. Councillor DeRoche inquired if Mr. Dupuis was granted the R-2 zoning and assurance was received that only permissible uses be carried out there, would there be any objections. Mr. Thomas indicated that this arrangement would be satisfactory.

Mr. Thomas indicated that there were presently more than two families living on the property. Councillor DeRoche indicated that it would be the responsibility of staff to deal with this issue

#### QUESTIONS FROM COUNCIL

It was moved by Councillor DeRoche and seconded by Deputy Warden Adams:

"THAT the staff report as presented to Council be accepted, and the rezoning for the property in question, Lot 4, 34 Montague Road, be granted."  
Motion Carried.

#### REZONING APPLICATION No. RE-24-45-83-14

##### Staff Report

Mr. Mike Hanusiak presented the staff report indicating that a request had been made to zone Lot A of the lands of Products Tank Car Shops Limited, located on the Fall River-Windsor Junction Road at Windsor Junction from an unzoned status to I-1 (General Industrial) Zone.

It was recommended by staff that this zoning be granted.

#### QUESTIONS FROM COUNCIL

Councillor Larsen inquired if the five lots shown on the map presented by staff had been zoned. Mr. Hanusiak replied that they had not to the best of his knowledge.

SPEAKERS IN FAVOUR OF APPLICATION RE-24-45-83-14

Mr. Peter McDonagh, solicitor for Procor, spoke in favour of the application. Mr. MacDonagh indicated that this piece of property was available for lease to LIPS (Canada) for the repair of ships propellers. Mr. MacDonagh did not anticipate any complaints from residents regarding the work that would be taking place on the property. Mr. MacDonagh indicated that LIPS (Canada) was tentative about the lease considering the property had not been correctly zoned for their purposes. Procor indicated to Mr. MacDonagh that they wished to receive the rezoning in hopes that eventually the property would be sold.

There were no questions from Council.

SPEAKERS IN OPPOSITION TO APPLICATION RE-24-45-83-14

Mr. Graeme Thomas, Chairperson of the Resident's Association spoke in opposition to the application. Mr. Thomas indicated that the resident's concern was based on the environmental concerns which have evolved as a result of the general topography of the area. Mr. Thomas indicated that in the resident's eyes both Procor and LIPS (Canada) were both excellent corporate citizens.

Mr. Thomas indicated that the resident's felt that granting Procor an I-1 zoning was not in keeping with the agreement signed with ATLANTIC GAS PRODUCTS.

Mr. Thomas indicated that the residents of the area desire to enter into a PUD agreement.

Warden MacKenzie asked if there was a pond located on the land in question. Mr. Thomas indicated there was. Mr. Thomas gave a general description of the topography of the land and indicated that silt collects in the pond and felt it looked stagnant.

Councillor Lichter asked if Procor had been informing the resident's association of their intentions. Councillor Lichter also indicated he felt a PUD would be a slow process to institute. Councillor Lichter inquired as to the type of business operation carried on by Procor. Mr. Thomas indicated Procor was cleaning tanks to the best of his knowledge and to do that the tanks would have to be flushed.

Councillor Snow inquired to see if there had been an environmental test of the pond area Mr. Thomas was referring to to determine the contents of the water. Mr. Thomas indicated that there had not been any testing as far as he was aware of.

Mr. John Bottomly, Chairman, Shubenacadie Lakes Advisory Board, spoke in opposition to the application. Mr. Bottomly indicated that he had identified that pond to the Department of the Environment and felt that it was a possible waste site and requested the site be investigated. He did not have a report back from the Department of the Environment to verify any information available.



Mr. Bottomly indicated that all other areas which have been dealt with in that district have been through negotiating PUD's. Mr. Bottomly indicated that most of the objections to PUD's was to the wording itself, not to the process of requiring PUD's. It was suggested by zoning either the whole or part of the property problems may evolve in the years to come.

Mr. Bottomly indicated that it was his opinion that toxic wastes were in fact present in the pond, although this had not been verified. Mr. Bottomly stated he felt council should as a minimum identify the types of occupancies that would be permissible as designated by I-1. Mr. Bottomly also indicated he would seriously invite the area outlined on the map presented by staff and designated as A-2 be investigated as a toxic waste site.

Councillor Snow asked if an industry which required a substantial amount of washing located in this area if this washing would affect Three Mile Lake. Mr. Bottomly indicated that there was no question in his mind that it would.

Mr. Paul Miller and Mr. Dave MacLean, members of the PPC for Windsor Junction, spoke against the application as elected members of the PPC. They indicated they had reviewed the proposal. Mr. Miller indicated they wished to have a PUD put in place for this area to protect the waterways. Mr. Miller indicated he felt that LIPS could in fact begin operation and the PUD could be put in place at a later date.

Mr. MacLean indicated his sympathies for the illnesses of Councillor Deveaux and Councillor Margeson. He also indicated his wish to have a PUD agreement instituted.

Councillor Lichter indicated that he agreed with both of the speakers in that the residents' don't want to loose the corporate citizens. Councillor Lichter asked if through the MDP a contract could be required for all expansions, changes in operation, etc. Mr. Miller indicated he felt that the contract would have to be put in place now.

Mr. MacLean requested that the solicitor for the Procor people be allowed to speak. Councillor Wiseman indicated that what seemed to be occurring was a negotiation session and was not in favour of allowing Mr. MacDonagh to speak.

Councillor Snow indicated to Mr. Miller that he was concerned about doing anything which would result in LIPS (Canada) reaching a decision to locate in another area.

Councillor Lichter asked for the time period of the lease and it was indicated to him by Mr. MacDonagh the lease time was for a period of five (5) years.

#### QUESTION TO COUNCIL

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

"THAT the application No. RA-24-45-83-14 to rezone Lot A of the lands of Procor, to I-1 be approved." Motion Carried.

There being no further business, the public hearing was adjourned.

PUBLIC HEARING MINUTES

APRIL 16, 1984

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

ALSO PRESENT: Mr. Bob Cragg, Municipal Solicitor  
Mr. G. J. Kelly, Municipal Clerk  
Mr. Mike Hanusiak, Planner  
Mr. Chris Ready, Planner  
Mr. Bill Butler, Planner  
Mr. Ted Tam, Asst. Director of Engineering & Works  
Mr. Keith Birch, Chief, Planning and Development

SECRETARY: C. Lynn Weeks

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CALL TO ORDER

The Warden called the meeting to order at 7:06 with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT C. Lynn Weeks be appointed as Recording Secretary."  
Motion Carried.

PROCEDURES FOR THE PUBLIC HEARING

Warden MacKenzie indicated the procedures to be followed by the observers in the gallery for the public hearing.