

Representation--Additional School Sub-System

Mr. Kelly read the report and Policy Committee indicated this item should be referred to the Special Education Committee for examination and recommendation.

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

"THAT the Speical Education Committee be requested to study and examine the issue of establishing an addittional representative for the new sub-system to be installed August 1, 1984."

Councillor Wiseman inquired why this item is being referred to the Special Education Committee for examination and recommendation. Councillor Wiseman asked if this committee had become a standing committee. Councillor Wiseman further advised Council she could see no reason why this issue could not be dealt with by the Policy Committee. Councillor Wiseman indicated the topic of a fifth sub-system had been raised during the initial negotiations for the District Board and as well concerns had been raised by the Council at that time over the loss of representation in the Waverley, Hammonds Plains areas

Warden MacKenzie indicated that a decision could not be reached by the Policy Committee and therefore, and considering there were representatives from the Bedford Area on the Special Education Committee it was agreed this Committee deal with the situation.

Councillor Wiseman stated she did not feel the committee for Special Education Committee was to be used for this purpose and further that the Policy Committee should be able to deal effectively with this.

Councillor MacDonald indicated the intent of the Policy Committee was to allow Bedford and the County to meet and discuss the issue of the fifth sub-system. He further indicated there was some concern about what would happen in the future if it was not dealt with properly at this time.

There was some further general discussion regarding this item, and it was moved by Councillor Margeson and seconded by Councillor Gaudet:

"THAT this item, representation of the fifth school sub-system be referred to the Executive Committee."  
Motion Carried.

County Vehicle Policy

Mr. Kelly presented the report regarding the County Vehicle Policy and it was recommended to adopt the policy.

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

"THAT the Vehicle Policy of the County be accepted by Council as recommended in the report."

Councillor McInroy indicated that he felt if a person wanted to insure their vehicle under the PLPD section for more than \$1 million dollars that option should be available to them and the wording in the policy therefore be altered to read \$1 Million or over.

Councillor McInroy also indicated that where it states "may be required to take small tools and material in an amount equal to the capacity of the vehicle" should be altered to read "not to exceed the rated capacity".

Councillor McInroy also stated the last sentence in the policy stating "Employees who lose their driving privileges for an extended period of time may as a result lose their jobs" should state "employees who require a vehicle to perform their jobs..." as that was the intent of this sentence.

Councillor DeRoche stated the sentence in the policy reading: Employees who lose their driving privileges for an extended period of time may as a result lose their jobs" is an illegal clause and should be deleted unless the individual was hired specifically with that knowledge beforehand.

Mr. Meech indicated Councillor DeRoche's point was well taken and the intent was that in those jobs requiring driving privileges it would be brought to the attention to the employee prior to the employment of that individual. Councillor DeRoche indicated this policy, to the best of his understanding, would also apply to present employees and there must be equity in the application of such a vehicle policy and this would not be an equitable application. Mr. Meech indicated there were people hired for the express purpose of a position which required the individual to drive as a part of the performance of their daily duties. Councillor DeRoche stated he felt this statement should be deleted from the policy.

Councillor MacKay indicated that in some areas employees had been asked to remove their vehicle from a residential area as it was deemed to be offensive. He indicated he felt a policy should be developed and encouraged that commercial vehicles in excess of 1/2 ton not be parked in a residential area.

Councillor MacKay indicated that under Section B sub-section (F) a reprimand should be included in the policy statement and at least a discussion if not a written reprimand. Mr. Meech indicated these were the rules and regulations and if an employee contravened the rules and regulations the disciplinary policy would be enforced at that time.

Councillor MacKay as well stated that Section B sub-section B should include the words "of the proper operating classification for the vehicle being driven". Mr. Meech suggested the wording "the appropriate valid..."

Warden MacKenzie asked what would happen if an employee of the Municipality was using the county owned vehicles without having a license.

There was some general discussion regarding this item and Councillor MacKay indicated it would protect the County to a greater extent if the word may was changed to "shall" in Section B sub-section (f) in the phrase "he/she may be held responsible for all damages."

Councillor Wiseman indicated that Section B paragraph 2 and paragraph 3 seemed to be in conflict with one another and the phrase "when an employee takes a vehicle" could be altered to read "when an employee must take a vehicle" to avoid any difficulty.

Councillor Wiseman asked what type of disciplinary action the County would take referring to Section B sub-section (d). Mr. Meech indicated there was a separate policy governing disciplinary action.

Motion Carried.

#### APPOINTMENT OF REPRESENTATIVE TO SOCIAL SERVICES DIALOGUE--1984

Warden MacKenzie indicated Mr. Mason, Director of Social Services had attended this seminar and there had been indication this year that an elected representative should be attending the conference.

Councillor DeRoche indicated Councillors present at the UNSM meeting were advised that it was the Minister's preference that there be more elected representatives present than there has been in previous years.

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

"THAT Deputy Warden Adams represent the Municipality of the County of Halifax at the Social Services Dialogue--1984."

Motion Carried.

Warden MacKenzie asked if there were any objections by Council members to also having the Director of Social Services attend that seminar. Mr. Meech indicated an effort would be made to have the Director of Social Services included in the seminar. Warden MacKenzie indicated he felt it was very important to have the staff from the Department of Social Services involved in these seminars.

#### METROPOLITAN AUTHORITY REPORT--COUNCILLOR MACDONALD

Councillor MacDonald advised council members the conversion of the small building in the correction center, a \$68,000 renovation project, is now underway.

The negotiation of the Salvation Army on the CRC centers to assist with the over-crowding at the correction center is coming along nicely and there is consideration being given to the opening of two centers. Councillor MacDonald indicated the Salvation Army was looking for a site and would be open within the next year.

Councillor MacDonald indicated he had advised the member of the Metropolitan Authority that an improved cover should be installed at the Landfill Site.



Councillor MacDonald indicated there had been some problems at the Landfill Site with equipment and recommended that if additional equipment is required it be purchased to improve the site as a number of complaints had been received to this point regarding the odour from the Landfill Site.

Councillor MacDonald indicated that the Correctional Center CANs is looking for a member of management to serve on their committee and Walter Knowlan, Halifax City Council, was non-minated to that position.

Councillor MacDonald indicated that the Metropolitan Authority is looking to develop a transfer site for four districts of the County not now included in the garbage disposal system. He indicated there were two cost-sharing options being examined. The first option discussed the disposal of garbage across the total area and direct there be a reduction of costs. It was also recommended that Dartmouth and the Eastern part of the County go to the Dartmouth Landfill Site and the Halifax and West part of the County go to the Halifax Transfer Station. The study is being forwarded to the Directors of Finance for the Authority for consideration. Councillor MacDonald advised the report indicated the County would be saving 21 per cent of their costs.

Councillor Reid asked Councillor MacDonald if this new approach would preclude the setting up of the two mini-transfer stations in the Eastern end of the County. Councillor MacDonald indicated this option had been examined but this option would be too difficult and expensive to maintain.

Councillor Mont indicated the transfer station in Dartmouth would result in increased costs to the County.

Councillor Gaetz inquired how much fill was placed over the garbage. It was indicated by Warden MacKenzie 59 inches of fill was placed over the garbage.

Councillor Gaetz asked if it was possible for the Councillors to go to the site to examine it. Councillor Mont advised that arrangements would have to be made with Mr. Mort Jackson and pending those arrangements being made it would be possible to go to examine the site at any time.

Councillor MacKay indicated it was agreed when the landfill site was originally discussed that the area now containing the landfill would be turned over to the County for a recreational site for the community. He further advised that a final determination was to be made as to the contours of the land during the final covering of top soil and clay and that Lake District Association would be able to participate in that study without cost to the association; and further inquired if any debate had occurred on this issue recently. Councillor MacDonald indicated there had not been any discussion regarding this issue of late. Councillor MacDonald further stated that McCullough's had the first right of refusal on the property.



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

"THAT Mr. Cragg be instructed to meet with the Department of Municipal Affairs and/or the Metropolitan Authority to discuss this item and to reach an agreement with regard to the alleged option which McCullough's has for first right of refusal".

Councillor Wiseman indicated her concern regarding this situation and wanted to know how both the County and the Department of Municipal Affairs and the Metropolitan Authority could be totally unaware of this agreement.

Councillor Wiseman also advised Council she would like a report back to Council on how a situation like this could have occurred and further, what the responsibility of the County of Halifax would be in this situation.

Warden MacKenzie asked if there would be any formal minutes indicating this situation. Mr. Meech stated this situation had been researched a number of times and no information regarding this agreement were available.

Councillor MacKay indicated that the minutes of the meeting of Councillors and the Springfield Lake Ratepayers Association with the Hon. Edmund Morris, who was the spokesman for the Metropolitan Authority at that point in time would contain some information with regard to this situation.

Councillor MacDonald indicated he had been present at the meeting in Springfield and he did not recall any minutes being taken.

Councillor Margeson indicated there was a meeting in the fire hall and perhaps the secretary of that group would have some minutes available. He also advised that several months ago the Metropolitan Authority had wanted to institute a study to investigate other methods of disposing of trash. Councillor Margeson inquired what the status of that report was. Warden MacKenzie stated those were being considered, however the cost was exorbitant in comparison to what was being paid at this time for garbage disposal.

Councillor MacKay advised that shortly after his election a letter was received by himself, Councillor Wiseman and Councillor MacDonald indicating that as quickly as possible they wanted the County to proceed to determine what type of facility was required and to have a design prepared to design those contours.

RESOLUTION RE: PEDESTRIAN CROSSWALKS

Mr. Kelly read the report indicating the resolutions for pedestrian crosswalks to be installed on Rocky Lake Drive and near Fraser's Road.

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

"THAT Council approve the resolution stating in part:

"BE IT RESOLVED THEREFORE that the Municipality of the County of Halifax do therefore request that the Department of Transportation of the Province of Nova Scotia establish, with all due speed and dispatch, a pedestrian crosswalk in the vicinity of Palmer Road on Rocky Lake Drive, Waverley, in the County of Halifax, Province of Nova Scotia be approved."

Motion Carried.

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

THAT Council approve the resolution stating in part:

"BE IT THEREFORE RESOLVED that the Municipality of the County of Halifax do hereby request the Department of Transportation of the Province of Nova Scotia establish, with with all due speed and dispatch, a pedestrian crosswalk in the vicinity of Highway Number 3, at or near the intersection of Fraser's Road at or near Civic Number 2565 St. Margaret's Bay Road, Timberlea, in the County of Halifax Province of Nova Scotia be approved."

Motion Carried.

#### AMUSEMENT BOARD--COUNCILLOR MACKAY

Councillor MacKay advised that an application had been received to acquire permission to have an outdoor facility for music festivals in the community of Sackville. Councillor MacKay further indicated he did not believe this would be in the best interest of the community nor in the best interest of the entrepreneur to pursue this.

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

"THAT Council advise the Department of Consumer Affairs that Halifax County Council will not support the issuance of a license from the Provincial Board for any application that may be received from Gerald Bonang or JB's Country Palace for any Blue grass and/or County Music Festivals in Sackville."

Motion Carried.

#### RESOLUTION RE: SENIOR CITIZENS RESIDENCE--COUNCILLOR BAYERS

It was moved by Councillor Reid, seconded by Councillor Lichter

"THAT Council approve a need and demand study for a senior citizen's residence in the Lake Charlotte Area of District 10."

Motion Carried.

#### POLLUTION IN THE LAKE ECHO AREA--DEPUTY WARDEN ADAMS

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

"THAT Council request the Department of the Environment to carry out a departmental investigation of the Lake Echo body of water north of the 107 highway crossing of Lake Echo where there have been increased reports of pollution in this area."

Deputy Warden Adams further indicated there have been dead fish coming ashore in this area which would seem to indicate a decrease in the undertow in the Lake Echo area and that the silt has been measured by the residents at depths of one to three feet in various areas in the lake.

Deputy Warden Adams also indicated there was evidence of raw sewage in the lake north of the 107 highway. He further advised Council the residents had made several inquiries without any response.

Warden MacKenzie inquired if there had been any investigation of the possibility of acid rain in the area.

Councillor Gaetz indicated that the dead gaspereau in the water was not an indication of any pollution as there seems to be a tendency of these fish to die once they reach adulthood.

Councillor Margeson indicated there was no request for a follow-up report to be forwarded to Council and suggested that this be added to the motion.

This was agreed to by Deputy Warden Adams.

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

"THAT THE Department of Health examine the issue of raw sewage in the Lake Echo waters."  
Motion Carried.

#### REPORT OF THE NOMINATING COMMITTEE

Councillor MacKay indicated the new Executive Committee and PAC committee members had been elected and that council members were aware of the new members to each committee.

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

"THAT the Executive Committee be made up of the following members:

Warden MacKenzie, Deputy Warden Adams-Chairperson, Councillor McInroy, Councillor Poirier, Councillor Wiseman, Councillor Eisenhower, Councillor Mont, Councillor Reid, Councillor Walker, Councillor Gaudet, and Councillor Bayers.

and further that the PAC would consist of Councillor Lichter, Councillor Snow, Councillor Larsen, Councillor Deveaux, Councillor DeRoche, Councillor MacKay, Councillor MacDonald, Councillor Baker, Councillor Margeson, and Councillor Gaetz."

