

Mr. Meech suggested that council deal with the motion as it was put forward on December 12, and give the residents the R-5 designation they had requested for the majority of the property in the area, and then, by separate motion, give notice to hold a public hearing for the Ocean Farmers property to re-zone that portion of land to R-5 as well. This would allow both sides to present their views at that point in time.

Councillor Gaetz indicated he agreed with Councillor Poirier and felt the person who owns the land should be allowed to present their views and opinion.

Original Motion Carried.

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

"THAT the entire request by the residents be reviewed by PAC to determine if the complete area should be zoned R-5 and further that PAC return to Council with a report after they have considered this item."

Motion Carried.

#### REPRESENTATION FOR UNITED WAY

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

"THAT Dale Reinhardt be nominated as the representative for the Municipality of the County of Halifax to the United Way Board of Directors."

Motion Carried.

#### APPOINTMENT OF VOTING REPRESENTATIVE--UNITED WAY

Warden MacKenzie indicated he had a list of voting delegates made up and would require a motion from the floor. He further indicated the conference would take place September 19-22 at the Hotel Nova Scotian in Halifax.

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

"THAT Councillors Walker, Mont, Gaudet, Snow and Warden MacKenzie be nominated as voting delegates and further that Councillors Margeson, Bayers, Larsen, and MacDonald and Deputy Warden Adams be nominated as alternates."

Motion Carried.

#### ITEMS ADDED TO THE AGENDA

##### Pollution--Councillor Gaetz

Councillor Gaetz indicated he was very concerned regarding the pollution which was accumulating in the Chezzetcook inlet which seemed to be coming from the Gaetz Brook area. He further stated he felt this may be the result of an industry in the area, Canflock Plant, and he would like to have this examined by the Department of Health. Councillor Gaetz further stated there were some open pipes expelling a liquid into the Brook and this was travelling into the clam flats at Chezzetcook Inlet.

Warden MacKenzie inquired what the diameter of the pipe was. Councillor Bayers indicated it was approximately 8 inches in diameter.

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

"THAT a letter be written to the Department of Health requesting they investigate the apparent Pollution problem in the Gaetz Brook/Chezzetcook Inlet area which seems to be arising from the Canflock Plant."  
Motion Carried.

#### Blasting--Councillor MacKay

Councillor MacKay indicated he had had some complaints regarding some blasting which was taking place in the Sackville area. Councillor MacKay further indicated the blasting was taking place at the "Redden Subdivision" area and that he would like to see notice given to the residents that blasting will be taking place in the area at certain times enabling the residents to prevent their children from wandering into the area which is being blasted.

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

"THAT Engineering and Works be instructed to advise the blasting company "Municipal Spraying" they will be present to examine the blasting operations and further that the residents should be notified of any blasting which will take place in the area."  
Motion Carried.

#### URBAN SERVICES COMMITTEE

Mr. Meech presented the report indicating tenders have been received from a number of engineering companies for a pollution control study in the Westphal/Cole Harbour/Eastern Passage area. Mr. Meech further indicated the tenders had been examined and the low tender was from Porter Dillon in the amount of \$38,710.

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

"THAT the tender bid from Porter Dillon in the amount of \$38,710 for the pollution study in the Westphal/Cole Harbour Eastern Passage area."  
Motion Carried.

#### ADDITIONS TO AGENDA FOR SEPTEMBER 4, 1984

Councillor Bayers indicated funds have been approved by the Provincial Government and it is expected that the Library will be in place sometime in 1985 and the Library Board will be officially informed shortly.

Councillor Margeson inquired if any reply had been received to our letter regarding the Tier Groups from the Hon. Mr. Lumley. Warden MacKenzie indicated he had received a letter from the Minister's staff acknowledging receipt of the original letter. Warden MacKenzie further

indicated he had met with Mr. Crosby and Mr. Wilson concerning this item and had expressed the County's concerns and wishes to them. Warden MacKenzie further indicated he had met with Mr. Al Graham and Mr. Prossin and Mr. Graham will be taking this item to Ottawa.

Councillor Snow requested the topics of blasting and bus service be added to the agenda.

Councillor Lichter requested that staff give a report on the status of the subdivision regulations and if the Minister has approved the regulations and what amendments have been made if any.

Councillor MacKay requested that the topic of water break Old Sackville Road be added to the agenda.

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

SEPTEMBER COUNCIL SESSION

TUESDAY, SEPTEMBER 4 and 18, 1984

September Council Session - 1984

I N D E X

Chief Building Inspectors Report -----	3
Correction Centre -----	12
Crosswalks - Herring Cove -----	13
District Capital Grants -----	3 & 10-11
Director of Development Report -----	10
Landfill Site -----	11-12
Low Rental Housing -----	12-13
Motion - Appointment of Recording Secretary -----	1 & 6
Motion - Approval of Minutes -----	1-2 & 7
Motion - District Capital Grants -----	3 & 10-11
Motion - Portable Classrooms -----	3
Motion - Chief Building Inspectors Report -----	3
Motion - Water Shutoff, Ross Road -----	4
Motion - Turning Circle, Glen Haven -----	4-5
Motion - Adjournment -----	5 & 14
Motion - Letters & Correspondence -----	7
Motion - Public Hearings -----	8 & 9-10
Motion - Municipal Planning Strategy -----	8-9
Motion - Director of Development Report -----	10
Motion - Temporary Borrowing Resolution -----	10
Motion - Mainstreet Program Conference -----	10
Motion - Landfill Site -----	11-12
Motion - Correction Centre -----	12
Motion - Smoke Alarms & Fire Protection -----	12
Motion - Water System Windsor Junction Road -----	12
Motion - Low Rental Housing -----	12-13
Motion - Sidewalks -----	13
Motion - Crosswalks, Herring Cove -----	13
Motion - Reinstatement of Teachers -----	13-14
Portable Classrooms -----	3
Public Hearings -----	8 & 9-10
Sidewalks -----	13
Turning Circle - Glen Haven -----	4-5
Temporary Borrowing Resolutions -----	10

REGULAR COUNCIL SESSION

SEPTEMBER 4, 1984

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

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

SECRETARY: C. Weeks

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CALL TO ORDER

Warden MacKenzie called the meeting to order with the Lord's Prayer at 6:10 p.m.

APPOINTMENT OF RECORDING SECRETARY

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

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

APPROVAL OF MINUTES

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

"THAT the minutes of July 30, 1984 Public Hearing be approved."  
Motion Carried.

