

PUBLIC HEARING

DECEMBER 3, 1984

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

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

SECRETARY: Margaret MacDonell

CALL TO ORDER

Deputy Warden Walker called the meeting to order at 7:00 p.m. with the Lord's Prayer.

APPOINTMENT OF RECORDING SECRETARY

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

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

STAFF REPORT FOR APPLICATION ZA-24-38-84

Councillor Mont declared conflict of interest due to the fact that one of his associates, in his law firm is representing Mr. Malay.

Mr. Hanusiak stated that this application was advertised in accordance with the provisions of the Planning Act and, to this date, there has been no correspondence received either in favour of or opposed to the application.

Mr. Hanusiak presented the request by Mr. Arthur Malay to amend the road frontage and lot area requirements of the R-2 (Two Family Dwelling) Zone of By-Law No. 24 to permit his property within the subdivision of Uplands Park at Hammonds Plains to be subdivided into two lots - each having 32 feet of road frontage and approximately 3,300 square feet of lot area.

Mr. Hanusiak outlined the application and stated that Staff recommended approval of the amendments as shown.

QUESTIONS FROM COUNCIL

Councillor DeRoche inquired if, the amendments presented to By-Law No. 24 were accepted, would provide equitable treatment to all land owners in Uplands Park and, if the R-2 Zone exists, the Frame Subdivision in Waverley. Mr. Hanusiak advised that the amendments would provide equitable treatment to all properties that would comply with that situation of publicly maintained water and sewer system.

SPEAKERS IN FAVOUR OF APPLICATION ZA-24-38-84

Mr. David Cooper, representing Mr. Malay, indicated his desire to speak in favour of the application.

Mr. Cooper stated that he originally looked at a rezoning, on Mr. Malay's behalf, for the purpose to allow Mr. Malay to buy his own half of his duplex. He indicated that the proposed amendments would solve the problem for all duplex owners in Uplands Park who would like to subdivide.

QUESTIONS FROM COUNCIL

Councillor MacKay inquired if Mr. Cooper or Mr. Malay were aware that a separate water and sewer system was required. Mr. Cooper advised that Mr. Hanusiak informed him of this fact immediately at the start of the proceedings and, as a result, they were delayed for about two weeks. Mr. Cooper stated that Mr. Malay is prepared to install the separate water and sewer system.

SPEAKERS IN OPPOSITION OF APPLICATION ZA-24-38-84

None.

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

"THAT the Municipality's Zoning By-Law No. 24 be amended as per Appendix "A" of the report presented be approved."
Motion Carried.

STAFF REPORT FOR APPLICATION RA-TLB-33-84-02

Mr. Hanusiak presented the staff report for an application by Mr. Fred Ghosn to rezone two lots of the lands of Fred Ghosn, located at the

intersection of the North Green Road and the St. Margaret's Bay Road at Lakeside from the present R-1 (Single Unit Dwelling) Zone to R-4 (Multi-Unit Dwelling) Zone. He indicated that the purpose of the application was to permit the construction of a multi-unit apartment building.

Mr. Hanusiak outlined the application and stated that Staff recommended approval of this rezoning.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF APPLICATION RA-TLB-33-84-02

None.

SPEAKERS IN OPPOSITION OF APPLICATION RA-TLB-33-84-02

None.

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

"THAT Council approve the rezoning of the lands of Fred Ghosn, located at the intersection of the North Green Road and the St. Margaret's Bay Road at Lakeside and being the same lands described in Schedule "A" of the staff report, from R-1 (Single Unit Dwelling) Zone to R-4 (Multi-Unit Dwelling) Zone."
Motion Carried Unanimously.

STAFF REPORT FOR APPLICATION RA-SA-46-84-19

Mr. Hanusiak presented the staff report for an application by the Municipality of the County of Halifax to rezone Lot 109 of the Beverley Hills Subdivision, located at 1 and 3 Laurie Drive at Lower Sackville from the present R-1 (Single Unit Dwelling) Zone to an R-2 (Two Unit Dwelling) Zone. It was indicated that the existing side-by-side duplex is considered a non-conforming use of land. The purpose of the rezoning is to remove the non-conforming status by rezoning the property to permit two unit dwellings.