It was further recommended by the nominating committee that the first meeting of the Executive Committee be held Thursday, June 21, at 9:30 a.m.



Councillor Lichter asked if the nominating committee obeyed the by-law stating that two urban and two rural councillors were added to the PAC committee.

Councillor MacKay stated that there was two members from each area. Mr. Meech confirmed this and indicated that Councillor Baker was a member of the Urban services committee.

Motion Carried.

Councillor MacKay asked that Councillors not present this evening be informed of the changes.

#### ADDITION OF ITEMS TO THE JULY 3rd AGENDA

Councillor McInroy indicated with respect to the grants to organizations there was no main motion made and the two motions discussed earlier during the council session were in fact main motions and should be rescinded with regard to the Atlantic Symphony funds and a grant being given to the Salvation Army and the grant for \$2,000 for the Salvation Army.

Mr. Meech inquired if these motions were not amendments to a main motion. Councillor McInroy indicated they were not.

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

"THAT the motions made at the June 5, 1984 Council Session with regard to grants to organizations allocating funds to the Salvation Army, the St. Margaret's Bay Tourist Association and reducing the grant to the Atlantic Symphony be rescinded."  
Motion Carried.

Councillor DeRoche indicated it was his intent to speak to the motion put forward at this council session and requested that a resolution be considered at this time. It was indicated there was not unanimous agreement and therefore Councillor DeRoche would not be able to speak.

Councillor DeRoche requested that grants for the Dartmouth General Hospital be added to the agenda for the next session.

Councillor Lichter requested that a report of the financial costs of the Sackville Incubator Mall and the price of the sale and the rationale for selling the mall be presented at Council at the next session.

Councillor MacKay stated that the announcement was made during a Council session and further that the Executive Director of the Industrial Commission would be circulating a memo to the members of Council. Councillor MacKay also stated he hoped this memo would be circulated prior to the next session of Council.

There being no further business the meeting was adjourned.

MINUTES & REPORTS

OF THE

SECOND YEAR MEETINGS

OF THE

FORTY-FIRST COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

JULY COUNCIL SESSION

TUESDAY, JULY 3 and 17, 1984

MISSING

(Found)

&

PUBLIC HEARINGS

JULY 23 and 30, 1984

REGULAR COUNCIL SESSION

JULY 3, 1984

PRESENT WERE: Warden MacKenzie, Chairperson  
Deputy Warden Adams  
Councillor Gaetz  
Councillor DeRoche  
Councillor Deveaux  
Councillor Larsen  
Councillor Poirier  
Councillor Walker  
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. K. Birch, Chief Planning and Development  
Mr. L. Denny, Executive Director, Industrial  
Commission  
Mr. K. Wilson, Director of Finance  
Ms. Valerie Spencer

SECRETARY: Ms. C. Lynn Weeks

\*\*\*\*\*

CALL TO ORDER

Warden Mackenzie called the meeting to order at 6:03 with the Lord's Prayer.

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.

APPROVAL OF MINUTES

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

"THAT the minutes of the June 5, 1984 regular council session be approved as submitted."  
Motion Carried.



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

"THAT the minutes of the June 11, 1984 Public Hearing be approved as submitted."  
Motion Carried.

ADDITIONS TO THE AGENDA

Councillor Poirier requested that the Lakeside Industrial Park Mall be added to the agenda.

Councillor DeVeaux requested the topic of establishing a bus service to Ocean View Manor be added to the agenda.

Councillor Gaetz requested the topic of parking at Lawrencetown Beach and life guarding be added to the agenda.

LETTERS AND CORRESPONDENCE

Mr. Kelly indicated there were no letters and correspondence.

PLANNING ADVISORY COMMITTEE REPORT

Proposed By-Law Amendment--Sackville, (G.Royce Hefler)

Mr. Kelly read the report indicating an amendment to the Sackville Zoning by-law for the construction of a multi-unit residential building. It was recommended by Committee the request be approved and a Public Hearing be held August 13, 1984 at 7:00 p.m.

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

"THAT Council approve a Public Hearing August 13, 1984, at 7:00 p.m. for an amendment to the Sackville Zoning By-law to allow the construction of a multi-unit residential building."  
Motion Carried.

Proposed Amendment to the Forest Hills Planned Unit Development Agreement Town Center Stage 6--Cole Harbour File No. F-360-84-F

Mr. Kelly presented the report indicating a request to change the zoning of a parcel of land on Merrimac Drive from a multiple family designation to a single family and semi-detached designations.

It was recommended by committee this application be approved.

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

"THAT Council approve the amendment to the Forest Hills Planned Unit Development Agreement Town Center Stage 6 changing the zoning from Multiple family zoning to single family and semi-detached designation."  
Motion Carried.

Subdivision Regulations

Ms. Valerie Spencer presented the report on the subdivision regulations. Warden MacKenzie expressed his appreciation and thanks to the Council members present at the opening of the additions and accessibility improvements to the Municipal Center.

Ms. Spencer indicated Council members had a copy of the final draft of the subdivision regulations, the staff report dated July 3, 1984, and a proposed amendment to the draft subdivision by-law.

Ms. Spencer advised Council members the subdivision by-law was the final draft resulting from the committee of the whole meeting which took place last week and the recommendations of the committee of the whole were incorporated in this draft of the by-law which included striking any restrictions on private road development across the municipality, removing the two lots on 25 feet of road frontage in municipal districts 10, 11, 12, and 13 in favour of the one lot which is permitted across the board in the municipality; and striking references permitting development on septic tanks and wells within the Sackville serviceable area. It was a decision of the committee of the whole that the septic tanks and wells would be dealt with separately and the Planning Advisory Committee will be receiving a report Monday, July 9, to draw a new serviceable boundary in Sackville and that item can be dealt with separately and still make the August 20 deadline for approval of the regulations.

Ms. Spencer further advised Council in order to carry out the new by-law, there are a number of amendments required to each of the land use by-laws now in effect and to the building bylaw. These amendments are contained in the staff report entitled amendments to land use by-laws. Each of those applications require a public hearing whereby the amendment can be adopted and those hearings may be held the same night as the hearing to adopt the subdivision by-law. Council was further advised the land use by-laws contained an amendment to the building by-law which would not require a public hearing.

Ms. Spencer indicated staff were recommending, as a result of the meetings of the committee of the whole, in addition to giving your notice to adopt the subdivision by-law you adopt it with an amendment with respect to performance bonding. Ms. Spencer indicated performance bonds were taken when it is necessary to install sewer and water and bonds are taken in lieu. Ms. Spencer further advised Council that the Municipal solicitor and the solicitors for the Department of Municipal Affairs were recommending the amendment to enable the Municipality to require a form of cash. Ms. Spencer indicated the amendment would state: that performance bonds which are acceptable to this municipality are specifically identified and they are: cash, certified cheques, or a letter of credit, consent of surety or bid letter issued by a surety or guarantee company that is licensed by the Province of Nova Scotia.

Councillor Poirier inquired what percentage of the project is required.

Ms. Spencer indicated it was 110 percent and went on to say that the Municipality would prefer it if the developer would not give the county the bonds but rather do the construction. In the event the developer wishes to go forward with the entire subdivision, have it all approved and the lots able to be sold and has not installed any of the services and at that point the bond is required.

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

"THAT the subdivision by-law be adopted with the amendment to section 21.5 as recommended by staff."

Councillor DeRoche indicated there were descriptions for Districts 10, 11, 12, and 13 were included in Schedule "B" and inquired if this was in support of section 19 (2) which is exemption for Public Open Space. Ms. Spencer indicated the new definition was based on electoral districts which is a change from the previous definitions which were based on a geographic area. Councillor DeRoche asked which definition this information was referred to in. Ms. Spencer indicated the definitions for Districts 10, 11, 12, and 13.

Ms. Spencer indicated the 30th of July would be the earliest possible date for a public hearing on this matter. It was agreed by the mover and the seconder this date be included in the motion.

The motion was amended therefore, to read:

"THAT a public hearing be set for July 30, 1984 at 7:00 p.m. to hear the information for the new sub-division by-law with the amendment to section 21.5 as recommended by staff."

Mr. Meech stated he had received an official communication from the Departmental Solicitor, Fran Robertson, resulting from the Committee of the Whole sessions, stating there were still some things which are causing some concerns however, there were still some items which may have to be amended.

Motion Carried.

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

"THAT a Public Hearing date be set for application No. ZA-SA-23-84."  
Motion Carried.

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

"THAT a Public Hearing date be set for application No. ZA-CH/W-24-84."  
Motion Carried.

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

"THAT a Public Hearing date be set for application no. ZA-EP/CB-25-84"  
Motion Carried.



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

"THAT a Public Hearing date be set for application No. ZA-T/B/L-26-84."  
Motion Carried.

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

"THAT a public Hearing date be set for application No. ZA-Lm-27-84."  
Motion Carried.

Warden MacKenzie indicated the dates for all above mentioned Public Hearings would be July 30, 1984 at 7:00 p.m.

Councillor MacKay asked since the meetings had taken place the week prior to the Council Session this evening, should a second evening be set aside for continuation of the Public Hearings to complete that item. Warden MacKenzie agreed with this and requested that Councillors also make themselves available on July 31 in the event the Public Hearings are not completed on the July 30th date which has been set aside to deal with this issue.

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

"THAT the By-Law No. 23 be set for a public Hearing on July 30 or 31, 1984."  
Motion Carried.

Mr. Meech indicated a letter should be written to the Minister to inquire about the date of the subdivision by-law which is recorded as April 30, 1977 which would used as the beginning dates and the status of the regional development should be requested.

Mr. Meech further indicated the Department of Municipal Affairs would prefer to see the date as November 25, 1950 and this is the reason it is imperative Council express strongly to the Minister the more appropriate date would be April 30, 1977.

Councillor Lichter asked if the letter indicated the department would be more inclined to approve November 25, 1950. Mr. Meech confirmed this and further stated the letter he had received indicated the first subdivision regulation in the Province had come into effect November 25, 1950 in the Municipality of the County of Halifax and therefore the proper date would be November 25, 1950. Councillor Lichter stated the date they had been advised at PAC would be acceptable was April 30, 1977 and now they are giving a date which had never been discussed prior to this. Mr. Meech advised what the Department of Municipal Affairs was indicating in this communication was that a date of November 25, 1950 was more appropriate because some subdivision regulations had been uncovered as coming into effect on this date.

Councillor Lichter stated it was his very strong opinion that the April 30, 1977 date was not the most desirable however, that was a reasonable compromise and that is the date upon which the Municipality is willing to allow. Mr. Meech stated staff required Council's permission to forward communication to the Minister expressing the County's dissatisfaction with the November 25, 1950 date.

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

"THAT staff forward a letter to the Minister of Municipal Affairs indicating the County's dissatisfaction with the November 25, 1950 date and indicating the preference for the April 30, 1977 date."  
Motion Carried.

Warden MacKenzie requested Deputy Warden Adams to take the chair.

#### EXECUTIVE COMMITTEE REPORT

##### LEASE AGREEMENT--SHELDRAKE LAKE HOMEOWNERS ASSOCIATION

Mr. Kelly read the report indicating a request to enter into a lease agreement with the Shel Drake Lake Homeowner's Association for land on Shel Drake Crescent owned by the Municipality approximately 60' X 200' in size.

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

"THAT the Municipality of the County of Halifax enter into a Lease agreement with the Shel Drake Lake Homeowner's Association to lease the parcel of land approximately 60' X 200' located on Shel Drake Lake Crescent."  
Motion Carried.

##### Expropriation of Carter Road, Porters Lake

Mr. Kelly presented the report indicating a petition had been received by the residents of Carter's Road requesting a take over of the road. He further indicated there had been a deed circulated and all signatures with the exception of heirs to an estate located on Carter's Road had been obtained.

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

"THAT a further attempt be made to obtain the required signatures and if the signatures cannot be obtained the Municipality carry out appropriate expropriation proceedings."

Councillor Deveaux indicated he had had a similar problem and also in Councillor Walker's area and asked if there were any problems. Mr. Cragg indicated there was no difficulty in expropriating the land although there were some difficulties after the expropriation in agreeing to compensation. Mr. Cragg further indicated this matter has since been resolved. Councillor Deveaux inquired if an appeal could be launched subsequent to the expropriation. Mr. Cragg indicated it would be very difficult to do so and in only rare and unusual circumstances an expropriation is overturned.

Councillor DeRoche inquired if he could have clarification of the motion. Councillor Walker indicated what the motion stated. Councillor DeRoche asked what the time frame was for the expropriation. Mr. Meech indicated there was no specific time frame, however, staff would make one final attempt to see if the signatures could be obtained and after that attempt it was concluded it would not be feasible then the necessary documentation would be prepared for the expropriation. He further advised this matter would come back to Council one more time before it is expropriated because the resolution authorizing the expropriation has to have attached to it the specific description of the parcel of land to be expropriated.

Councillor MacKay asked if a new policy had been adopted with regard to expropriation as this was against the Policy of the county approximately one to one and one-half years ago. Mr. Meech stated there was a review of the expropriation policy and a new policy was adopted which indicated each individual circumstance would be examined.