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

"THAT the minutes of July 7, 1984 Regular Council Session be approved."  
Motion Carried.

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

"THAT the minutes of August 13, 1984 Public Hearing be approved."  
Motion Carried.

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

"THAT the minutes of August 20, 1984 Public Hearing be approved."  
Motion Carried.

#### AGENDA ITEMS

The following items were added to the September 4, 1984 Council Agenda:

Councillor Poirier - Canadian Parks and Recreation Conference  
Councillor DeRoche - Water Supply, Ross Road  
Councillor Deveaux - Papal Visit  
Councillor Larsen - School Bus Turnabout  
K.R. Meech - Public Service Commission Lands - Court Decision

#### LETTERS AND CORRESPONDENCE

Mr. Kelly acknowledged correspondence from Honourable Jack MacIsaac, Minister of Transportation respecting existing highway condition at Waverley, Waverley Road. The Minister advised that a survey is being carried out on completion of which possible improvements to the Highway in this area will be considered.

#### PLANNING ADVISORY COMMITTEE REPORT

##### Rezoning By-Law #24

The Planning Advisory Committee report indicated that as of June 1, 1985 under Section 112(1) of the 1983 Planning Act, Zoning By-law #24 will cease to be in effect. The Planning Advisory Committee discussed this at its meeting of August 20, 1984 and the Committee's concern is that those areas with the exceptions of Districts 10, 11, 12 and 13 not under a planning strategy process (districts 1, 3, and 4) will lose any zoning which currently exists. The report further indicated that in light of the fact that the County has demonstrated its capability of producing and implementing planning strategies, that the Planning Advisory Committee recommend that the Council approach the Minister to have the June 1, 1985 date extended.

As the elimination of Zoning By-law #24 would only effect Halifax and Cape Breton Counties, the Planning Advisory Committee recommended that Council notify Cape Breton County of its action.

##### Glen Margaret Rezoning - Ocean Farmers Limited

The Planning Advisory Committee informed Council that the Committee had discussed the question of appropriate zoning for the Ocean Farmers Limited Property which was excluded from the overall zoning for the Glen Margaret Area.

As a consequence the committee did not have any recommendation different from that action that was taken by Council on August 21, 1984.

#### EXECUTIVE COMMITTEE REPORT

##### Request For District Capital Grant, District 5

The Executive Committee report indicated that a request for a District Capital Grant, District 5 in the amount of \$1,000 for capital improvements to the Sambro Recreation Ball field.

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

"THAT a District Capital Grant, District 5, in the amount of \$1,000 for capital improvements to the Sambro Recreation Ball field be approved."

Motion Carried.

##### Portable Classrooms

The Executive Committee reported that tenders were received for eight (8) portable classrooms which were declared surplus to the District School Board.

The Committee recommended that the eight (8) portable classrooms be sold to the following organizations for the sum of \$1.00 each:

- a) Eastern Passage Volunteer Fire Department
- b) Humber Park Ball Association
- c) Rehab Centre - (2 portable classrooms)
- d) Watershed Association
- e) Cole Harbour Boys and Girls Club
- f) Musquodoboit Harbour Ball Association
- g) Grand Lake Fire Department

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

"THAT Council approve the sale of the classrooms to these organizations for the sum of \$1.00 each."

Motion Carried.

#### BUILDING INSPECTORS REPORT

The Building Inspectors Report included an application for lesser setback of 25', Lot A-1, Old Road, Gaetz Brook, applicant Robert MacLean.

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

"THAT Council approve the lesser setback of 25' for this property."

Motion Carried.



Water Break - Old Sackville Road

Councillor MacKay informed Council that as a result of a water main break on the Old Sackville Road three properties had sustained considerable damage from the water. Councillor MacKay questioned the position of the Municipality with respect to providing financial assistance to restore the properties following the damage caused by the break in the water main.

It was generally Councillors view that the Municipality should not be responsible for restoring such damage to properties.

Report, Re Subdivision By-Law

A report respecting the Subdivision By-law was circulated to Council. Councillor Lichter who requested the report indicated that the report be tabled.

AGENDA ITEMS

Councillor Poirier informed Council that she had attended the Canadian Parks and Recreation Conference in Kitchener, Ontario. Councillor Poirier advised that the Conference was attended by representatives from across the Country and stated that she found the Conference to be very useful and informative.

Councillor DeRoche informed Council that a number of homes on the Ross Road area has experienced a shortage of water during the summer months as a result of the City of Dartmouth cutting off the source of water from this area. This was the result of shutting off the Lake Major Dam which provides the Little Salmon River Water Supply for these residents.

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

"THAT the City of Dartmouth be requested to discontinue shutting off the water supply during the summer months to the residents of Ross Road or alternatively provide another source of water."  
Motion Carried.

Councillor Deveaux questioned the means of transportation for Council during the Papal Visit on September 14, 1984.

It was agreed that a bus be provided to transport Councillors from the County Building to the Halifax Commons.

Warden MacKenzie agreed that this would be checked into immediately.

Councillor Larsen discussed the need for the construction of a turning circle at the Tanner and Frederick Roads in Glen Haven. Councillor Larsen advised in order for the District School Board to provide transportation for the students in this area it was necessary that the turning circle be constructed.

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

"THAT a letter be forwarded to the Minister of Transportation with a copy to Honourable Jerry Lawrence, MLA requesting the Department of Transportation to construct a turning circle at the Tanner, Frederick Road area in Glen Haven."  
Motion Carried.

Mr. Meech informed Council of the recent court decision respecting lands of the Public Service at Pockwock. As a result of decision, the Municipality will be unable to assess and recover taxes from these lands. It was agreed that this matter be further reviewed in view of the serious ramifications this court decision had on the tax revenue of the Municipality.

Addition of Items - September 18, 1984 Agenda

Councillor Margeson - Smoke Alarms and Fire Detectors  
Councillor Litcher - Report, re Bomont Subdivision, Water Treatment Plant

It was moved by Councillor Gaetz that the Council Session be adjourned.

REGULAR COUNCIL SESSION

SEPTEMBER 18, 1984

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

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

SECRETARY: Mrs. Bonita Price

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CALL TO ORDER

Warden MacKenzie called the meeting to order at 6:05 p.m. with the Lord's Prayer

ROLL CALL

Mr. Kelly called the roll.

Warden MacKenzie welcomed Councillor Baker back to Council and Councillor Baker expressed his thanks to everybody for their concern while he was in hospital.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Bonita Price be appointed recording secretary."  
Motion Carried.