Pictures of the property were circulated to members of Council.

Mr. Hanusiak outlined the report and stated that Staff recommended approval of this rezoning.

QUESTIONS FROM COUNCIL

Councillor Gaetz inquired as to why the Lot was not in the name of the County of Halifax. Mr. Hanusiak advised that this application was brought forward by the area Councillor, Councillor MacDonald.

SPEAKERS IN FAVOUR OF APPLICATION RA-SA-46-84-19

None.

SPEAKERS IN OPPOSITION OF APPLICATION RA-SA-46-84-19

None.

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

"THAT Council approve the rezoning of Lot 109 of the Beverly Hills Subdivision, located at 1 and 3 Laurie Drive at Lower Sackville, from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone."

Motion Carried Unanimously.

STAFF REPORT FOR APPLICATION RA-CH/W-48-84-21

Mr. Hanusiak presented the staff report for an application by L & S Construction Limited to rezone Lots SA-1 and SA-2 of the lands of the Rector, Wardens and Vestry of the Parish of Saint Andrews Anglican Church, located on Smith Avenue at Cole Harbour from the present R-1 (Single Unit Dwelling) Zone to an R-2 (Two Unit Dwelling) Zone.

Mr. Hanusiak outlined the report and stated that Staff recommended approval of this application.

QUESTIONS FROM COUNCIL

Councillor Mont inquired if communication from the Service Commission was received regarding this application. Councillor DeRoche indicated that a letter was received officially by the Planning Advisory Committee. It was advised that the letter received from the Westphal Cole Harbour and area Service Commission offered no objections to the proposal.

SPEAKERS IN FAVOUR OF APPLICATION RA-CH/W-48-84-21

None.

SPEAKERS IN OPPOSITION TO APPLICATION RA-CH/W-48-84-21

None.

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

"THAT Council approve application RA-CH/W-48-84-21 to rezone Lots SA-1 and SA-2 from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone."

Motion Carried Unanimously.

ADJOURNMENT

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

"THAT the December 3, 1984 Public Hearing be adjourned."
Motion Carried.

PUBLIC HEARING
DECEMBER 10, 1984

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

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

SECRETARY: Margaret MacDonell

CALL TO ORDER

Warden MacKenzie called the meeting to order at 7:00 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 Deputy Warden Walker:

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

STAFF REPORT FOR APPLICATION RA-CH/W-50-84-17

Mr. Hanusiak presented the staff report for an application by the Municipality of the County of Halifax to rezone a portion of Block A-1 of the Lands of Charles Settle, located on the Cole Harbour road at Cole Harbour from a C-2 (General Commercial) Zone to an R-2 (Two Unit Dwelling) Zone.

Mr. Hanusiak advised that the purpose of the rezoning is to reduce the development potential on a portion of the subject property from that which can be realized under the present C-2 Zone.

Mr. Hanusiak stated that the application was advertised in accordance with the provisions of the Planning Act and, to this date, the Planning Department has received no correspondence either in favour of or opposed to the application. At this point, Warden MacKenzie advised that he has received correspondence which will be revealed at a later point in the evening.

Mr. Hanusiak outlined the application and stated that Staff recommended approval of the proposed rezoning.

QUESTIONS FROM COUNCIL

Councillor MacKay indicated that a similar application was discussed and approved by Council and subsequently appealed by the Department of Municipal Affairs Community Planning to the Municipal Board. He stated that a residential zone was placed on a commercial designation and it was deemed to be illegal with respect to zoning and required a plan amendment. Councillor MacKay inquired if this application was a plan amendment rather than a rezoning. Mr. Hanusiak informed that the property being referred to, Mr. Hefler's, fell within the commercial designation and did not abutt the residential designation. Mr. Hausiak also stated that there was no multiple family dwelling projects located within the residential designation.