Councillor MacKay inquired where the funds would be taken from for the expropriation. Mr. Meech indicated this particular case was not to that point as yet as there had been no decision made as to whether or not it would be necessary to expropriate.

Motion Carried.

#### Water Rates, Lively Subdivision

Mr. Meech presented the report stating the staff report had been endorsed by the management committee and the effect would be to increase the water rates for the Lively Subdivision to accurately reflect the associated costs. The new rates are listed in the attached report.

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

"THAT Council approve the new water rates for the Lively Subdivision as outlined in the staff report."

Motion Carried.

Councillor MacKay asked if there was anyone in Lively Subdivision who has a one inch meter instead of a 5/8th's meter. Mr. Meech indicated he felt there may be one resident. Councillor MacDonald stated he felt the apartment building may have the one inch meter.

#### Group RRSP's for County Councillors

Mr. Kelly presented the report from the Personnel Co-ordinator stating Council would cost-share the Pension Plan to a maximum of \$750 per annum with a start-up date of January 1, 1984. The adoption of this plan was recommended by the Management Committee.

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

THAT a Group RRSP be adopted for County Council to be cost-shared to a maximum of \$750 per annum with the start up date of January 1, 1984."

Motion Carried.

#### Mainstreet Program

Mr. Kelly presented the report indicating it was recommended by the Management Committee for approval of items 1,2, and 3 as outlined in the staff report.

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

"THAT the Mainstreet program be adopted as outlined in recommendations 1, 2, and 3 of the executive summary of the report."  
Motion Carried.

#### District Capital Grant--District 11

Mr. Kelly presented the report requesting a district capital grant for district 11, in the amount of \$1,574.90 for purchase of capital equipment for a county owned playground located in Sheet Harbour.

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

"THAT Council approve a District Capital Grant in the amount of \$1,574.90 for the purchase of capital equipment for a county owned playground in the Sheet Harbour area."  
Motion Carried.

#### By-Law Amendments, By-Law No. 15

Mr. Kelly presented the report recommended by Policy Committee for approval. The amendments are outlined in the attached copies of the by-law.

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

"THAT Council approved the amendments to the Trade and Licensing By-Law No. 15"

Councillor Larsen asked if page 3, paragraph three was outlining a double licensing situation, municipal and provincial licensing. Mr. Kelly indicated that section had been deleted as this section was now controlled provincially.

Councillor Larsen further inquired what type of criteria would be given to persons applying for vending machine licenses. Mr. Kelly indicated the by-law would license the numbers of machines in areas which have been approved. Councillor Larsen inquired if video games would be included under this act and further if the fire marshall's requirements were taken into consideration. Mr. Cragg indicated this was strictly a licensing by-law and could be considered as more of a fund raiser.



Councillor Larsen indicated he was concerned about the safety aspects as some places would be inclined to install a great number of machines in a very small area. Mr. Cragg indicated that other by-laws more effectively control that aspect of these operations.

Councillor MacKay inquired if the Province had taken over the amusement section such as circuses. Mr. Kelly confirmed this. Councillor MacKay also inquired if regarding section 8 placement and numbers of machines had been considered pending the outcome of the court cases. He further stated he had recently seen an article in the newspaper indicating the City of Halifax had recently found a way to govern the video arcades by way of the number of machines which would be permitted in a facility. He further inquired if this would not be the by-law if the Municipality wished to follow the City of Halifax in this regard to implement this type of restriction. Mr. Cragg stated the amusements act was recently amended and clearly withdrew from Municipal units the right which was previously extended to deal with a great number of these areas and secondly, the City of Halifax had drafted a by-law without waiting for the Provincial legislation to be finalized.

Councillor MacKay inquired if there was a peddler's license which was issued by the County. Mr. Kelly indicated this was controlled by the Department of Consumer Affairs. Councillor MacKay indicated he did not feel the County should not license these persons to give some type of control to the Municipality over these types of sales persons.

Mr. Kelly indicated there were a very small number of photographers etc, who were licensed.

Councillor Mont indicated this matter was discussed at Policy Committee and it was felt this was mainly a money making matter and that staff really did no investigation of any persons applying for licenses and it was simply a matter of applying for the license and paying the fee to receive the license. He further indicated under the Department of Consumer Affairs who license direct sellers there was some investigation of these persons.

Councillor MacKay inquired if under the Direct Sellers' Act was it all of that act or just a portion of it which was contested in court for trying to pass legislation who would not allow anybody from out of Province to obtain a license.

Councillor MacDonald inquired if he applied for a license to operate an arcade would it be strictly up to the County. Mr. Cragg indicated the County did have control so far as the planning strategy's, and zoning by-laws, etc. allow us but other than that there would be no control.

Councillor MacDonald asked if the recommendations which have been sent by Council concerning amusement parks would be considered by the Department of Consumer Affairs. Councillor Mr. Cragg indicated the recommendation by Council would be considered by the Board although they were clothed with the authority to grant or not to grant licenses and the repercussions of accepting the recommendations of an inferior government body were not something he could speculate on at this time.

Motion Carried.

Construction Agreement #1-B, Department of Transportation

Mr. Kelly presented the report indicating Council's authorization of a resolution was required prior to the department calling for tenders on the project. Mr. Kelly further indicated the project was to upgrade storm sewer, curb and gutter and sidewalk for a distance of approximately 3.24 km. The total estimated cost of shareable work is \$972,000 and the cost to the county will be \$193,530.

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

"THAT Council authorize the Warden and the Municipal Clerk to execute the resolution Construction Agreement 1/B between the Municipality and the Department of Transportation and further that the Municipal share of this project, \$193,530, be recovered through an area rate in the District concerned."

Councillor MacKay inquired if Councillor Margeson was aware of the financial arrangements. Mr. Kelly indicated he was.

Motion Carried.

Request for District Capital Grant and Loan--District 4

Mr. Kelly presented the report requesting a district capital grant in the amount of \$20,000 and a loan in the amount of \$21,000 for the purchase of a fire vehicle for the Hatchett Lake Volunteer Fire Department. Mr. Kelly indicated the loan was to be advanced on the basis of a ten (10) year repayment plan of principal and interest with the provision that Council reserves the right to levy an area rate in default of principal and/or interest payments.

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

"THAT a District Capital Grant and a loan be approved by Council for District 4 for the purchase of a fire vehicle for the Hatchett Lake Volunteer Fire Department in the Amount of a \$20,000 District Capital Grant and a loan in the amount of \$21,000 with the provision Council reserves the right to levy an area rate in default of principal and/or interest payments."  
Motion Carried.

Request for District Capital Grant--District 14

Mr. Kelly presented the report requesting a District Capital Grant in the amount of \$1,000 for capital improvements to land and shore frontage on land owned by the Province of Nova Scotia and lease by the Cheema Canoe Club. Executive Committee recommend approval of this District Capital Grant.

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

"THAT Council approve a District Capital Grant in the amount of \$1,000 for capital improvements to land and shore frontage owned by the Province of Nova Scotia and leased by the Cheema Canoe Club."

Motion Carried.

Request for District Capital Grant--District 14

Mr. Kelly presented the report requesting a District Capital Grant in the amount of \$2,000 for the Wellington Fire Hall for capital improvements to the Fire Hall. This request was approved by the Executive Committee.

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

"THAT Council approve a District Capital Grant in the amount of \$2,000 for capital improvements to the Wellington Fire Hall for capital improvements."

Motion Carried.

Request for District Capital Grant--District 14

Mr. Kelly read the request for a district capital grant in the amount of \$3,000 for the purchase of communications equipment for the Goff's Volunteer Fire Department for District 14. This request was recommended by the Executive Committee for approval.

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

"THAT a District Capital Grant in the amount of \$3,000 for the purchase of communications equipment for the Goff's Volunteer Fire Department, District 14."

Motion Carried.

Request for District Capital Grant--District 6

Mr. Kelly presented the report requesting a District Capital Grant in the amount of \$1,360.50 which is fifty per cent of the cost to provide ditching on Rideaux Way, Eastern Passage. This request was recommended by the Executive Committee.

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

"THAT Council approve a District Capital Grant in the amount of \$1,367.50 to provide ditching on Rideaux Way, District 6."

Motion Carried.

Request for District Capital Grant--District 6

Mr. Kelly presented the report requesting a District Capital Grant in the amount of \$5,000 for the purpose of carrying out ditching in District 6 for the purpose of preventing flooding to a ballfield. Executive Committee recommended this for approval.

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

"THAT Council approve a District Capital Grant in the amount of \$5,000 to provide ditching in District 6, Eastern Passage to prevent flooding in the ballfield."  
Motion Carried.

#### Sheet Harbour Swimming Pool Complex

Mr. Kelly presented the report recommending from the Executive Committee, Council approve the Municipality entering into a lease for a ten (10) year period with the option for renewal for a further ten year period with the Sheet Harbour Lion's Club.

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

"THAT Council approve entering into a lease with the Sheet Harbour Lion's Club for a ten year period with an option to renew the lease for a further ten year period."  
Motion Carried.

#### URBAN SERVICES COMMITTEE REPORT

Mr. Kelly presented the report which indicated the hiring of a plumbing inspector to work in the urban districts and it was indicated by the Urban Services Committee this is a necessary service which should be supplied to the residents of the County. It was indicated an amendment to the building by-law would be necessary to facilitate the requirement of this service.

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

"THAT Council approve the hiring of a plumbing inspector as recommended by the Urban Services Committee and further that the building by-law be amended as required."  
Motion Carried.

#### FINANCIAL INFORMATION, SACKVILLE INCUBATOR MALL--COUNCILLOR LICHTER

Councillor Lichter indicated he had requested this information at the previous meeting of Council and asked if that information was contained in the memo circulated to the Council Members. Councillor MacKay confirmed this was correct. Councillor Lichter inquired why that information was not complete.

Councillor MacKay indicated that Mr. Denny was prepared to answer any questions and further indicated the information Councillor Lichter was looking for was the exact cost to the Municipality and indicated this information had not been finalized at this point in time.

It was agreed Mr. Denny come forward to make a presentation to Council. Mr. Denny indicated the report stated the situation which had transpired without the figures being presented and the basic reason the figures were not available was that many invoices were still in process. Mr. Denny further advised Council the cost figures were subject to an audit and minor adjustments, prepaid insurance and tax rebates.



Councillor Lichter inquired if anybody on the industrial commission knew the exact cost of the project. Mr. Denny indicated the commission was aware the cost of the mall was not in excess of the selling price. Councillor Lichter indicated this did not correspond with the information he had received. Councillor Lichter indicated he was concerned regarding the fact that \$400,000 had been borrowed from the Municipality and asked if this amount of money had been received from the Municipality by the Industrial Commission. Mr. Denny indicated to the best of his knowledge the Industrial Commission had not received in excess of \$200,000 from the County. Mr. Denny further indicated this money had been advanced for the labour and the monies which had been expended for materials in the majority of cases, had been covered by the Commission during the beginning and during the later part there were some invoices which had not been paid when the property had been sold.

Councillor MacKay stated the original request for funds had been for \$325,000 to be in the form of a mortgage and after that period there was an additional sum of approximately \$70,000 to meet the engineering department's requirements and to acquire an additional piece of property. He further indicated that in total the amount borrowed was \$375,000 to \$395,000.

Councillor Lichter inquired if that sum was in addition to the \$325,000 that was re-allocated from the Aerotech Park to the Sackville Incubator Mall from the Federal Government Grant. Councillor MacKay indicated the monies approved by Council was for the acquisition of land and materials and services and the monies granted through the Federal NEED Grant Program was for labour and the commodities allowed under the parameters of that program.

Councillor Lichter inquired if the \$395,000 received from the Municipality was in addition to the NEED Grant Monies of \$325,000. Councillor Lichter further inquired if the total cost was \$720,000. Mr. Denny stated the total amount would be in excess of \$720,000. Councillor Lichter inquired if the mall was sold for \$475,000. Mr. Denny confirmed this.

Councillor Lichter inquired how the mall could be sold for less than the cost to "us" if the total cost was \$720,000. Mr. Denny stated the cost of the mall to the Municipality was less than the selling price.

Councillor Lichter indicated he was upset by the fact that \$300,000 of the tax payers money was not regained by the sale of the incubator mall regardless of the fact it was federal grant monies. Mr. Meech stated he agreed that the sale price was actually equal to or slightly more than the cost of the mall to the Municipality, however, the terms of the agreement with the federal government were fulfilled and the purpose of the NEED program was for the specific purpose of creating employment and hopefully that employment would be used to also help generate long term economic or productive gains and the Municipality did employ some 77 people over the course of the construction.

Mr. Meech stated the cost of the building was more using this method than it would have been using the conventional method of general contracting, however, one of the aims of the project was to create employment and reduce the net cost to the Municipality for the construction of the mall. It is also very important to note, as stated by Mr. Meech, part of the agreement of sale also includes a commitment by the buyer to construct a second mall.

Mr. Meech further stated the appraisal of the mall was for \$426,000 and the commission had accepted a proposal of \$475,000 based on the appraisal and based on the fact there was a commitment to construct a second mall. Mr. Meech further stated the purpose of mall was to encourage development for the specific reasons of creating employment and to generate additional taxation.