APPROVAL OF MINUTES

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

"THAT the minutes of the Public Hearing of December 12, 1983 be approved."

Motion Carried.

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

"THAT the minutes of the Committee of the Whole Session of June 27, 1984 be approved."

Motion Carried.

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

"THAT the minutes of the Council Session of August 21, 1984 be approved."

Motion Carried.

AGENDA ITEMS

The following items were added to the meeting agenda -

Councillor Deveaux - Low Rental Housing

Councillor Deveaux - Sidewalks

Councillor Baker - Crosswalks

Councillor Poirier - School Meeting, Reinstatement of Some Teachers

LETTERS AND CORRESPONDENCE

Letter from Halifax County - Bedford District School Board

The Secretary of the School Board advised Council that they have no further use for Alderwood School and Herring Cove Old School, which can be disposed of.

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

"THAT this letter be received."

Motion Carried.

Letter from Nova Scotia Hospital

Warden MacKenzie advised he has received a letter from the Nova Scotia Hospital inviting Councillors to attend information sessions about the hospital on September 24 or September 28. Several Councillors will be going, and others interested were asked to let the Warden know.

Communication from Minister of Municipal Affairs

Councillor Lichter advised a letter had been received by PAC from the Minister of Municipal Affairs concerning the Subdivision By-law and why it was not signed. Mr. Keely read the letter which was dated

September 13th and listed two major concerns of the Minister and his staff. (1) The regulatory part of the draft by-law varies the procedures, requirements and intent of the provincial subdivision regulations. (2) Many of the provisions of the by-law are not enabled by the Planning Act or other regulation. The Minister suggested that his staff is available to meet with representatives of the County.

Councillor Lichter said PAC has written a letter to the Minister asking that he, his Deputy and/or staff members, sit down with PAC and County staff on the evening of September 24th. Any interested Councillors are welcome to attend, although there will be a report to Council from the PAC following the discussions. A subsequent public hearing may not be necessary, since amendments to the Subdivision By-law could be made by the Minister before he signs it.

#### PLANNING ADVISORY COMMITTEE REPORT

##### Re-Scheduling of Public Hearings

The Public Hearing scheduled for September 24 must be re-scheduled since due to an error on the part of Planning and Development staff, no newspaper ads appeared. Letters of apology have been written to the applicants concerned, and the Committee suggests a new date of October 15, 1984 at 7:00 p.m.

Councillors were concerned about the delay in rescheduling the meeting which might be serious for some of the applicants. They were assured that all possible steps will be taken to prevent this happening again.

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

"THAT the Public Hearing be rescheduled to October 15, 1984, at 6:00 p.m."

Motion Carried.

The time was changed to 6:00 p.m. because of Highschool Ratepayers meetings occurring on this same night.

##### Development Agreement Numbers DA-SA-10-84-19 and DA-SA-11-84-19

The Planning Advisory Committee recommended to Council that development agreements be approved for two proposals by Covenant Developments Limited under the Sackville Municipal Planning Strategy and that public hearings be called for October 22, 1984 at 7:00 p.m.

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

"THAT the recommendations of the Committee be accepted."  
Motion Carried.

##### Municipal Planning Strategy - Stage 2 Process 1984

The committee recommends to Council -

- (1) Council reaffirm its commitment to Districts 1 and 3 to be included in the Stage 2 process, but that the timing for this area be revised;
- (2) Council permit the PPC now working in Districts 8 and 9 to concentrate on producing a draft plan and by-law;
- (3) The planning process for Districts 1 and 3 be initiated, with these two districts comprising one plan area;
- (4) Council reaffirm its commitment to public participation in all of its programs to produce municipal planning strategies and land use by-laws in accordance with Staff Draft Policy Paper 3.

It was noted this will result in the reassignment of one planner from Districts 8 and 9 to Districts 1 and 3.

Councillor Walker said he had not heard of this matter previously although it is his district. Councillor Lichter apologised and said Councillor Walker would be consulted by both PAC and Staff before any planning process begins.

Deputy Warden Adams referred to a letter written by the PPC in Districts 8 and 9 to the Minister of Municipal Affairs regarding the loss of a planner. The Minister has relayed a message to Council suggesting that staff be maintained there, and also suggesting that finances should not be a problem. He is assured Lawrencetown is joining into the Planning process. Mr. Birch said that money is not available for an extra planner, and he felt that until there is a clear commitment from Lawrencetown to undergo the development planning strategy, to have two people in Districts 8 and 9 is not a good use of resources.

There was considerable discussion of the matter, and the statement was made that planning is so advanced on other parts of Districts 8 and 9, that they have reached the point of no return.

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

"THAT the matter be deferred until the Lawrencetown issue is brought before the Minister."  
Motion Defeated.

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

"THAT the recommendation of the Planning Advisory Committee be approved."  
Motion Carried.

Lot Approval under the Undersized Lot Legislation - Lot A, Muriel Wood Subdivision, Lewis Lake P-476-84-03

The Committee recommends approval of request for approval of this lot under the Undersized Lot Legislation, and asked Council to set a date for a public hearing. There was some question whether the documentation in this case would allow for a public hearing, but Mr. Cragg said the availability of the plan would satisfy the intent of the legislation.

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

"THAT the recommendation of the Committee be approved, and the date of the public hearing be set for October 22, 1984 at 7:00 p.m."  
Motion Carried.

DIRECTOR OF DEVELOPMENT REPORT

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

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

EXECUTIVE COMMITTEE REPORT

Temporary Borrowing Resolution - #82-01

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

"THAT recommendation for approval of a temporary borrowing resolution in the amount of \$5,000 for Halifax County Industrial Commission be approved."  
Motion Carried.

Conference, Mainstreet Program

The Executive Committee recommends that four (4) Council members attend the 1984 annual conference, October 24-26. After some discussion;

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

"THAT the recommendation be approved and the delegates be selected by the Warden."  
Motion Carried.

Councillor MacKay asked that his name be taken from the list since other Councillors from Sackville would be attending and the Warden listed Councillor MacDonald, Eisenhauer, Gaetz and Wiseman.

Request for District Capital Grant and General Parkland Fund Grant - District 1

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

"THAT the recommendation of the Executive Committee for a District Capital Grant, District 1 in the amount of \$8,000 and a General Parkland Fund Grant in the amount of \$1,000 for the Black Point Community Centre, be approved."  
Motion Carried.