Councillor MacKay inquired if it is permissible in the Cole Harbour Municipal Development Plan to have two main uses on one main property. Mr. Hanusiak indicated that he did not believe this was permissible. Councillor MacKay questioned if in this area, where the Nothing Fancy Store exists, the property would either have to be subdivided or the existing building would have to be removed. Mr. Hanusiak informed that Councillor MacKay's conclusion was correct. He stated that if this manner proceeds, in order for the Developer to utilize the remaining portion of the property, he has to either remove the existing building in favour of replacing it with one more main building or, if he wants to retain the building as it is now, he could subdivide to create one more lot. The developer, as a third option, could run a cul-de-sac from the Cole Harbour Road up to the rear and open it up to create two commercial properties down in front and a mixture of residential lots up in back.

Councillor McInroy felt that there was a misunderstanding. He inquired if he was correct in his analysis that the portions of Block A-1 in question falls completely within that residential designation and the front portion, which now contains a parking area and Nothing Fancy Store, falls within that commercial designation. Mr. Hanusiak agreed that if you went back 250 feet you would have about a 25 foot rear yard clearance on that existing building. Councillor McInroy felt that the first and second reasons that the Planning Staff has to object to the application would be irrelevant with respect to the location of the proposed dividing line. This matter was discussed and the analysis presented were proven to be relevant.

Councillor Lichter inquired as to what the approximate depth of the general commercial land use designation was with respect to Hugh Allen Drive. Mr. Hanusiak stated that in the past a distance of 200 feet on either side of the road was discussed. He estimated a figure between 200 and 250 feet. Councillor Lichter indicated that to the right of Hugh Allen Drive, the land use designation deepens a great deal. He inquired as to why this was so. Mr. Hanusiak advised that the area is being developed for a shopping center proposal.

SPEAKERS IN FAVOUR OF APPLICATION RA-CH/W-50-84-17

Kathryn Patterson, resident, 32 Hugh Allen Drive, indicated her desire to speak on behalf of the concerned residents of the areas adjacent to the property in question, in favour of the request for rezoning of this property.

Kathryn Patterson presented a slide presentation of the area so that those Councillors, who were not familiar with the community, would be given an idea of what it looks like. It was indicated that the community was developed in 1961 and was the only such development in Cole Harbour at the time. Ms. Patterson informed that in the mid 1960's the residents organized themselves and went through the trouble and expense of having the area zoned R-2 to protect properties from apartment development in the immediate area. She stated that if the community had been aware that the back portion of that property had been zoned C-2, that they would have made their objections known at the time.

Ms. Patterson pleaded Council to find in favour of the request to have only that portion that exceeds the 250 foot intended limit to be zoned R-2 so that the residents can retain peaceful and quiet enjoyment of their properties.

Councillor Lichter stated that he was puzzled that the residents, whom she indicated have gone to great length to preserve the peace in the community, were not aware of the C-2 zone extending out to approximately a 700 foot depth. He asked Mrs. Patterson what year she moved to Hugh Allen Drive and what the zoning was of that particular C-2 property that is in question. Mrs. Patterson stated that she has been a resident in that area for eleven years and the property was all zoned general at that time.

Councillor Poirier inquired if there were any pieces of property in the plan that may have had a commercial use that were subdivided because of the plan and separated into different zones. Mrs. Patterson indicated that the residents thought the property terminated at the 250 foot line.

Mr. Jim Featherby, 6 Hugh Allen Drive, indicated his desire on behalf of his neighbors to speak in favour of the proposed rezoning of this parcel of land.

Mr. Featherby expressed a number of concerns with regard to the potential development of that land. The first problem stated was the problem of density. He indicated that a high density development would be dropped right into the middle of an existing low density development. Mr. Featherby indicated that a high density development in their low density residential area, would have a detrimental effect in varying degrees on the market value of all their properties. The problems of water, traffic, and schooling were also raised. Mr. Featherby indicated that if there is a positive vote to change the zoning, then the present owner of the land could obtain a fair return for his investment and spare the residents the agony of what they are now going through. He went on to say that if a negative vote is recorded and the zoning is not changed then it will leave the door open for somebody to come in and develop that land, make a profit, but at the expense of the residents.