Mr. Meech went on to say it was in the interest of the Municipality to sell the property. Mr. Meech indicated the Municipality had spent \$250,000 opening up the additional seven acres. He further stated using the approach Councillor Lichter was advocating that land should not be sold for less than \$35,000 to \$40,000 per acre.

Councillor Lichter indicated his point of view was if \$325,000 went into labour costs and there were over \$400,000 in costs for materials and land, a good portion of that labour cost should produce some profit. Councillor Lichter stated he felt that the labourers should have produced this building with some efficiency and that efficiency was extremely poor to have no part of the purchase price covering the cost of labour.

Councillor Lichter further stated he felt it was incumbent upon any Board or Commission who receives funding from the Municipality to consult with Council prior to disposing of property which has been funded at least partially by the Municipality.

Councillor MacKay stated the rationale behind the project was that of a make-work project and to put people back to work and this removed a lot of people from the Social Assistance rolls. He further indicated the decision to purchase for the price indicated was not a unanimous decision by the Commission due to the fact considerable debate had taken place prior to agreement to sell being reached.

Councillor MacDonald indicated it was his feeling the monies which would have been spent on UIC and Social Assistance together over the period would exceed the amount spent by the Federal Government on the NEED program and it was his feeling the Municipality had come out ahead in the long run and as well there was now additional commercial space available in Sackville for businesses. He further advised it was not the mandate of the County to be involved in real estate as a landlord.

Councillor MacDonald also advised of the people employed on this project 30 to 35 persons had received full time employment as a result of this project and that would make it well worthwhile.

Councillor Lichter stated at the time initial agreement was reached to enter into this project no discussion occurred regarding selling the property at a later date, the discussion centered around the profit the County would be incurring in a number of years and it was his opinion the Council should have been consulted prior to selling the property.

Councillor Poirier indicated at the time of sale there were circumstances which were not being recognized. One fact being the developer approached the Commission to purchase the property. Councillor Poirier stated she was very pleased to have this information as she did not feel the County should be involved with renting premises.

Councillor Poirier indicated there was not time to report back to Council when the Commission was approached to sell the property although the commission was in favour of this action; and a decision had to be made in the best interest of the County.

Councillor Reid inquired if Davis Realty had agreed to construct a mall 15,000 square feet in size. Mr. Denny indicated the mall was to be 22,500 square feet in size. Councillor Reid asked if there were any further conditions of sale on the part of the purchaser or the seller. Mr. Denny indicated the Industrial Commission had agreed to assist Davis Realty in leasing the new premises. Mr. Denny further indicated the new construction would begin by the first of the week (July 9, 1984) providing a building permit is granted. Mr. Denny also advised Council there were three or four prospective lessees for the new premises.

Councillor MacKay stated there were two other conditions that the purchaser would honour all leases now in force and that a certified cheque be posted as a guarantee of construction within 90 days.

Councillor Eisenhower indicated it was his opinion it was much better to use a NEEO program than the older programs where nobody received anything for the money spent. Councillor Eisenhower further stated he felt the mission of the Industrial Commission had been fulfilled.

Councillor Deveaux indicated his support for the comments and suggestions by Councillor Lichter.

Councillor McInroy indicated his support for Councillor Lichter's sentiments.

There was further general discussion regarding this matter and Deputy Warden Adams indicated that a member of the Federal Employment Department and he expressed great satisfaction with the County's efforts and it was one of the better examples of government fulfilling its mandate.

Councillor MacKay asked Council to Hear Mr. Denny regarding the Lakeside Industrial Point of time. It was agreed.

Councillor MacKay made a presentation with regard to the time which has elapsed since it was agreed an incubator mall should be developed in the Lakeside Industrial Park and the Commission now feels the Commission should begin construction on an industrial mall on that property.

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

"THAT Council approve the borrowing on the part of the Halifax Industrial Commission for borrowing up to a limit of \$1,152,000 for the purpose of construction of an industrial mall on Lot C in the Lakeside Industrial Park until such time as the building has been sold lump sum or as industrial condominium units."

Councillor DeRoche asked how large the lot was. Mr. Denny indicated the lot was five (5) acres in total and one and one-half acres was useable. Councillor DeRoche further inquired how much of the property would be paved and/or landscaped. Mr. Denny stated the same ratio as Sackville approximately. Councillor DeRoche inquired if the \$30-\$32 rate per square foot was a firm price. Mr. Denny stated that there could not be firm rates given until the final plans for the building could be released and tenders sought.

Councillor DeRoche indicated three years ago the price was \$45 a square foot and inflation would require the price to be higher today. Councillor DeRoche further stated that it is now in the vicinity of \$52 to \$58 per square foot. Mr. Denny stated this building was a standard plan used for industrial type warehousing and is used in the leasing of units whereby most of the space is warehouse space and ten to fifteen percent of the building only as office space.

Councillor DeRoche further inquired how firm the potential sale of the premises was and what price factor would be discussed once the building is finalized. Mr. Denny indicated the Commission did not propose to sell the premises at a loss.

Councillor Eisenhower spoke in favour of the motion.

Councillor MacDonald stated the value of the complex in Lakeside would be greater than the mall in Sackville and the businesses were there to use the facility.

Councillor MacKay stated this motion would in fact be a motion of approval allowing a maximum of \$1,152,000 and then tenders would be called which would give Council members a firm price.

Councillor Gaetz inquired why only three contractors would be approached to submit tender bids. Mr. Denny indicated this approach had been suggested early by both the Executive Committee and the Industrial Commission. He further stated it would be possible to go for open public tender if Council felt that would be more beneficial and this matter would be discussed at the Executive Committee meeting.

Councillor Gaetz indicated it was his feeling this proposal should go out for public tender.

Councillor Poirier indicated she felt the Industrial Park in Lakeside was a very successful park however, there was difficulty in creating expansion in that area. Councillor Poirier further indicated the City of Halifax has also seen great potential for expansion of that industrial park as the last annexation had come right into the park.



Councillor Poirier indicated her very strong support of the project and suggested the Councillors visit the park if they are not familiar with it.

Councillor Lichter indicated he would be supporting the motion on the following basis: that the project would be open to a public tender; that Council will be approached when a purchaser becomes interested;

Councillor Poirier stated that she was in favour of a public tender, however, the lowest bid is not necessarily the best contractor for the project and this would have to be considered when granting the tender. Mr. Denny indicated the Deputy Chairperson of the Industrial Commission had suggested that the route to follow may be project management which would save the County additional funds.

Councillor MacKay indicated he would also be in favour of a public tender.

Motion Carried.

#### DARTMOUTH GENERAL HOSPITAL--COUNCILLOR DEROCHE

Councillor DeRoche presented his request for a grant to the Dartmouth General Hospital.

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

"THAT grants under section 1 (2) of the newly adopted policy on grants in the amount of \$50,000 be authorized for payment in 1984 to the Dartmouth General Hospital subject to the conditions that the grant is in addition to and does not reduce any grants payable by the City of Dartmouth to the same institution."

Councillor DeRoche stated this item has received considerable debate within the Council Chambers and has been unsuccessful in the past. Councillor DeRoche indicated he had received some additional information stating the usage at that hospital in both the outpatient and the emergency wards has increased by approximately twenty-five percent over and above the figures presented to Council by the Board of Directors at the time of their presentation requesting grant funds. Councillor DeRoche indicated these figures were in direct relation to the increased growth in the areas immediately adjacent to the City of Dartmouth.

Councillor Esienhauer indicated the problem as outlined by the Board of Directors has been that their rapid construction and capital improvements to the building, and the rapid depreciation of equipment which is cost shared 80 per cent by the Provincial Government is where the problem lies. He indicated he was upset by the press coverage stating the County residents are not paying their fair share towards the Dartmouth General Hospital considering the County's contribution to the Province for capital expenditures is \$103,978 under the Provincial Hospital Act.

He further advised the County Council had granted the Dartmouth General an additional grant in the vicinity of 10,000 or \$20,000 and it should be identified the problem lies in the depreciation cost allowance between the Province of Nova Scotia and the Dartmouth General Hospital. He further advised Council in his opinion granting the Hospital an additional \$50,000 will not resolve the problem. Councillor Eisenhower further stated he felt the motion should be directed at the Province to re-evaluate the formula.

Councillor Deveaux spoke in favour of the motion stating the Dartmouth General Hospital was providing a very-valuable service to the County Residents.

Councillor Wiseman stated the various designations of the hospitals such as Dartmouth's community hospital designation, are not uncommon in the Province and must go thorough in each community the same procedures as the Dartmouth General Hospital which requires the hospital to raise a certain amount of their funding independently. Councillor Wiseman further advised Council in light of the services provided by the Dartmouth General Hospital the Municipality has a responsibility to provide some of these funds.

Mr. Meech stated the Dartmouth General hospital was designated as a community hospital and under the definition the community is required to pay up to twenty percent of the capital costs associated with the construction of the hospital and there are a number of those types of hospitals around the Province and there are a number of Municipalities who do support certain community hospitals.

Councillor Eisenhower stated he was in favour of supporting a grant which would be available for a certain number of years. He indicated the Dartmouth General Hospital had not been in favour of these conditions.

There was some further general discussion and Councillor Larsen indicated he would be unable to support the motion on the floor.

Councillor Margeson stated he did not feel that any reference should be made to the City of Dartmouth in the motion. Councillor Margeson also inquired if any funds had been approved for the Dartmouth General Hospital to this point. Deputy Warden Adams indicated a captial grant had been made in the amount of \$10,000.

Councillor Margeson inquired if there were sufficient funds available to cover the grant. Mr. Meech stated there were no additional funds in the budget and a supplementary budget would have to be approved.

Councillor Margeson requested the phrase "and does not reduce the grants payable by the City of Dartmouth to the same institution" be removed from the motion. He further indicated he would not be able to support the motion if that phrase was contained in the main motion.

Councillor Lichter asked if the Dartmouth general Hospital were to expand two years from now would they require approval from the Council. It was indicated they would not however, they would be in all likelihood requesting funds. Councillor Lichter inquired if his doctor would be able to treat him if he was in the Dartmouth General Hospital and stated he would not be able to unless he had practiced in Dartmouth.

Coucillor DeRoche stated each doctor must seek and obtain practicing privileges with any hospital the same as with any provincial hospital.

Councillor Gaetz indicated he would not be able to support the motion.

Councillor Bayers indicated he would not be able to support the motion as it was presently on the floor. He indicated he would be in favour of \$10,000 grants to other community hospitals in the County and a \$20,000 grant to the Oartmouth General Hospital.

Motion Defeated.

Councillor DeRoche indicated he would be resigning from the Board of Directors of the Dartmouth General Hospital due to the embarassment it would cause him. Deputy Warden Adams also served notice of his intent to resign for similar reasons

There was some further general discussion regarding this matter.

#### TRANSIT EXTENSION--OCEAN VIEW MANOR--COUNCILLOR DEVEAUX

Councillor Deveaux presented his report requesting Council's approval for a new bus route to Ocean View Manor and indicated there was strong support for this move throughout his community. He indicated this route would be instituted for a six month trial period initially and the cost to the Municipality would be \$6,200 approximately.

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

"THAT Council approve an additional bus route/extension of the present bus route to include the Ocean view Manor."

There was some general discussion regarding this matter and Councillor DeRoche indicated the cost to the Municipality for the remainder of this year would be in the vicinity of \$4,000.

Motion Carried.

#### PARKING--LAWRENCETOWN BEACH AREA--COUNCILLOR GAETZ

Councillor Gaetz presented his request regarding Lawrencetown Beach and noted a drowning had occurred at the Beach area and the parking situation was deplorable. He further indicated there should be a lifeguard on duty.

Deputy Warden Adams indicated this wasnot a supervised beach area. Councillor Mont indicated that there would be extensive parking when the park area is finished.

Councillor DeRoche confirmed there was a severe parking problem that day and a number of cars were towed away due to the fact they were blocking traffic. He further expressed his regret a death had occurred at that beach.

Councillor McInroy also stated there were severe parking problems and indicated he had seen two lifeguards in the area supervising an area between two markers on the beach and further advised Council members there were signs asking people on the beach to swim in the supervised area.

Councillor Wiseman stated she had also seen the signs, buoys, and flags and the lifeguards.

Councillor MacDonald indicated he was quite concerned regarding the traffic problem in the area in the event emergency vehicles would not be able to access the site in the event of an emergency and suggested a letter be written to the Public Administrator and indicate the concerns of Council regarding access for emergency vehicles.

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

"THAT a letter be forwarded to the appropriate officials of the Provincial government indicating the concern of Halifax County Council with regard to the traffic problems in the area and the possible repercussions."  
Motion Carried.

Councillor MacKay indicated he would like to have an additional item added to the agenda. It was agreed to hear this item by Council.

Councillor MacKay asked Council to entertain a motion to move Councillor Mont from the Executive Committee to the PAC and to move himself from the PAC to the Executive Committee due to some scheduling problems which had arose from the alteration in the committee structure.

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

"THAT Councillor Mont be nominated to the PAC and that Councillor MacKay be nominated to the Executive Committee."  
Motion Carried.