Request for District Capital Grant, District 14

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

"THAT the recommendation of the Executive Committee for a District Capital Grant, District 14 in the amount of \$1,000 for the Grand Lake Volunteer Fire Department be approved."  
Motion Carried.

Request for District Capital Grant, District 3

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

"THAT the recommendation of the Executive Committee for a District Capital Grant, District 3 in the amount of \$1,200 for the Tantalion Centennial Athletic Club be approved."  
Motion Carried.

Request for District Capital Grant, District 21

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

"THAT the recommendation of the Executive Committee for a District Capital Grant, District 21 in the amount of \$845 to provide fencing for walkways owned by the Municipality in the District, be approved."  
Motion Carried.

METROPOLITAN AUTHORITY REPORT

Councillor MacDonald reported on the deliberations of the Metropolitan Authority, covering the following subjects:

Possible reconstitution of the Metro Transit Commission as a line department of the Metropolitan Authority. Councillor Wiseman suggested this might be discussed by the Urban Services Committee.

Establishment of a municipal budgetary review board by the four municipal leaders.

A special bus run from Halifax to the Atlantic Winter Fair during opening week October 6 - 13. County representatives have committed the County to a contribution of \$300 towards the cost of this bus run.

Financial statements for the six months ended June 30, 1984.

Landfill site. There was some discussion of this matter, and;

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

"THAT the County write to the department of Municipal Affairs to ask (a) that they resolve the option clause with regard to McCulloch Company and/or Estate, and if there is something passed on to the heirs or somebody else, that the options be bought out;



(b) that the lands of the landfill site be made available to the Municipality at the conclusion of their option; (c) that the monies be made available for a contour design; (d) that a committee be set up to design those contours either by themselves or in conjunction with a consultant, and Lake District Recreation Association be part of that committee at no cost to Lake District Recreation Association."  
Motion Carried.

#### Correction Centre

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

"THAT the report of Councillor MacDonald on the Metropolitan Authority be approved."  
Motion Carried.

#### SMOKE ALARMS AND FIRE PROTECTION

Councillor Margeson advised that the Annual Report of the Fire Chief contained a note indicating it would be desirable to have in the County a regulation that all dwellings be equipped with smoke detectors or fire alarms. At present all new buildings are required to be so equipped. Councillor Margeson felt there is support for this and the time has come to study it further. He asked that copies of information supplied to Council should be made available to the Solicitor, the Fire Chief's Association and the Fire Advisory Board for their input.

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

"THAT this matter be referred to the Executive Committee."  
Motion Carried.

#### BO-MONT SUBDIVISION WATER TREATMENT PLANT

Councillor Lichter said he has a date set for this.

#### PRELIMINARY ENGINEERING STUDY - WATER SYSTEM WINDSOR JUNCTION ROAD

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

"THAT the Engineering Department do a preliminary study on the water main from the Cobequid Road two miles to Windsor Junction."  
Motion Carried.

#### ADDITION OF ITEMS TO AGENDA

##### Low Rental Housing

Councillor Deveaux advised often families who have been required to vacate a property find themselves with no place to go. He wondered if something could be done for these people.

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

"THAT the Executive Committee look into the feasibility of establishing low rental housing in Halifax County and a report be brought back to Council."

Motion Carried.

#### Sidewalks

Councillor Deveaux stated a portion of sidewalk in his district was torn up in June and left in a bad state for several months, and he has not been able to get satisfaction from the corporation responsible. He asked who is ultimately responsible to make sure that such sidewalks are replaced in their former state. Mr. Meech felt the County would be responsible, unless a permit was issued by the Department of Transportation.

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

"THAT a report be brought back to the next Council session and a copy of the report be provided to the Urban Services Committee."

Motion Carried.

#### Crosswalks

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

"THAT a request be made to the Department of Transportation to provide a crosswalk at the corner of John Brackett Drive and Power Drive, opposite the bridge, in Herring Cove."

Motion Carried.

#### School Meeting - Reinstatement of Some Teachers

Councillors Larsen and Poirier and also Councillor Walker brought up a situation which occurred at the Special Meeting of the Halifax County - Bedford District School Board on September 12th. Pointed remarks were made by one member of the Board that western Halifax Councillors did not support the budget and they would suffer the consequences. Two part-time teachers at Terence Bay and East St. Margarets Schools were reinstated by the Board, following lobbying by the local people.

Councillor Poirier was disturbed that the concerns of Mrs. Patricia Jollimore regarding the loss of a teacher at Lakeside School were not taken into consideration by the Board.

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

"THAT the concerns of Mrs. Jollimore be brought before the School Board and that both Councillor Poirier and Mrs. Jollimore be informed when this takes place."

Motion Carried.

In further discussion Councillor Poirier suggested Councillors might be briefed before budget time so that they know where they are going and how they should deal with situations.

Volunteer Groups

Warden MacKenzie commended the actions of volunteer Search and Rescue groups who give freely of their time when called upon.

Ocean View Manor

Councillor Margeson extended an invitation to all Councillors to attend the special week of activities at the Manor, September 23-29.

ADDITION OF AGENDA ITEMS FOR NEXT SESSION

Councillor Margeson asked for a progress report on the budget for 1985, and an overview for three, five, and ten years.

Adjournment

Upon motion the meeting adjourned at 9:20 p.m.

MINUTES & REPORTS  
OF THE  
SECOND YEAR MEETINGS  
OF THE  
FORTY - FIRST COUNCIL  
OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

OCTOBER COUNCIL SESSION  
TUESDAY, OCTOBER 2 and 16, 1984

&

PUBLIC HEARINGS  
OCTOBER 15, 22 and 29, 1984

&

SPECIAL COUNCIL SESSION  
OCTOBER 22, 1984

PUBLIC HEARING

OCTOBER 15, 1984

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

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

SECRETARY: Margaret MacDonell

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CALL TO ORDER

Warden MacKenzie called the meeting to order at 6:05 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 Snow:

"THAT Margaret MacDonell be appointed as Recording Secretary."  
Motion Carried.

STAFF REPORT FOR APPLICATION RA-24-29-84-14

Mr. Mike Hanusiak presented the staff report for an application by the Municipality to rezone the lands of Harold and Vicky Elliot, located at 2077 Porto Bello Road at Waverly, from R-1 (Residential Single Family Dwelling) Zone to R-2 (Residential Two Family Dwelling) Zone. Mr. Hanusiak indicated the purpose of the rezoning is to permit a portion of the dwelling presently under construction to be converted to a separate apartment unit.