Councillor MacKay inquired what was the assessment of the average home in his area. Mr. Featherby indicated that the assessment value of the average home would be approximately \$60,000. He stated that there would be approximately a \$10,000 de-evaluation of the market value.

Councillor Lichter, in respect to the problem of schooling, indicated that the Councillors received a report which indicated that this development will have only a slight impact on the school serving this area. The report indicated that the school board has always maintained a position of reacting to increases in student population by adding staff and there is no reason to believe that they will not continue to react in this way in the future.

Mr. Wade MacDonald, Chairman, Westphal/Cole Harbour Service Commission Planning Committee, indicated his desire to speak in favour of the request for rezoning this property. He stated that the Westphal/Cole Harbour Service Commission Planning Committee has had a look at the zoning for this piece of land and agree that a portion of the back of this land should be rezoned from C-2 to residential zoning.

From the committees's point of view, he stated that the public participation committee intended the C-2 or community commercial designation to allow for a strip of community commercial establishments along the Cole Harbour Road to service the local community. Types of establishments, he gave as examples, were the hair dresser, the real estate office, and the convenient store. Mr. MacDonald stated that it was felt that this lot should have been designated in the same way two or three years ago. It was his opinion that there are many examples along the Cole Harbour Road of Lots zoned in accordance in what is being requested now. Mr. MacDonald advised that his committee supports the recommendation of the Planning Advisory Committee.

Councillor DeRoche inquired if he was correct in stating that the Westphal/Cole Harbour Service Commission is responsible for the provision of fire protection. Mr. MacDonald indicated this was correct. Councillor DeRoche asked if there were any concerns on the part of the fire fighting staff with respect to apartment complexes being built in the area generally. Mr. MacDonald was unable to answer the question put forth by Councillor DeRoche.

Councillor MacKay inquired if the Cole Harbour community tried to put dual zones or dual uses on pieces of property when they went through their Municipal Development Plan. Councillor MacDonald stated that it was his understanding that the Public Participation Committee's approach was to generate a commercial strip along the Cole Harbour Road. He stated that he felt there was no obvious reason why this lot was excluded.

Mr. Darrell Martin, Metcalf Holm Firm, representing some of the residents of the Cole Harbour indicated his desire to speak in favour of the application. He stated that he felt a lot of the confusion being presented is due to a misunderstanding at the time that the general land use plan came in effect. He identified the plan as Plan No.1 which is an addendum to the Municipal Development Plan for Cole Harbour/Westphal. Mr. Martin advised that the residents at the time were aware of the commercial zone corridor. He stated that it was impressed upon the residents that the piece of property in question would be going back to a depth of 200 to 250 feet. Mr. Martin advised that the residents at the time were mistaken as to the ownership of the property behind the "Nothing Fancy" store and were satisfied to leave that as it is. He went on to say that the owner of the property back in 1982 did not know that the property was being rezoned. He assured Council that if the residents had known that this piece of property was going to be zoned C-2, as far back as it was, that they would have made their objections known at that time.

Mr. MacDonald outlined many of the concerns of the residents in the area (density, traffic, etc.).

Mr. MacDonald indicated that the residents would if possible, if there was no other alternative, form a group and through the County by way of levy upon the properties buy the back half of the property and convert it to a piece of parkland that would abutt to the park that is the area now.

Warden MacKenzie inquired if, at the time of the Municipal Development Plan being in place in that particular area, the building referred to was owned by the Co-op Store at that time. Mr. MacDonald stated that he believed the present owner has owned it since 1979/80 prior to the plan. Warden MacKenzie asked if there were any other buildings pertaining to that operation back of the Co-op Store. Mr. MacDonald indicated that there were none that anyone was aware of.

Lieutenant Don Beveridge, 19 Highland Crescent, indicated his desire to speak in favour of the application. Lieutenant Beveridge stated that he moved from his previous location because of density.