#### ADDITIONAL ITEMS TO BE ADDED TO THE JULY 17 COUNCIL SESSION

Councillor Lichter requested a report concerning the cost of the building and to determine if the contractor had honoured all conditions of the contract, etc.

Councillor Larsen asked for a report on the status of the NEED study in District 3 with regard to the Senior Citizens Housing request.

Councillor Margeson thanked and indicated Council's appreciation for the ceremony of the opening of the building on the part of staff and a letter of appreciation should be forwarded to the premier for his part in the ceremony.

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

"THAT A letter of commendation be forwarded to the members of the Building Opening Committee for their hard work and the Premier for his part in the opening ceremonies of the new wings of the Municipal Building."  
Motion Carried.

There being no further business, the meeting was adjourned.



REGULAR COUNCIL SESSION

JULY 17, 1984

PRESENT WERE: Warden MacKenzie, Chairman  
Councillor Walker  
Councillor Poirier  
Councillor Larsen  
Councillor Gaudet  
Councillor DeRoche  
Councillor Deveaux  
Councillor Gaetz  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Margeson  
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. K. S. Wilson, Director of Finance  
Mr. M. Hanusiak  
Mrs. D. M. Cartledge

SECRETARY: Mrs. Bonita Price

\*\*\*\*\*

CALL TO ORDER

The Chairman called the meeting to order at 6:10 p.m., with the Lord's Prayer.

ROLL CALL

The roll was called by Mr. Kelly.

HONOUR TO COUNCILLOR GAETZ

Warden MacKenzie, on behalf of Council, congratulated Councillor Gaetz on the presentation made to him at Eastern Shore District High School on June 25, for his contributions to education.

RECORDING SECRETARY

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

"THAT Bonita Price be appointed Recording Secretary."  
Motion Carried.

APPROVAL OF MINUTES

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

"THAT the minutes of the Public Hearing of May 28, 1984 be approved."  
Motion Carried.

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

"THAT the minutes of the Public Hearing of June 18, 1984 be approved."  
Motion Carried.

Councillor DeRoche asked for an amendment to the minutes of the Council Meeting of June 19, 1984 of page 8, to indicate his displeasure that the Minister of Housing was not prepared to have the PUD lifted in Forest Hills so a zoning by-law would apply.

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

"THAT the minutes of the Council meeting of June 19, 1984 be approved with the above amendment."  
Motion Carried.

AGENDA ITEMS

The following items were added to the agenda -

Stoney Beach, Lawrencetown - Councillor Gaetz  
Crosswalks - Councillor Deveaux  
Courier Service - Councillor Lichter

LETTERS AND CORRESPONDENCE

The letters brought to the attention of Council were as follows:

- (1) A letter of thanks from the Chairman, Finance Committee of the Nova Scotia Fire Fighters School for a donation of \$1,000.
- (2) A letter of thanks from the President of the Youth Alternative Society for an operating grant of \$3,000.
- (3) A letter of thanks from the Executive Director of the Service for Sexual Assault Victims for an operating grant of \$2,000.

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

"THAT these letters be received."  
Motion Carried.

DIRECTOR OF DEVELOPMENT REPORT

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

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

EXECUTIVE COMMITTEE REPORTPosition of Eligibility Review Officer

The position of Eligibility Review Officer has been operational for five months and the committee recommends to Council that it be continued.

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

"THAT the recommendation be approved."  
Motion Carried.

There was some question whether the position would be a permanent one, and:

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

"THAT the motion be amended to allow for re-examination of the position by Council in a year's time."  
Motion Carried.

The motion was carried as amended.

Report re Mandatory Education Costs and Municipal Capital and Operating Grants

The Committee recommends to Council that they endorse the position outlined in the report and request the Ministers of Education and Municipal Affairs to review the respective programs. Mr. Meech, who wrote the report, said he felt there was a need for the Province to ascertain whether the formulas now used are fair and equitable in their present format. After some discussion,

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

"THAT the Municipality endorse the position outlined in the report and request it be sent to the Minister of Education, the Minister of Municipal Affairs and the Union of Nova Scotia Municipalities, and that Councillors be authorized to meet with these agencies if it appears necessary."  
Motion Carried.

Funds - Dutch Elm Disease

The Executive Committee recommends to Council allocation of funds in the amount of \$1,000 to the Dutch Elm Disease Program; this was stated to be half the estimated cost of removing a small number of diseased trees, the other half to be borne by the Province.

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

"THAT this recommendation be approved."  
Motion Carried.

#### Deposits, Public Hearings

The Committee recommends to Council revision of the deposit requirement to cover the costs of advertising for Public Hearings as follows:

- |   |           |
|---|-----------|
| (a) Zoning or rezoning applications, text amendments to the Land Use By-Laws, development agreements, P.U.D. agreements and undersized lot applications | \$ 500.00 |
| (b) Zoning or rezoning applications for large areas of land where maps are required to illustrate the location  | 2,000.00  |
| (c) Amendments to Municipal Planning Strategies   | 1,000.00  |

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

"THAT this recommendation be approved."  
Motion Carried.

There was some discussion of the possibility of using an advertising agency to place the Municipality's advertising with the hope of receiving a discount for placing a certain amount of advertising, or of having a staff person to handle public relations and advertising. Councillor Larsen said he would like to see costs of doing this either way.

#### APPEALS RE MINOR VARIANCES

Councillor Mont declared a conflict of interest and left the meeting for this discussion.

The Warden outlined the procedure to be followed for a Public Hearing.

#### Application No. MV-17-09-84

Mr. Hanusiak outlined the events leading up to the present appeal of D. W. Morash Limited against the refusal of his application for a reduced sideyard of four feet on Lot A-38 of the Inishowen Subdivision, located on Edgcombe Crescent at Cole Harbour.

He said a permit was issued on the basis of an application stating the sideyard was the regulation eight feet, and the applicant thereupon placed footings in the ground. When it was found that the sideyard was only four feet the applicant applied for a Minor Variance but his could not be granted because work had already been started on the project and to issue a variance would be in violation of the Planning Act.

Nobody appeared to speak for or against the application.

After some discussion;

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

"THAT the Minor Variance be approved."  
Motion Carried.

Application No. MV-17-10-84

This is a similar appeal by W.D. Morash Limited against a refusal of an application for a reduced sideyard of four feet on Lot A-11 of the Inishowen Subdivision, located on Edgcombe Crescent at Cole Harbour. As in the first case a permit was granted on the basis of the application and footings poured. When it was found that the sideyard was only four feet, a Minor Variance could not be granted in keeping with the provisions of the Planning Act.

There were no speakers for or against the application.

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

"THAT the Development Officer's decision be upheld and Council not grant the Minor Variance."  
Motion Defeated.

It was pointed out that if the applicant had applied for the Minor Variance before the footings were poured, it would probably have been granted. There was some feeling that adjacent property owners were denied their right of appeal, but in fact residents within 200 feet were notified of the public hearing.

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

"THAT the Minor Variance be approved."  
Motion Defeated.

SUPPLEMENTARY REPORT OF THE PLANNING ADVISORY COMMITTEE

Rezoning Application No. RA-CH/W-30-84-17

The Committee supports the approval of this application and recommends a Public Hearing to be held on August 20, 1984, at 7:00 p.m., with costs for advertising waived.

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

"THAT the recommendation be approved."  
Motion Carried.

Rezoning Application No. RA-EP/CB-31-84-06

The Committee is in favor of this application and recommends a Public Hearing be held on August 20, 1984 at 7:00 p.m.



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

"THAT the recommendation be approved."

Motion Carried.

Councillor Deveaux asked that advertising costs be waived in this application also, but was assured that no costs were payable in this case.

A motion to amend to change the date to August 21, 1984 was withdrawn.

#### Proposed Amendments to the Municipal Planning Strategy for Sackville

Council requested that Staff redefine the Sackville Service Boundary to more closely coincide with the actual availability of central services and to require that within the redefined Servicable Area only serviced development be permitted. Upon reviewing the Staff report, the Committee recommends to Council that the Sackville Municipal Planning Strategy be amended to reflect Option #2 of the report in which those parts of the servicable area which are not yet capable of being connected to central services would be specifically identified and permitted to develop with on-site services. The Committee also recommends that Council hold a Public Hearing on August 13, 1984 at 7:00 p.m. to consider the change in the Sackville Municipal Planning Strategy.

In order to implement this change the proposed subdivision by-law will have to be amended. The Committee recommends that Council amend the proposed subdivision by-law to reflect Option #2 of the Staff report and hold a public hearing on August 13, 1984 at 7:00 p.m. to consider this change.

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

"THAT the recommendations of the Committee be approved."

Motion Carried.

#### REPORT RE LESSER SETBACK AND SIDYARD CLEARANCES

Mr. Kelly outlined requests for lesser setbacks recommended by the Building Inspector.

- (1) Application for lesser setback of 5.9', Lot D, Ernest Hartlen Sub-division, Terence Bay. Applicant Marlen M. Slaunwhite.

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

"THAT this recommendation be approved."

Motion Carried.

- (2) Application for lesser setback of 26.4', Lot A9, Harbour View Sub-division, Head Chezzetcook. Applicant R.J. Thornhill.

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

"THAT this recommendation be approved."

Motion Carried.

(3) Application for lesser setback of 28', lot A4, Beaverbank Road, Beaverbank. Applicant Ron Millman.

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

"THAT this recommendation be approved."

Motion Carried.

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Report, re Capital Projects, 1984-1986

The Executive recommends to Council the projects outlined in the report respecting capital projects and projection of costs for 1984-1986.

Mr. Meech said this report must be submitted to the Department of Municipal Affairs before the County can get approval for debentures for funding of capital projects. The report will be reviewed and updated on an annual basis.

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

"THAT this recommendation be approved."

Motion Carried.

Approval of Issuing Resolution

Council was requested to approve an Issuing Resolution for the purpose of issuing a debenture in the amount of \$1,500,000 for various capital projects, to be sold to the Nova Scotia Municipal Finance Corporation.

Mr. Meech confirmed that the County is required to place all its funding through the Municipal Finance Corporation.

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

"THAT the Issuing Resolution be approved."

Motion Carried.

GUARANTEE RESOLUTIONS - METROPOLITAN AUTHORITY

Mr. Kelly presented copies of four Guarantee Resolutions received from the Metropolitan Authority. These Resolutions have been approved by the Authority and they request the approval of Council.

(1) Resolution 83-01 in the amount of \$100,048

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

"THAT this Resolution be approved."  
Motion Carried.

(2) Resolution 84-01 in the amount of \$132,618

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

"THAT this Resolution be approved."  
Motion Carried.

(3) Resolution 84-02 in the amount of \$97,603

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

"THAT this Resolution be approved."  
Motion Carried.

(4) Resolution 84-03 in the amount of \$996,000

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

"THAT this Resolution be approved."  
Motion Carried.

#### COST OF MUNICIPAL BUILDING

Mr. Wilson reviewed with Council the cost of alterations to the Municipal Building. He said additional costs have been found necessary since estimates were first reported to the Executive in October 1982, and many of the additions have been approved by the Executive. Some of the additional costs were in lighting, alterations to washrooms and to the Warden's office, moving of phone lines, changes to the Councillor's lounge, the sound system in the Council Chamber, etc.

There was some discussion of the \$90,000 overrun on the architect's estimate. Mr. Meech explained that in some cases it was necessary for the Management Committee to authorize changes which came to light as the work progressed. Councillor Margeson felt thanks were due to the staff for enduring the renovations and the Warden said he has already written a couple of memos on behalf of Council to express thanks to staff. The Warden considered the County now has a building to be proud of, which is worth over \$5 million.

The building now is very accessible to handicapped persons and a report will be forthcoming on this in the future. There was some thought that the building is worthy of a certificate of accessibility, for which a nomination must come from one of the organizations for the handicapped.

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

"THAT the report be received and approved."  
Motion Carried.

METROPOLITAN AUTHORITY REPORT

Councillor Mont advised the Metropolitan Authority has approved extension of transit service to Ocean View Manor, which was previously approved by Council, and service will start soon on a test basis. Councillor Deveaux said he wished to thank both Council and the Authority for approving this service.

A report on landfill costs will probably come to the next meeting of the Authority.

ADDITIONAL ITEMS

Cross Walks

Councillor Deveaux asked for approval of crosswalks and lights in his district as follows:

- (1) Crosswalk with overhead crosswalk light at Bonaventure Avenue and Highway 322
- (2) Crosswalk with overhead crosswalk light at Corsair Avenue and Highway 322
- (3) Crosswalk with overhead crosswalk light at Howard Avenue and Highway 322
- (4) Overhead crosswalk light at South Eastern Passage School on Cow Bay Road near Caldwell Road

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

"THAT the above crosswalks and lights be approved and sent for approval to the Department of Transportation."  
Motion Carried.

Councillor Deveaux asked that copies of the request to the Department of Transportation be sent to MLA Dave Nantes, Major G.W. Kinnear, Canadian Forces Base Shearwater, and Col. S. Eichel, Base Commander, CFB Shearwater.

Stoney Beach, Lawrencetown

Councillor Gaetz asked for support from Council to have a lifeguard placed at Stoney Beach, where a woman drowned some weeks ago. He said this beach is situated between two other beaches with lifeguards, and it is hard to keep people off, although signs are now placed there to warn of the danger. It was felt that a wharf and a lifeboat would also be beneficial.