Staff analysis indicated the proposed rezoning will not involve any enlargement or alterations to the exterior of the existing dwelling; the Department of Health has advised that the existing septic system on the subject property will accommodate the increased demand resulting from the second dwelling unit; and there is no consistent pattern of development or zoning in the vicinity of the subject property. Given this situation, the proposed rezoning will not result in a conflict with either existing or future nearby land uses.

Mr. Hanusiak added that the existing water system runs down the Portobello Road. Mr. Hanusiak stated that he had spoken with the Department of Engineering and was assured that the additional demand, resulting from this unit, will have no impact on that water system.

Mr. Hanusiak stated staff recommended approval of this rezoning.

#### QUESTIONS FROM COUNCIL

Councillor MacKay inquired if Mr. Hanusiak had any discussion with, or was there any notification that went to, the Municipal Planning Strategy Committee in the Community. Mr. Hanusiak stated that the application, as far as he knew, went out and the Planner in the Department was notified of this application.

#### SPEAKERS IN FAVOUR OF APPLICATION RA-24-29-84-14

None.

#### SPEAKERS IN OPPOSITION TO APPLICATION RA-24-29-84-14

None.

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

"THAT application RA-24-29-84-14 be recommended to Council for approval from R-1 to R-2."  
Motion Carried.

Warden MacKenzie indicated that the following three Development Agreements would be dealt with in one presentation, but each one would be dealt with as a separate resolution for approval or denial.

#### STAFF REPORTS FOR DEVELOPMENT AGREEMENT FOR APPLICATIONS DA-SA-07-84-19 FOR LOT 26, LOT 12, AND LOT 27

Mr. Hanusiak stated that the indicated applications for development agreements are between the Municipality of the County of Halifax and Five Point Development Company Limited to develop three (3) lots along the Little Sackville River for the purposes of single family and, potentially, two family development.

Mr. Hanusiak reviewed the terms and conditions between the Developers and the Municipality.

Councillor MacKay raised the concern as to whether these proposed Development Agreements have to go to a Public Hearing every time. Councillor MacKay indicated that having a Public Hearing each time is quite expensive to the Municipality, time consuming, and expensive to the Applicant who has to pay for the advertising fee, etc. Mr. Hanusiak indicated that the Planning Department has discussed this matter in an informal way. The Planning Department is trying to decide whether they can bypass the whole route to a Public Hearing.

Councillor DeRoche inquired, with regard to dimensions, if the 750 square feet for Maximum Floor Area is for a single storey, single family house. Mr. Hanusiak indicated that the 750 feet is for any accessory building.

#### SPEAKERS IN FAVOUR OF DEVELOPMENT AGREEMENT FOR LOT 26

Mr. J. Hayson, Consultant, Alderning Ltd., Dartmouth, indicated his interest in these lots as Engineer responsible for designing the Sub-division of the lots. Mr. Hayson suggested the reason the By-Law hasn't affected the 100 foot development from the river as one of three possible reasons. It would be a concern of the County if the Lots were, in no way, hazardous in their location to their proximity to the River. Mr. Hayson stated that he designed his subdivisions so that, with the available information, the lots were in no way jeopardized by the available information. Mr. Hayson indicated another concern that the County could have would be the actual effect of the Development on the River. Mr. Hayson stated that their development would have no affect on the flooding of the River. He indicated that the River was basically cleared of a lot of debris. As a result of the Engineering, basically a parkland was provided. Mr. Hayson stated the concern expressed for the Sewer Right of Way. If flooding did occur, Mr. Hayson hoped the goodwill of the client would be to go and raise the manholes and make them water tight.

In conclusion, Mr. Hayson recommended that a flood study be done for the Little Sackville River.

#### QUESTIONS FROM COUNCIL

Councillor MacKay asked if the elevation of the three homes, was in sufficient level above the river so that if the River did rise the homes would not flood. Mr. Hayson stated that he set his elevations, of the minimum basement elevations of the houses, so that they were no lower than the maximum rise calculated in the River with the new construction.

#### SPEAKERS IN OPPOSITION TO DEVELOPMENT AGREEMENT FOR LOT 26

Mrs. Anne Merritt, Chairman, Sackville Advisory Board, Sackville, indicated her desire to speak on behalf of the Sackville Advisory Board, in opposition to the granting of Building Permits for Lots 12, 26, and 27 of the Five Point Development Company.

Mrs. Merritt stated that the Sackville Advisory Board's opposition to this proposal was not based on scientific data, but on personal observations and facts. Mrs. Merritt indicated that the lots in question are at, basically, the same elevation as the River. She stated that it has been observed that during periods of heavy rainfall or blockages in the River water is diverted onto that area for a distance of an estimated fifty (50) feet.

Mrs. Merritt stressed the need to remember that this land is downstream from Milwood Development, now under construction. It is inevitable that storm drainage run off is going to enter the River at a much faster rate than in the past. She indicated that this will result in even more water reaching the site in question during the peak run off period.

Mrs. Merritt, also, stated that no amount of filling is possible that would allow these houses to have dry basements and, or, backyards. It was indicated that any restrictions of flood waters, which will be created by altering the elevation of this land, will result in the creation of problems and will result in the Municipality being left with the expense of correcting them.

#### QUESTIONS FROM COUNCIL

Councillor Wiseman stated that she was surprised to hear Mrs. Merritt say that she had had records of water going over the land in question to a distance of fifty (50) feet. Councillor Wiseman asked if this occurred at the same time as the flooding of the trailer court. Mrs. Merritt stated that there was not flooding at the trailer court at that time. Councillor Wiseman questioned if the area which was cleaned out of the River, where all the dupris was, was above Milwood or below. Mrs. Merritt indicated that that was just about exactly the site.

Councillor Wiseman asked Mrs. Merritt if she had any feelings with regard to natural vegetation present in this location. Mrs. Merritt stated that the natural vegetation is the type of vegetation, swampy, that grows in an area such as this. She indicated the trees located in this area can absorb more water than the grass could.

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

"THAT the proposed development agreement between the Municipality of the County of Halifax and Five Point Development Company Limited for Lot 26 of the lands of James Grennan on Sunnyvale Crescent at Lower Sackville be approved by Council."  
Motion Carried.

Councillor MacKay inquired if any control could be exercised through the Development Agreement of the elevation of the basin. Mr. Hanusiak stated a positive yes. He stated that the first thing they would do in preparing would be to take the basic inventory of the site in respect to the site. Mr. Hanusiak indicated that once the basic inventory is taken, a relationship of the property to the stream is established. In order to bring it up above what would be considered a flooding area, the amount of fill would be recognized that would be necessary to bring it up to an acceptable level.