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

"THAT a request be made to the Minister of Lands and Forests for repairs and extension to the wharf at Fox Island, with a boat placed there, and a lifeguard to be on duty."  
Motion Carried.

Courier Service

Mr. Meech advised Councillor Lichter that his staff had not yet found a previous motion with regard to such service between government departments. Councillor Lichter said this motion pertained to a delivery system where pickups could be made, probably once a week, from various government departments which must approve subdivision applications, etc., rather than depend on the mails. There was some discussion of the possible cost of such a service and the possibility of alternative methods.

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

"THAT a pickup and delivery system be set up between the Municipality and other government departments with which it deals."

Motion Carried.

MacDonald Property - Timberlea

Councillor Poirier said that Mr. MacDonald's zoning has still not been approved by the Minister of Municipal Affairs and she feels Mr. MacDonald is being discriminated against. The Warden said he has asked the Minister about this matter and was assured a report was being sent to him, but he has not received it. Councillor Lichter also said the PAC inquired about this to the Minister, but no explanation of the delay has been forthcoming. The zoning was unanimously endorsed by Council. Councillor Poirier asked to be included in any meeting held to discuss this matter.

CANCELLATION OF AUGUST 21, 1984 COUNCIL SESSION

The Executive Committee has recommended that the August 21, 1984 Council Session be cancelled, since it falls within the summer vacation period. After some discussion;

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

"THAT the August 21, 1984 Council Session be cancelled."  
Motion defeated.

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

"THAT the Executive Committee review the question of Council meetings in July and August, and bring a report back to Council.  
Motion Carried.

ADDITION OF ITEMS TO THE AUGUST 7, 1984 COUNCIL SESSIONMosher Island Situation

Councillor Larsen made the following motion of intent to the Council:



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

"THAT whereas the Nova Scotia Municipal Board has rendered a decision on the regional development permit for a fish plant at Mosher Island, this Council will consider a Public Hearing with regard to the application for R-5 zoning at the August 7 meeting."  
Motion Carried.

Lake of the Woods Subdivision

Councillor Larsen said that a group of residents have bought land adjacent to the playground area in this subdivision, to protect it. They request taxes be forgiven on this land. Councillor Larsen requested a staff report for the meeting of August 7.

IN CAMERA SESSION

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

"THAT Council go in-camera."  
Motion Carried.

Resulting from the in-camera session, the following motion was made:

Donation to Papal Visit

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

"THAT the amount of \$25,000 be donated to the Papal Visit."  
Motion Carried.

Adjournment

Upon motion, the meeting adjourned at 10:10 p.m.

PUBLIC HEARING

JULY 23, 1984

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

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk  
Mr. R. Cragg, Solicitor, County of Halifax  
Mr. Mike Hanusiak, Planner  
Mr. Ed Wdowiak, Director of Engineering

SECRETARY: Ms. C. Lynn Weeks

\*\*\*\*\*

CALL TO ORDER

Warden MacKenzie called the meeting to order at 7:04 p.m. 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.

PUBLIC HEARING PROCEDURES

Warden MacKenzie informed the persons in the gallery of the procedures to be followed during the Public Hearing.

STAFF REPORT--APPLICATION ZA-24-16-84-04

Councillor Larsen declared a conflict of interest and left the meeting.

Mr. Mike Hanusiak presented the report for this application and advised Council this public hearing had been advertised in accordance with the Planning Act and no correspondence had been received either in favour or opposed to the application.

Warden MacKenzie indicated the first application was a request from area residents of the White's Lake area indicating their desire to have the lands zoned and rezoned from unzoned and General to R-5, Rural Residential.

It was also requested that the existing business operations be zoned as commercial and these lots are located at Lot A Christian Subdivision at the intersection of the Terence Bay Road and Highway No. 333 owned by Petro Canada Limited. And further that Lot C of the Pinedale Subdivision, Located southwest of the intersection of the Terence Bay Road and Highway No. 333 and being owned by Maritime Tel and Tel be zoned as commercial.

Mr. Hanusiak indicated there were concerns on the part of the Department of Development and Planning an application of this nature could result in non-conforming uses and place individuals and property owners in a position of undue hardship. He indicated the R-5 zone allows all R-1 and R-2 zone uses and the majority of development in the area is of a single family dwelling variety. The most notable exception is a mobile dwelling located on White's Avenue. He further advised the R-5 zone would allow existing mobile homes and a variety commercial uses which are in existence and in conjunction with existing dwellings. He further advised Council there would be a limit on the potential expansion for those businesses. He indicated there were no commercial businesses in existence in homes at the time the application was made.

Mr. Hanusiak indicated it was the recommendation of the Department of Planning and Development the application be approved on the following basis:

1. C-1 zoning is appropriate for both the Petro Canada Station and the MT&T Property.
2. The area has experienced a slight increase in development pressure and the R-5 zoning is the most practical method of ensuring protection of those uses which exist and protects the area from future intrusion of incompatible uses.
3. Application of the R-5 zone is not anticipated to create any non-conforming uses.

QUESTIONS FROM COUNCIL

Councillor MacKay inquired if the MT&T site was land locked and inquired where the access to the property was. Mr. Hanusiak stated he felt there was a right of way and the lot was created long before any regulations came into effect and the best information which he could obtain indicated there was a right of way to the road.

Councillor MacKay inquired if there was more than one property using this right-of-way. Mr. Hanusiak indicated the route of the right of way.

Councillor MacKay inquired if the right of way should not also be zoned commercial to meet the planning and legal requirements. Mr. Cragg indicated that was generally the method which was used however, there was some flexibility allowed where there are long outstanding rights-of-ways.

Councillor Poirier inquired if the trailer lot were to become destroyed by fire or some other problem would the present residents be allowed to put another mobile home or repair the present premises. Mr. Hanusiak indicated the mobile home would have the same rights and privileges under the R-5 zone as any R-1 Home would enjoy.

Councillor Walker inquired if the development pattern changed and more commercial businesses were desirous of entering into the area would they be able to. Mr. Hanusiak stated the pattern seemed to be fairly well set and he did not anticipate any development changes, however, if there were, rezoning could be obtained and/or there was ample room on Highway 333 to construct and zone for commercial space.

Mr. Hanusiak further stated an R-5 zone would not be recommended by the Department if it would hinder commercial development however, the R-5 zone will only be in place for a few years before the matter comes under its own development strategy.

Councillor Poirier inquired if everyone on the area had been informed of the proposed zoning change. Mr. Hanusiak indicated he was aware there was a petition submitted along with the application however he would not be able to inform Councillor Poirier if all residents had been informed as he was not privy to this information.

SPEAKERS IN FAVOUR OF APPLICATION ZA-24-16-84-04

Ms. Ellen Bowser, Resident, White's Lake spoke in favour of the application. She further indicated her residence was located on All Hallows Drive. She stated one side was zoned General and the other side was zoned residential. Ms. Bowser indicated residents were interested in receiving approval to prevent such operations as salvage yards opening in the area.

Councillor Poirier advised Ms. Bowser that salvage yards had a process to follow prior to being granted, they could not simply set up operations without meeting specific guidelines of the County.



Councillor Poirier inquired if each resident in the White's Lake area had been informed of the requested zoning. Ms. Bowser indicated all residents had been informed and only two residents did not sign the petition because she felt they did not want to contribute to the cost.

SPEAKERS IN OPPOSITION TO APPLICATION ZA-24-16-84-04

None.

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

"THAT the request by the residents of the Whites' Lake area to re-zone land from unzoned and R-1 zones to R-5 and C-1 as specified in the application be approved as recommended by the department of Planning and Development."  
Motion Carried.

STAFF REPORT FOR APPLICATION RA-CH/W-19-84-21

Mr. Mike Hanusiak presented the staff report indicating a request to re-zone the lands of Stanley P. Ritchey located at 1389 Cole Harbour Road from R-1 to R-2. He further indicated the purpose of the application was to allow the existing single family dwelling to be converted into a two-unit dwelling.

Mr. Hanusiak further indicated the property is 20,000 square feet and is located within the residential A designation and is a priority area for residential development for a variety of housing types and Council may consider two unit dwellings within the residential A designation by an amendment to the zoning by-law.

Mr. Hanusiak advised Council this application was recommended for approval by the Department of Development and planning under the following basis:

1. The proposed zone is in conformity with the Plan intent to encourage compatible mix of housing within the R-A designation.
2. There is really no consistent pattern of development in the subject area.

QUESTIONS FROM COUNCIL

Councillor Wiseman inquired if the lot was serviced by water and sewer. Mr. Hanusiak indicated it was not. Councillor Wiseman inquired if health approval would be necessary. Mr. Hanusiak confirmed it would.

Councillor MacKay inquired what the dotted line on the map represented. Mr. Hanusiak indicated it was shown on the land registration maps and it was assumed to be a right-of-way although there was no specific information relating that fact.

SPEAKERS IN FAVOUR OF APPLICATION No. RA-CH/W-19-84-21

None.

SPEAKERS IN OPPOSITION TO APPLICATION NO. RA-CH/W-19-84-21

None.

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

"THAT application No. RA-CH/W-19-84-21 be approved as recommended by staff to rezone the lands of Stanley T. Ritcey located at 1389 Cole Harbour Road from R-1 to R-2."

Motion Carried.

There being no further business the meeting was adjourned.



PUBLIC HEARING

JULY 30, 1984

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

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk  
Mr. Keith Birch, Chief Development & Planning  
Mr. Bob Gough, Director of Development  
Mr. Leo Brooks, Storm Drainage Engineer  
Mr. Ed Wdowiak, Director of Engineering  
Ms. Valerie Spencer, Supervisor of Planning  
Ms. Dorothy Cartledge, Senior Planner  
Mr. David Harrison  
Ms. Joan MacKinnon  
Ms. Sharon Bond  
Ms. Linda Malloy  
Mr. Ted Brown  
Ms. Lynn Henry, Solicitor  
Mr. Tony O'Carroll

SECRETARY: Ms. C. Lynn Weeks

\*\*\*\*\*

CALL TO ORDER

Warden MacKenzie called the meeting to order at 7:04 p.m. with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

PROCEDURES FOR PUBLIC HEARINGS

Warden MacKenzie indicated to the people in the gallery the procedures to be followed for the Public Hearings.

STAFF PRESENTATION

Ms. Valerie Spencer made the presentation and indicated the purposes of the various documents which had been presented to the Councillors. She further indicated she had been requested to contact the Department of Municipal Affairs concerning their acceptance of the April, 1977, date which the new subdivision regulations may be based on and which should be used in this Municipality as the date which would determine appropriate exemptions. Ms. Spencer indicated she had not received any commitment from the Department of Municipal Affairs the 1977 date would be acceptable to them.

Ms. Spencer indicated the order and the variety of regulations which were required to be adopted in order to have the proposed regulations finalized.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF THE PROPOSED SUBDIVISION REGULATIONS

SUBMISSIONS FOR THE PROPOSED SUBDIVISION REGULATIONS

Mr. Fred Hutchinson, NSLS, CLS, President for the Association of Nova Scotia Land Surveyors made his presentation and indicated he felt there were a number of areas he and his organization felt should be altered in the Subdivision regulations to avoid some problems. These points include:

1. It is our feeling no property should be subdivided without the plan of a full survey accompanied by a detailed plan of said survey.
2. Page 2, Section 2.11. You have created two definitions for the term frontage. It is difficult to determine when it will not be shown or calculated by your supervising department.

3. Page 2, Section 2.12. The term horizontal is a redundant term when referring to area on a plan of survey since all distances are reduced to horizontal. The area of a power line easement at the rear of a lot is part of that lot and must be included in the area also any right-of-way over a lot does form part of the area lot. It may however, possess an area of its own.
4. Page 3, Section 2.22. Surveyor should be defined as Land Surveyor. A brief look at the telephone directory will let you know there are other types of surveyors.
5. Page 4, Section 5.1(e). Very difficult to show all proposed structures that may be built on each lot. I appreciate however, that this is at the preliminary stage and not very binding.
6. Page 6, Section 7.4 (a). Not to be able to prepare a plan at a scale larger than 1:40 is too restrictive. A scale of 1"=20' and 1"=10' are very useful in showing complicated detail. The present wording should be a recommendation only, allowing larger scales to be produced.
7. Page 7, Section 7.6 (e). This area is different in size to that outlined in the Provincial regulations. Theirs are 6" X 6". The total areas are similar with the County's possibly being more suitable.
8. Page 8, Section 7.6 (p). This section is not in final and may induce an economic hardship on the developer if he had to locate every structure or large adjacent parcels or an adjacent subdivision.
9. Page 9, Section 7.9 (b). Believe that most contract work presently being done is in metric but I am sure that the association of Professional Engineers would like to comment on this.
10. Page 10, Section 7.9 (d) (iv). Do not believe that an Engineer would want to show survey monuments on his drawings other than those used for vertical control of services. I remind you that a survey monument also includes property corner markers of which the Engineer has no legal rights or desire to certify.
11. Page 13, Section 9.3 (a). Plan scales too restrictive as previously commented upon.
12. Page 13, Section 9.4 (d). Error, 15.24 cm should be 25.24 cm. Consideration should be given when preparing a plan in metric sizes to go to even metric sizes. e.g. 10 cm x 25 cm.
13. Page 14, Section 9.4 (g). A problem exists with revision to legal documents such as plans. A certification should be the same as any revision date thus eliminating having two different dates on a plan.



14. Page 14, Section 9.4 (p). The term degrees on the third line is not used in modern subdivision plans and would ask the Development Department if they understand what they have asked for. The term tangent bearings on the fourth line is redundant since all bearing of straight lines are given.
15. Page 16, Section 11.2. The word "also" should be inserted between the words "shall bear" at the end of the second line. The current title holder is very important also to be included in the title block.
16. Page 16, Part 12. Area in metric is expressed as metres square and not square metres. The spelling of metre is "metre" not "meter."
17. Page 19, Section 14.3. Very restrictive for cottage development. I know that this appears in the Provincial regulations.

#### QUESTIONS FROM COUNCIL

Councillor MacKay asked that a member of the Planning Staff present their reaction or comments to the above presentation.

Ms. Spencer indicated that after all presentations were made the Planning Department would be happy to respond to the submission if it was the wish of Council.

Mr. Shalom Mandeville, member of the Shubenacadie Lakes Association, Dartmouth made a presentation regarding the subdivision regulations and indicated he had a number of points of concern. The concerns voiced by Mr. Mandeville are listed below:

1. That storm drainage be required in unserviced areas.
2. To delete the requirements for surveyed boundaries at the tentative application stage.
3. To permit innovative health systems.
4. He indicated he felt Section 16.1 contained an error.
5. He indicated he was concerned regarding the frontage on a curve.

Mr. Leo Brooks, Storm Drainage Engineer, indicated that storm drainage is required in serviceable areas, and this will be where these systems will be implemented. He further indicated that plans are reviewed by staff members and there may be other areas where, if deemed necessary by staff, storm drainage will be required.

Mr. Mandeville asked if a statement could be inserted in the subdivision regulations stating that "storm drainage may be required."

SUBMISSION ON SUBDIVISION REGULATIONS

Mr. Kelly read the letter which was submitted by Mr. Keith Boutilier Chairman, District 14 PPC. (Copy attached.)

Ms. Henry indicated each land use by-law and the subdivision regulations would have to be approved through separate motions.

PUBLIC HEARING FOR LAND USE BY-LAWS

Speakers in Favour of the Applications for Sackville, Eastern Passage, Timberlea, and Cole Harbour

None.

Speakers in Opposition to the Applications for Sackville, Eastern Passage, Timberlea, and Cole Harbour

Mr. Fred Hutchinson stated in the proposed by-laws, section one, under the definition of lot, under the land titles clarification act is written "or is shown on an approved plan of subdivision endorsed and filed in the Registrar of Deeds for Halifax County" and although there is a difference between the words lot and area of land the intent is primarily the same and what you have in the subdivision regulations is different. Mr. Hutchinson inquired if the Planning Department is suggesting that a lot will be deemed to be a lot if it was shown on a plan of subdivision and the plan was approved but the lot was not approved. He further advised Council this is how the by-law for land use was reading and this would seem to be the understanding of the wording as it presently exists.

He further indicated the wording should be "approved as shown on a plan of subdivision".

Speakers in Favour of the Application for Lake Major.

None.

Speakers in Opposition to the Application for Lake Major

Mr. Fred Hutchinson stated he had the same objections to the wording in the land use by-law for Lake Major as for the application for Sackville, Timberlea, Eastern Passage, and Cole Harbour.

It was agreed by Council to have a ten minute recess.

Councillor McInroy stated he felt that due to the nature of a Public Hearing Mr. Robb, NSLS should be heard with regard to the subdivision regulations. He stated that the purpose of these hearings was to allow public input into the proposed regulations and that further, he felt it would be in the best interest of both the Department of Development and Planning and the Council to hear Mr. Robb in the event he had some important concerns to voice.

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

"THAT Council agree to hear Mr. Robb's submission regarding Subdivision regulations."  
Motion Carried.

SUBMISSION REGARDING SUBDIVISION REGULATIONS

Mr. Ken Robb spoke with regard to the subdivision regulations indicating the following concerns:

1. Mr. Robb indicated he had concerns regarding the frontage required for lots located on curves. He felt the measurement should be taken from 30 feet from the road, not 20 feet as suggested by the subdivision regulations as the Department of Health requirements were different from those of the County this may create some difficulty.
2. Mr. Robb stated he did not feel all plans of subdivisions should be registered as it may prove costly if fees were required.
3. Mr. Robb advised Council he did not feel lots for which no approval is required should meet minimum lot areas and lot frontage requirements.
4. Mr. Robb indicated he objected to the requirement for tentative subdivision plans showing the dimensions of parcels of land and the remaining frontage of land based on deed descriptions.
5. Mr. Robb advised Council the scales indicated in the subdivision regulations may cause some difficulties as the scale was too small to show detailed information when required.
6. Mr. Robb stated he did not feel the names of owners of abutting properties should be required as they may change frequently. He stated in his opinion the names of the subdivision would be adequate.
7. Mr. Robb indicated he did not feel the certification date of a plan of survey and the revision dates should be different.
8. Mr. Robb requested that the word "approximate" be changed to "scaled" in Section 7.6 (i).
9. Mr. Robb requested the requirement showing all structures on abutting parcels of land be removed.



10. Mr. Robb indicated staff was not specific enough when indicating when contour line should be shown on plans.
11. Mr. Robb requested clarification of Section 7.6 (s).
12. Mr. Robb indicated he felt the provision of Section 7.7 (e) was premature and further that finished elevations should be dealt with at the final subdivision stage.

REPLY TO SUBMISSIONS BY THE PUBLIC REGARDING THE PROPOSED SUBDIVISION REGULATIONS

Ms. Spencer responded to the submissions by the Public. (See following pages).



STAFF RESPONSE AND RECOMMENDATIONS  
TO THE SUBMISSION OF FRED HUTCHINSON  
FOR THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS

- Point 1: The definition of "frontage" is deliberately written and includes measures of frontage on public streets and private roads, in situations of water access and clarifies the measurement of frontage on curves. The staff recommends that the definition is acceptable as written and that no alteration be made.
- Point 2: The staff agree that the term "horizontal" may be removed. Otherwise, the definition is acceptable as written and the staff recommend no alteration. Council is advised that the right-of-way referred to in the definition is that of a private road only.
- Point 3: The staff is aware that there is a possibility that the Association of Nova Scotia Land Surveyors may in the future permit the membership of other than land surveyors. Therefore, staff recommends that the definition be altered as requested.
- Point 4: The staff advises that there is no survey required for a preliminary examination and recommend that no alteration to the by-law be made.
- Point 5: It is appreciated that there are certain instances in which it would be preferable to show a complete plan at a scale greater than 1" = 40' and that showing "details" only does not satisfy all needs. The staff recommends that the by-law be amended to carry out Mr. Hutchinson's request.
- Point 6: The staff recommends that no alteration be made.
- Point 7: The staff advises that in certain instances, where a property is adjacent to a large parcel containing a number of buildings, there may indeed be unnecessary survey according to the by-law as written. The advisability of showing buildings in the immediate vicinity of the lot in question remains. In order to accommodate the variety of zones found in the land use by-laws, the staff recommends that the by-law be altered to read that buildings within 30 feet of all proposed lot lines be required to be shown.

MINUTES & REPORTS

OF THE

SECOND YEAR MEETINGS

OF THE

FORTY - FIRST COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

AUGUST COUNCIL SESSION

TUESDAY, AUGUST 7 and 21, 1984

&

PUBLIC HEARINGS

AUGUST 13 and 20, 1984

PUBLIC HEARING

AUGUST 13, 1984

PRESENT WERE: Warden MacKenzie, Chairperson  
Councillor Walker  
Councillor Gaudet  
Councillor Deveaux  
Councillor DeRoche  
Councillor Gaetz  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor Margeson  
Councillor MacKay  
Councillor McInroy  
Councillor MacDonald  
Councillor Wiseman  
Councillor Mont

ALSO PRESENT: Mr. K Birch, Chief Planning and Policy  
Mr. Bill Butler, Planner

SECRETARY: Ms. C. Lynn Weeks

\*\*\*\*\*

CALL TO ORDER

Warden MacKenzie called the meeting to order at 7:04 p.m. with the Lord's Prayer.

ROLL CALL

Mr. Birch called the roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

STAFF PRESENTATION

Mr. Bill Butler made the staff presentation and indicated at the July 16 meeting of the PAC it was agreed to adopt recommendation two, which is included in the staff report. Recommendation two states:

"the second option would not involve a change to the Service Boundary. Instead, those parts of the serviceable area which are not yet capable of being connected to central services would be specifically identified and permitted to develop with on-site services. The remaining lands within the serviceable area would be required to connect to municipal services. The parts of the serviceable area exempted under this option would be the same as those excluded under Option #1."

Mr. Butler indicated there were areas in the serviceable area which cannot hook up to the central services as the system is not presently capable of handling this volume and therefore the amendment would allow some development to occur on disposal systems and wells.

#### QUESTIONS FROM COUNCIL

Councillor MacKay inquired what formalities would occur if a developer came forward with a proposal. Mr. Butler indicated there would be none, however, within the development area they can extend services.

#### SPEAKERS IN FAVOUR OF THE AMENDMENT TO MDP FOR SACKVILLE

None.

#### SPEAKERS IN OPPOSITION TO THE AMENDMENT TO THE MDP FOR SACKVILLE

None.

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

THAT the amendment to the Sackville MDP stating: "The second option would not involve a change in the the service Boundary. Instead, those parts of the serviceable boundary which are not yet capable of being connected to central services would be specifically identified and allowed to develop with on-site services. The remaining lands within the serviceable area would be required to connect to municipal services. The parts of the serviceable areas exempted under this option would be the same as those excluded under option #1" be approved by Council."  
Motion Carried.

#### PROPOSED BY-LAW AMENDMENT--SACKVILLE (G. Royce Hefler)

Mr. Birch read the submission from Paul Hyland (copy attached). Mr. Birch presented the information for the Public Hearing indicating the information in the staff report.

#### SPEAKERS IN OPPOSITION

None.

#### SPEAKERS IN FAVOUR

None.



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

"THAT Council approve the rezoning of the Hefler Property to  
R-4"  
Motion Carried.

There was considerable discussion regarding the Industrial Commission Meeting which was to take place on August 15. It was agreed to tape the meeting and have these tapes available for Councillors who wish to listen to them.

There being no further business, the meeting was adjourned at 7:35 p.m.

PUBLIC HEARING

AUGUST 20, 1984

PRESENT WERE: Warden MacKenzie, Chairman  
Councillor Poirier  
Councillor Larsen  
Councillor Deveaux  
Councillor DeRoche  
Councillor Gaetz  
Councillor Bayers  
Councillor Lichter  
Councillor Snow  
Councillor Margeson  
Councillor McInroy  
Councillor MacDonald  
Councillor Wiseman

ALSO PRESENT: Mr. B. Cragg, Solicitor  
Mr. K.R. Meech, Chief Administrative Officer  
Mr. K. Birch, Chief Policy and Planning  
Mr. M. Hanusiak, Planner

SECRETARY: Ms. C. Lynn Weeks

\*\*\*\*\*

CALL TO ORDER

Warden MacKenzie called the meeting to order at 7:04 with the Lord's Prayer.

ROLL CALL

Mr. Meech called the roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

STAFF REPORT FOR APPLICATION RA-EP-CB-31-84-06

Mr. Mike Hanusiak presented the staff report for an application by the Municipality to rezone lands of the Eastern Passage and Cow Bay Lions Club, Located at Hornes Road at Eastern Passage from R-2 (two unit dwelling) to P-2 (Community Facility). Mr. Hanusiak indicated the purpose of the rezoning is to remove the non-conforming use of the property to allow the existing building to be expanded.

Mr. Hanusiak indicated the Public Hearing had been advertised in accordance with the Planning Act and no correspondence either in favour or opposed to the application had been received.

Staff analysis indicated the proposed rezoning is in keeping with the Plan's intent to permit certain community oriented facilities by amendment to the By-Law; the proposed rezoning is in conformity with all applicable provision of Policy P-88; the property's size and relatively flat terrain are sufficient to accommodate a building expansion and increased parking requirement; and the Building Inspection Department has advised that no formal complaint has ever been registered against the Lions Club. Given the existence and apparent compatibility of the use with surrounding homes, the proposed re-zoning will remove any possible complications which might otherwise be encountered if the use were to remain in its present "non-conforming" status.

Mr. Hanusiak stated staff recommended approval of this rezoning.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKERS IN FAVOUR OF APPLICATION RA-EP/CB-31-84-06

Mr. Norman Lambert, resident Horne's Road and reigning King Lion indicated his desire to speak in favour of the application. Mr. Lambert stated the Lion's would not be making any increase in the hall portion of the building, but rather were increasing the storage space available to them which would increase the access to various fire exits in the building. Mr. Lambert also indicated to Council the entire parking area has been fenced.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKERS IN OPPOSITION TO APPLICATION RA-EP/CB-31-84-06

None.