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

"THAT the proposed Development Agreement between the Municipality of the County of Halifax and Five Point Development Company Limited for Lot 27 of the Lands of James Grennan on Sunnyvale Crescent at Lower Sackville be approved by Council."  
Motion Carried.

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

"THAT the proposed Development Agreement between the Municipality of the County of Halifax and Five Point Development Company Limited for Lot 12 of the lands of Three Star Development Company Limited on Sunnyvale Crescent at Lower Sackville be approved by Council."  
Motion Carried.

STAFF REPORT FOR APPLICATION DA-SA-05-84-19

Mr. Hanusiak presented the staff report indicating the purpose of the Public Hearing was to permit the construction of a two unit dwelling on Lot 8B of the R. Hefler Subdivision, located on the Old Beaver Bank Road at Lower Sackville.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF APPLICATION DA-SA-05-84-19

None.

SPEAKERS IN OPPOSITION TO APPLICATION DA-SA-05-84-19

None.

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

"THAT the proposed Development Agreement between the Municipality of the County of Halifax and Fraser Supplies Limited for Lot 8B of the lands of the R. Hefler subdivision located on the Old Beaver Bank Road at Lower Sackville be approved by Council."  
Motion Carried.

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

"THAT the October 15, 1984 Public Hearing be adjourned."  
Motion Carried.

PUBLIC HEARING

OCTOBER 22, 1984

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

ALSO PRESENT: Mr. R. Cragg, Municipal Solicitor  
Mr. K.R. Meech, Chief Administrative Officer  
Mr. M. Hanusiak, Planner  
Mr. R. Gough, Director, Development

SECRETARY: Margaret MacDonell

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CALL TO ORDER

Deputy Warden Adams called the meeting to order at 7:10 p.m.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Margaret MacDonell be appointed as Recording Secretary."  
Motion Carried.

STAFF REPORT FOR APPLICATION F 806-84-03

Mr. Gough presented the staff report for an application by Mr. Harry Rudolph, c/o Muriel Ward, Box 1, Site 19, R.R. #3, Armdale, NS, B3L 4J3, to advise that this is an application received under the "Undersized Lot Legislation" which could permit the Municipality to create a Lot which does not meet the requirements of the Subdivision Regulations.

Mr. Gough indicated that the Lot in question, which is being requested for approval and which was duly advertised as prescribed under the legislation and no objections were received for the proposed subdivision, was presented as Lot A. It was noted that there was approximately 44.68 feet of frontage on the St. Margaret's Bay Road and the total area of Lot A being approximately 31,890.62 square feet. Mr. Gough stated there was an existing structure located on either side of the proposed frontage and that the Applicant proposed to build in this portion of the Lot. It was indicated the remaining lands were approximately 2.5 acres which would be made up of Block MO-2.

Mr. Gough stated that the Department of Health and the Department of Transportation have not objected to this proposed subdivision along with the Department of Municipal Affairs since it is eligible for a regional development permit.

Mr. Gough stated that the staff of the Development Division would recommend to Council that they consider the application for approval through the Undersized Lot Legislation.

#### QUESTION FROM COUNCIL

Councillor Margeson inquired if there was a setback regulation that could create a difficulty if this application was approved. Mr. Gough stated that the Lot in the 150' frontage shown has been there before any zoning by-law, so there was nothing that could be done to alter that line.

#### SPEAKERS IN FAVOUR OF APPLICATION F 806-84-03

Mr. Harry Rudolph, Halifax County, stated that he applied for this undersized lot four or five months ago. Mr. Rodolph indicated that Mrs. Ethridge asked him if he would sell her the lot. Mr. Rudolph told Mrs. Ethridge that he could not do so until he confirmed it with his sister whom he purchased the land from. Mr. Rudolph indicated that he would have sold the land to Mrs. Ethridge if she had not contacted her lawyer with regard to protesting this piece of property.

Mr. Rudolph stated that he had made an agreement with Mrs. Ethridge indicating that Mrs. Ethridge could have possession of the Right-of-Way, but when she sells her house the Right-of-Way becomes the possession of the next owner, providing Mr. Rodolph agrees. Another agreement was signed giving ownership of the Right-of-Way to Mrs. Ethridge for the rest of her life and anybody who bought that house could have the Right-of-Way.

#### QUESTIONS FROM COUNCIL

Councillor MacKay asked Mr. Rudolph if the Right-of-Way would be Mrs. Ethridge's as long as she continued to own the dwelling and would continue for subsequent owners to be able to use that Right-of-Way. Mr. Rudolph indicated yes.

SPEAKERS IN FAVOUR OF APPLICATION F 806-84-03

Mr. Peter Bryson, McInnes, Cooper & Robertson, indicated he was retained by Muriel Ward to draw a deed from her to her brother. Mr. Bryson stated that about a month ago he was asked to draw this deed and was provided with the plan presented. Mr. Bryson stated that he had understood from Muriel Ward that Mrs. Ethridge had expressed some concern that she be able to have access to her house. Mr. Bryson indicated that there was nothing the Rudolphs or Muriel Ward could do to interfere with the Right-of-Way. A restrictive covenant was drafted initially personal to state that the Rudolphs not use the Right-of-Way up by the house presented. Mrs. Ethridge had concern that in the future subsequent owners of Lot A not use that part of the Right-of-Way by her house. The agreement was changed to reflect her wishes.

QUESTIONS FROM COUNCIL

Councillor MacKay inquired if the title for the Right-of-Way was searched. Mr. Bryson indicated that his firm had not searched the title to either Lot presented.

Councillor MacKay concluded that the Right-of-Way in question must be a part of Lot A to qualify for application. Mr. Bryson stated that Lot A owns the land over which the Right-of-Way travels but the Right-of-Way is expressly reserved to and in favour of Mrs. Ethridge. Mr. Bryson also indicated that the deed drawn in favour of the Rudolphs expressly reserves the Right-of-Way for Mrs. Ethridge.

SPEAKERS IN OPPOSITION TO APPLICATION F 806-84-03

Mrs. Ethridge stated that on the plan, written up 28 years ago, it stipulated that the Right-of-Way in question was for Ethridge Lot only.

QUESTIONS FROM COUNCIL

Councillor Lichter inquired if Mrs. Ethridge had received anything in writing 28 years ago when she received the Right-of-Way. Mrs. Ethridge indicated it was only written on the Plan that the Right-of-Way was for Ethridge Lot only.

Councillor Lichter questioned Mr. Cragg if he was correct in concluding that the Right-of-Way is irrevocable. Mr. Cragg indicated that if the Right-of-Way is included in the Deed discription, it flows with the land and it is irrevocable so long as the parties to it do not agree by writing to revoke it.

Councillor Lichter asked Mrs. Ethridge if she was looking for ownership of the land or simply looking for use of the roadway. Mrs. Ethridge stated that she was looking for the ownership of the land. Councillor Lichter indicated that under the present subdivision by-law there was simply nothing the County could do for her because the land would represent a subdivision and a subdivision could not be created with no frontage to her present Lot. Councillor Lichter also pointed out that

if any dispute existed it existed in the minds of both parties because the irrevocable Right-of-Way had existed for 28 years and so Mrs. Ethridge could not be in danger of losing that entrance way to her home.

Mr. Gough delivered a copy of a written agreement to Mr. Cragg, which indicated that Mrs. Ethridge had executed the document and had sworn the appropriate affidavit as well. The document stated that there was a Right-of-Way over Lot A in favour of Mrs. Ethridge and that the Rudolphs agreed not to use a portion of the Right-of-Way as presented.

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

"THAT Application F 806-84-03 be recommended to Council for approval through the Undersized Lot Legislation."  
Motion Carried.

STAFF REPORTS FOR DEVELOPMENT AGREEMENT FOR APPLICATION DA-SA-1084-19 AND APPLICATION DA-SA-11-84-19

Mr. Hanusiak stated that the indicated applications for development agreements are between the Municipality of the County of Halifax and Covenant Developments Ltd. of Lower Sackville, to permit the construction of a two unit dwelling on Lot 4A and 4B of the Lands of Leonard J. Kincaid, located on Jennifer Court at Lower Sackville.

Mr. Hanusiak reviewed the terms and conditions between the Developers and the Municipality.

Mr. Hanusiak reported to Council comments from the Department of Engineering and Works, the Department of Environment, and the Sackville River Advisory Board respecting the tenet of approval to these lots. It was indicated that they reached a stage of final approval which occurred back in August. Mr. Hanusiak stated all the comments were in favour of the subdivision.

Mr. Hanusiak stated that prior to development, certain requirements had to be performed. It was indicated that the Developer had met those requirements to obtain subdivision approval.

QUESTIONS FROM COUNCIL

Councillor MacKay expressed concern that some control be had over the elevation of the property because, in the past, perhaps some houses were built in places where they should not have been built in the event they might be subject or prone to flooding when the River level rose. Mr. Hanusiak stated that if the house sits 20 feet back off the Right-of-Way then in fact it will sit approximately 8 feet above the Parkland. Mr. Hanusiak indicated that if the drawings, etc., submitted are not acceptable and there is a possibility of flooding, the agreement will not be signed by the Department.

Councillor Margeson inquired if he was correct in concluding that a considerable amount of dirt has been dumped. Mr. Hanusiak indicated that the majority of dirt resulted from the road construction.

Councillor Margeson inquired as to what was protecting the run off from going into the little Sackville River. Mr. Hanusiak stated that the main reason that is stopping any siltation is the fact that the majority of fill is located in an area where the parkland would catch any siltation and, secondly, the fact that there has been no pressurable amount of rain.

SPEAKERS IN FAVOUR OF LOTS 4A & 4B OF THE LANDS OF LEONARD J. KINCAID

Mr. Bill Garnet, President, SAYSF Development, indicated that SAYSF Development's Ltd. has an agreement to purchase Lots 4A & 4B and 5A & 5B from Covenant Development Inc. subject to the Municipal Development Permit that is in question. Mr. Garnet stated that SAYSF Development Ltd. have under construction the adjoining six Lots of which Covenant Development had developed the land.

Mr. Garnet spoke briefly in favour of the Application.

Mr. Garnet indicated that SAYSF Development have taken precaution to this point to prevent any siltation in the River. He indicated that they have built a berm at the back of Lot 4 to prevent any siltation from the construction that is presently under construction and, also, taken caution on Lot 5 to prevent any siltation in the River.

Mr. Garnet advised, in his estimation, that there will not be flooding in the basements of the two proposed buildings. Mr. Garnet stated that SAYSF Development had engineering studies done both for the quality of the soils that are in the area and have had a surveyor check the elevations to make sure that they are well above the flood line.

QUESTIONS FROM COUNCIL

Councillor Wiseman inquired as to what the precautions taken to prevent siltation were and also if Mr. Garnet was referring to the bottom floor of the basement or the bottom of the shingled area of the house being 8 feet above the water level.

Mr. Garnet indicated the 8 feet referred to was with regard to the basement floor level. Mr. Garnet stated that precaution was taken at the back of Lot 4. A berm, consisting of several loads of clear stone and straw, was built.

SPEAKERS IN OPPOSITION TO LOTS 4A & 4B OF THE LANDS OF LEONARD J. KINCAID

None.

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

"THAT the proposed Development Agreement between the Municipality of the County of Halifax and Covenant Development Inc. for Lots 4A and 4B of the lands of Leonard J. Kincaid on Jennifer Court at Lower Sackville be approved by Council."  
Motion Carried.

SPEAKERS IN FAVOUR OF LOTS 5A & 5B OF THE LANDS OF LEONARD J. KINCAID

None.

SPEAKERS IN OPPOSITION TO LOTS 5A & 5B OF THE LANDS OF LEONARD J. KINCAID

None.

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

"THAT the proposed Development Agreement between the Municipality of the County of Halifax and Covenant Development for Lots 5A & 5B of the lands of Leonard J. Kincaid on Jennifer Court at Lower Sackville be approved by County Council."

Motion Carried.

ADJOURNMENT

There being no further business, the meeting was adjourned.

**PUBLIC HEARING**

**OCTOBER 29, 1984**

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

ALSO PRESENT:           Mr. R. Cragg, Municipal Solicitor  
                  Mr. G.J. Kelly, Municipal Clerk  
                  Mr. M. Hanusiak, Planner

SECRETARY:             Margaret MacDonell

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CALL TO ORDER

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

ROLL CALL

Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

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

    "THAT Margaret MacDonell be appointed as Recording Secretary."  
    Motion Carried.