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

"THAT Council approve application RA-EP/CB-31-84-06 to rezone the lands of of the Eastern Passage and Cow Bay Lions Club, located at Hornes Road in Eastern Passage from R-2 to P-2 to remove the present nonconforming use of land status from the subject property, thereby permitting the existing structure to be expanded."

Motion Carried.

#### STAFF REPORT FOR APPLICATION RA-CH/W-30-84-17

Mr. Hanusiak presented the staff report indicating the purpose of the Public Hearing was to re-zone a portion of the lands of Robert K. and



Hilda E. Turner, located at the northwest intersection of Hughallen Drive and the Cole Harbour Road, Cole Harbour from R-1 (Single Unit Dwelling) to C-2 (General Business) zone. Mr. Hanusiak stated the purpose of the re-zoning request was to correct an error in the zoning map for the Cole Harbour/Westphal area and to permit a portion of the subject property to be used as a commercial parking lot.

Mr. Hanusiak stated this Public Hearing had been advertised in accordance with the Planning Act and correspondence in favour of the re-zoning had been received from the Westphal and Cole Harbour Area Service Commission and no correspondence had been received in opposition to the application. Mr. Meech read the letter from the Service Commission in favour of the application.

The staff analysis indicated the proposed rezoning is in keeping with the Plan's intent to recognize and appropriately zone acceptable commercial uses in existence within the Community Commercial Designation; the proposed rezoning is in conformity with all applicable provisions of Policy P-93 of the Plan; and, Assessment records indicated a permit to construct the existing building was issued in September, 1975. At that time the credit union was a permitted use under the Municipality's Zoning By-Law No. 24. Given that there is no apparent justification for the present R-1 Zone, the proposed re-zoning simply reinstates the existing commercial activity as a permitted use under the Zoning By-Law for Cole Harbour/Westphal.

Mr. Hanusiak stated it was staff's recommendation this re-zoning request be approved.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKERS IN FAVOUR OF APPLICATION RA-CH/W-30-84-17

Mr. Ira Patrician, Manager of Russell Credit Union came forward to speak in favour of the application. He indicated this was an oversight in the zoning and the Credit Union had been in the community for a number of years and was providing a valuable service to the residents of that area.

Councillor MacDonald inquired if this was a request for the C-2 zoning to be re-instated. Mr. Patrician indicated it was.

Councillor Gaetz stated he remembers that in 1975 there was considerable opposition to this. Mr. Patrician indicated that was correct, although he was not certain the opposition was specifically to the credit union.

#### SPEAKERS IN OPPOSITION TO APPLICATION RA-CH/W-30-84-17

None.



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

"THAT Council approve the application to rezone a portion of the lands of Robert K. and Hilda E. Turner located at the northwest intersection of Hughallen Drive and the Cole Harbour Road, Cole Harbour from R-1 to C-2 Zone to correct an error in the zoning map for Cole Harbour/Westphal and to permit a portion of the subject property to be used as a commercial parking lot."

Councillor McInroy spoke in favour of the application indicating the credit union had had the correct zoning when the original building was erected however, due to an oversight in the planning of the MDP the portion of the lot used for parking was not included.

Councillor DeRoche spoke in favour of the application indicating he had researched the records available to him from the PPC to attempt to find if there were any objections to the land in question being zoned C-2. He stated he could not find any information which would indicate there was any objection to this although there was some objection to other properties in the immediate area being zoned as C-2.

Councillor Poirier stated she was pleased to see the property having the original zoning returned to it and hoped that a similar case in her area (the MacDonald Property) would receive similar consideration from the Department of Municipal Affairs. Warden MacKenzie stated Council had supported her fully when the Public Hearing had been held on that particular piece of property. Councillor Poirier agreed this was so.

Councillor McInroy inquired if the County would be absorbing the costs of the Public Hearing as had been recommended by PAC. Warden MacKenzie indicated it would as that was the direction by PAC.

Motion Carried.

There being no further business the meeting adjourned.

August Council Session - 1984

I\_N\_D\_E\_X

Amusement Centre Application	25 - 26
Building Permit Injunction	22 - 24
By-Laws - Amendments	30
Chief Building Inspectors Report	6 - 7 & 32 - 33
Chezzetcook Fire Department - Easement	18
Core Show	21 - 22
Comforts Allowance	31 - 32
District Capital Grant	11 - 12 & 17 & 22 & 30 - 31
Director of Development Report	29
Dangerous Animals By-Law	30
General Parkland Fund	11
Hilchie Property - Waverley	10 - 11
Industrial and Regional Development Program	18 - 21
Issuing Resolution	32
Lakeside Industrial Condominium	29
Loan - Eastern Passage/Cow Bay Fire Department	30
Motion - Appointment of Recording Secretary	1 & 27
Motion - Approval of Minutes	1 - 2
Motion - Minor Variance, #MV-17-10-84	2 - 4
Motion - Letters & Correspondence	4-5 & 28
Motion - Delegates, U.N.S.M. Conference	5 & 35
Motion - Director, United Way	5-6
Motion - Ocean View Estates Mobile Home Park	6
Motion - Chief Building Inspector's Report	6-7 & 32-33
Motion - MPC Committee Report	7-10
Motion - Hilchie Property, Waverley	10-11
Motion - General Parkland Fund	11
Motion - District Capital Grant	11-12 & 17 & 22 & 30-31
Motion - Portable Classrooms	12-14 & 31
Motion - Sidewalk Construction and Maintenance Costs	14-17
Motion - Tax Exemption By-Law	17
Motion - Easement, Chezzetcook Fire Department	18
Motion - Core Show	21-22
Motion - Building Permit Injunction	22-24
Motion - Amusement Centre Application	25-26
Motion - Adjournment	26 & 37
Motion - Parkland, Vantage Estates, Lawrencetown	28
Motion - Municipal Planning Strategy and Land Use By-Law, Cole Harbour/Westphal	28
Motion - Public Hearing Dates	29
Motion - Director of Development Report	29
Motion - Lakeside Industrial Condominium	29
Motion - By-Law Amendments	30
Motion - Dangerous Animals By-Law	30
Motion - Loan re Eastern Passage/Cow Bay Fire Dept.	30
Motion - Comforts Allowance	31-32

Motion - Property Conveyance, Alan Baker, East Jeddore	32
Motion - Issuing Resolution	32
Motion - Port Authority Appointment	33
Motion - Ocean Farmers Property	33-35
Motion - United Way Appointment	35
Motion - Possible Pollution, Gaetz Brook	35-36
Motion - Blasting, Municipal Spraying	36
Motion - Tender re Pollution Control Study	36
Ocean View Estates Mobile Home Park	6
Ocean Farmers Property	33-35
Portable Classrooms	12-14 & 31
Parkland - Wantage Estates, Lawrencetown	28
Public Hearing Dates	29
Port Authority Appointment	33
Sidewalk Construction and Maintenance Costs	14-17
Tax Exemption By-Law	17
United Way - Appointment	35

REGULAR COUNCIL SESSION

AUGUST 7, 1984

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

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer  
Mr. G.J. Kelly, Municipal Clerk  
Mr. R. Cragg, Solicitor, County of Halifax  
Mr. K. Wilson, Director of Finance  
Mr. L. Denny, Director, Industrial Commission

SECRETARY: Ms. C. Lynn Weeks

\*\*\*\*\*

CALL TO ORDER

Warden MacKenzie called the meeting to order at 6:15 p.m. 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 Larsen:

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

APPROVAL OF MINUTES

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

"THAT the Minutes of the July 3, 1984 Council Session be approved."



Councillor Margeson indicated he was present at the July 3, session and it was not noted in the attendance of the minutes.

Motion Carried as amended.

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

"THAT the Minutes of the July 17, 1984 Council Session be approved as submitted.

Motion Carried.

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

"THAT the Minutes of the July 23, 1984 Public Hearing be approved as submitted."

Motion Carried.

#### EMERGENCY ITEMS TO BE ADDED TO THE AGENDA

Councillor Larsen requested the topic of Amusement Center be added to the agenda.

Councillor MacKay requested three items be added to the agenda: 1. IRDP; 2. CORE Show; 3. District Capital Grant for Riverview Community Center.

Councillor McInroy requested the topic of an application for a minor variance be added to the agenda, application No. MV-17-10-84. He further requested this matter be heard at the beginning of the agenda rather than at the end as one of the persons involved was suffering from a broken ankle and may find it difficult to remain for a number of hours.

Mr. Meech requested the topic of prosecution re: building permit at Tantallon, Longuard Road be added to the agenda.

Council agreed to hear the topic of the Minor Variance as indicated by Councillor McInroy, Application No. MV-17-10-84.

Councillor Mont declared a conflict of interest and left the meeting.

Councillor McInroy indicated he had circulated a memo to councillors last week stating a few aspects of this case which had not been brought forward to this date. He indicated there was a person in the gallery who would be able to supply more information. Councillor McInroy went on to say he did not feel there was a clear decision made by Council, and the two motions made were both defeated. He felt it would be a good thing for Council to hear the additional facts and to make a decision.

Councillor McInroy inquired if this matter is continued to be dealt with should he rescind the two previous motions and should there be a presentation by the Planning personnel. Mr. Cragg stated, the provisions of the planning act, it seems, to provide for an appeal

where the development officer has refused a Minor Variance. Here the applicant has appealed this decision and notice was served on those who were entitled to be served so the appeal was in fact heard by Council at the last session. Mr. Cragg further advised Council, Council could make a decision the Development Officer could have made under Section 79, which would suggest Council may make the final decision. Mr. Cragg stated the first motion was one to uphold the decision of the Development Officer and was defeated and therefore Council did not make a decision. Mr. Cragg stated motion number 2 was to grant the minor variance which was defeated so Council did not in that motion make any decision the development officer could have made. It, therefore could be said, Council has not finally dealt with the matter, although it may be argued that Section 82 is premissive and not mandatory.

Mr. Cragg further advised Council the rules of natural justice would allow Council to deal with this item. Mr. Cragg further stated the Councillors who were not at the previous Council session could not and should not participate either in the discussion or in the vote.

Councillor McInroy asked if the solicitor would be of the same opinion if the planning department re-presented the case and those councillors who are present tonight and not present on the 17th of July became informed on the issue. Mr. Cragg stated his response would be technical and the act provides for an appeal and for service of notice of appeal on those people who are by virtue of the act entitled to such notice. In effect what would be happening this evening if a re-presentation of the information occurred would be a new presentation by staff and these people who are entitled to notice would not have been given notice and therefore there should not be a re-presentation and those councillors not present at the first appeal should not participate and should not vote.

Councillor McInroy inquired if the persons representing the contractor would be allowed to speak. Mr. Cragg indicated if one side was allowed to make a presentation then both sides should be allowed to make a presentation.

Councillor McInroy stated he would not, therefore, be able to participate.

Councillor Reid indicated he felt the decision was made at the last session with the basis the majority of members of Council felt there was a blatant disregard for the sideyard clearance by-law and according to the memo from Councillor McInroy there seems to be some justification for the actions of the contractor. Councillor Reid inquired if Councillor McInroy would be able to indicate the reasons why the building was erected as it was.

Warden MacKenzie indicated he had been advised it would be in the best interest of Council if Councillor McInroy did not speak.

Councillor Larsen stated he had learned subsequent to this application the developer was going by a 4 foot sideyard clearance which was what he was lead to believe was on his building permit.

Councillor Larsen stated this was the last or close to the last lot in this area and almost all other lots have four foot sideyard clearances. Councillor Larsen further stated this would not interfere with any development and the development would conform to the existing buildings in the area.

Councillor Margeson asked what type of motion is required here.

Mr. Cragg stated a motion to the effect that the clearance requested be granted.

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

"THAT the application for a minor variance, application No. MV-17-10-84, be granted as requested.  
Motion Carried.

Councillor DeRoche indicated he did not believe anything new had been added with respect to the four foot minimum side yard clearances and felt that the Building inspection department should review the cost of the permit and adjust it accordingly.

Councillor Poirier inquired how a figure was reached to determine the cost of the building permit. Mr. Meech indicated the cost of the dwelling was stated by the builder and further a \$40 per square foot charge was the guideline used by the department.

#### LETTERS AND CORRESPONDENCE

Mr. Kelly indicated a letter had been received by the Warden from the Mayor Micheal Harcourt from the City of Vancouver in which he has advised Council that at a meeting of their Council on May 29, 1984 Council approved a motion, a copy which is attached, and the motion is to request a declaration as British Columbia as a Nuclear Weapons Free Zone and as well for a national referendum on testing of the Cruise Missile in Canada, and Declaration of Canada as a Nuclear Weapons Free Zone. Mr. Kelly indicated Mayor Harcourt had requested the Municipality to take similar action in the cause of peace and the abolition of nuclear weapons.

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

"THAT this item of correspondence be received."

Warden MacKenzie indicated he had had a call requesting an interview with regard to this piece of correspondence and a letter had been received from a Mrs. Copland in support of this action and indicates the district is in support of this action. Warden MacKenzie stated a Mr. L. Bail called on behalf of the St. Margaret's Bay Peace Movement indicating he would recommend that Nova Scotia be made a Nuclear Free Zone.

Motion Carried.