STAFF REPORT FOR APPLICATION RA-24-34-84-18

Mr. Mike Hanusiak presented the staff report for an application by Mr. G. Royce Hefler to rezone Lot B of the lands of Lindwood Holdings located at the intersection of Highway 101 and Lucasville Road in



Middle Sackville, from R-1 (Single Family Dwelling) Zone to MR (Mixed Resource) Zone. Mr. Hanusiak indicated the purpose of the rezoning is to permit the erection of resource-related structures and the open storage of logs and equipment related to forestry uses.

Mr. Hanusiak outlined the application. Staff analysis indicated the suitability of the site in terms of its ability to accommodate uses permitted in the requested zone, the impact on surrounding land uses, and the degree to which the proposed rezoning would compromise the original intent of the existing zone.

Mr. Hanusiak stated staff recommended approval of this rezoning.

#### QUESTIONS FROM COUNCIL

Councillor Eisenhower inquired as to the question of property ownership being Mr. G. Royce Hefler or Lindwood Holdings. Mr. Hanusiak stated that Mr. Hefler is the title owner of the property in question; but, it is referenced as Lindwood Holdings in the documents and in the deed.

#### SPEAKERS IN FAVOUR OF APPLICATION RA-24-34-84-18

Mr. G. Royce Hefler, Lower Sackville, indicated his desire to speak in favour of the application.

Mr. Hefler indicated that he purchased the lands located at the intersection of Highway 101 and Lucasville Road in Middle Sackville from Lindwood Holdings and that is why they are referenced as the Lands of Lindwood Holdings.

#### QUESTIONS FROM COUNCIL

Councillor MacKay inquired as to who lived in the other residences on the Lucasville Road. Mr. Hefler indicated that his two brothers and one sister occupied those residences.

#### SPEAKERS IN OPPOSITION OF APPLICATION RA-24-34-84-18

None.

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

"THAT the request to rezone Lot B of the lands of Lindwood Holdings, located on the Lucasville Road at Middle Sackville, from an R-1 (Residential Single Family Dwelling) Zone to an MR (Mixed Resource) Zone be approved by Council."  
Motion Carried Unanimously.

#### STAFF REPORT FOR APPLICATION RA-CH/W-35-84-21

Mr. Hanusiak presented the staff report for an application from ABC Realty Limited to rezone Lot 1A, of the lands of Albert Smith, located at 1249 Cole Harbour Road, Cole Harbour, from R-1 (Single Unit Dwelling) Zone to C-2 (General Business) Zone. Mr. Hanusiak indicated the purpose of the rezoning is to convert the existing dwelling unit to a hairdressing establishment.

Staff analysis indicated that the proposed rezoning is in conformity with the Plan's intent to create a commercial area along the Cole Harbour Road, the rezoning and proposed use meet all applicable regulations respecting the adequacy of services and the adequacy of the road network, and the lot meets all the applicable zoning requirements. Mr. Hanusiak indicated that on the basis of these three points, staff recommended approval of this rezoning.

Mr. Hanusiak indicated that a letter was received on October 5, 1984 from Westphal, Cole Harbour and Area Service Commission, stating that they are in objection to the application. Mr. Kelly read the letter which indicated that they did not support this application because the lot in question is outside the community commercial designation as laid out in the Area Development Plan. Councillor DeRoche indicated that since the letter has been written, it has been finalized that the lot in question is inside the community commercial designation.

SPEAKERS IN FAVOUR OF APPLICATION RA-CH/W-35-B4-21

None.

SPEAKERS IN OPPOSITION TO APPLICATION RA-CH/W-35-84-21

None.

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

"THAT the rezoning of Lot 1A of the lands of Bellfontaine and Davison, located at 1249 Cole Harbour Road, Cole Harbour, from R-1 (single unit dwelling) zone to C-2 (general business) zone be approved by Council."  
Motion Carried Unanimously.

STAFF REPORT FOR DEVELOPMENT AGREEMENT FOR APPLICATION DA-CH/W04-84-21

Mr. Hanusiak stated that the proposed Development agreement is between the Municipality of the County of Halifax and A.R. Hemmings Building Systems Limited, Westphal. Mr. Hanusiak indicated the the company is involved in the manufacture of components for commercial and residential buildings, the buying and selling of all types of building materials and the storage of such products.

Mr. Hanusiak stated that it was the applicant's intent to expand existing buildings and construct new buildings on the company's site on the corner of the Number 7 Highway and the Broom Road.

Mr. Hanusiak reviewed the terms and conditions between the Developers and the Municipality.

QUESTIONS FROM COUNCIL

Mr. Kelly read a letter received from the Westphal, Cole Harbour and Area Service Commission, dated October 5, 1984, stating that they generally agree with the proposed agreement. Their only concern centered around onsite parking for large company vehicles and the use of entrance and exits to the #7 Highway.

Councillor Margeson requested that paving, tree planting, excavation or other form of improvements be completed within two hundred forty (240) days of the signing of the Agreement rather than one hundred eighty days (180) of the signing of the Agreement. A compromise of two hundred ten (210) days was agreed upon.

SPEAKERS IN FAVOUR OF DEVELOPMENT AGREEMENT FOR APPLICATION  
DA-CH/W-04-84-21

Mr. Lloyd Hemmings stated that for twenty two years he conducted a business on the Broom Road. He indicated that, since that time, staff has increased from three people to forty five people and last summer sixty people were employed by their business. Mr. Hemmings stated that A.R. Hemmings Building Systems Limited would like to continue the progress they have had over the past number of years and continue to be good citizens.

Mr. Frank Stevens, also spoke in favour of the application. Mr. Stevens indicated that an old building, on the Number 7 Highway was torn down in order to establish a parking lot. Mr. Stevens stated that it is their intention to improve the visual appearance of the Property on the Broom Road.

Mr. James R. Lisson, a resident of Broom Road, also spoke in favour of Application DA-CH/W-04-84-21. Mr. Lisson indicated that the residents of Broom Road look forward to and support the landscaping requirements outlined for the area.

QUESTIONS FROM COUNCIL

Councillor DeRoche inquired if there would be any objection to having the residents in this area review the plans under the landscaping requirements and take part in the preparation of those plans. Mr. Stevens indicated that this was possible through an area representative.

SPEAKERS IN OPPOSITION OF DEVELOPMENT AGREEMENT FOR APPLICATION  
DA-CH/W-04-84-21

None.

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

"THAT the proposed Development Agreement between the Municipality of the County of Halifax and A.R. Hemmings Building Systems Limited for Block ARH-1 of Charles A. Elliot, located at or about Westphal be approved by Council."  
Motion Carried.

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

"THAT the October 29, 1984 Public Hearing be adjourned."  
Motion Carried.