He went on to say that this proposal will drop right in the center of homes that are now valued between eighty to ninety thousand dollars. Lieutenant Beveridge stated that they heard that the rents are going to be approximately \$500. He stated that if you went to rent a home adjacent to that development, you would be lucky to get it for \$900. It was indicated that the development is inappropriate and it does not fit in the rest of the area surrounding it.

Ms. Sarah Patterson, resident of Hugh Allen Drive, indicated her desire to speak in favour of the application. She stated that she feels very secure in her neighbourhood but with the proposed development she would feel insecure in not knowing who her neighbours were.

SPEAKERS IN OPPOSITION TO APPLICATION NO: RA-CH/W-50-84-17

Mrs. Fiona M. G. Imrie, Solicitor for Lyonnais Investments Company Limited, Proposed Developer of the lands, indicated her desire to speak in opposition to the application.

Mrs. Imrie circulated to members of County Council copies of a memorandum regarding the proposed By-Law amendment - Block A-1, Lands of Charles Settle, Cole Harbour Road. Mrs. Imrie read through the memorandum outlining background, procedure irregularities, and reasons to reject the re-zoning application. Attached to the memorandum was a reduction of the Municipal Development Plan. Also attached was the Staff Report to the Planning Advisory Committee of November 19, 1984. The memorandum also included a partial list of clients and projects for Kassner/Goodspeed Associates.

Councillor MacDonald inquired, with regard to Cumberland Drive, if the residential or the apartments were there first. Mrs. Imrie indicated, to the best of her knowledge, the apartments came after the residents. Councillor MacDonald asked if the Forbes Group Limited considered the possibility of leaving a Green Area along Hugh Allen Drive. It was advised that when the Forbes Group met with the residents the possibility of such things as a fence, a hedge, etc., were discussed but they were not satisfactory solutions to them.

Councillor McInroy indicated that there was reference made to the fact that Mrs. Imrie's client was not aware that there was going to be a motion made at the Planning Advisory meeting on November 5, 1984. He stated that he nor the residents were aware of it. Councillor McInroy also stated that he does not recall ever telling PAC that her client had been advised that the motion was coming to PAC because he did not know it himself and he has never had any direct contact with her client.

Councillor Lichter indicated that three or four days prior to the meeting referred to he attempted to have somebody contact the applicant or the owner but his instructions were not carried out.

Councillor Mont inquired if the motion is passed, will her client still be purchasing the property and, secondly, what impact will it have on her client if this motion is not passed. Mrs. Imrie stated that if this motion is passed her client will be unable to obtain the necessary financing and, therefore, the purchase will not go through. Mrs. Imrie advised that her client will suffer a significant financial loss if the motion is not passed.

Mr. Richard Casnor, Architect for the project, indicated his desire to speak in favour of the application.

Mr. Casnor indicated that he could cite several cases in the City of Halifax where high quality apartments have upgraded property values and have gone through several stages of negotiations with residents to meet their approval. Mr. Casnor informed Council that they have taken great pains to orient these buildings so that they have a minimum effect on the adjacent properties and have also taken pains to control drainage from the site and to have as little impact as possible on the services. He stated that they have engaged mechanical engineers to do their site services, engaged a very competent landscape architect to do their grading and site drainage plans and to provide them with high quality very dense landscaping in the immediate areas of the buildings in order to screen them from the adjacent properties and to upgrade the value of the immediate area which now is primarily a scrub type vegetation.

Mr. Casnor stated that he does not share any concerns over parking. He indicated that the requirement for 1.5 parking spaces per apartment will be adhered to.

Mr. Casnor provided Council with a short history of their involvement in the project. He stated that they were contacted late summer by the Lyonnais to take a look at this piece of property to do a feasibility study on what could be done in order to develop within the by-laws. It was indicated that the by-law was investigated. Mr. Casnor advised that the appraisal indicated that this was a viable property to do apartment development on as spelled out in the by-laws. Mr. Casnor stated that they convinced the Lyonnais that they could erect a high quality development and have a lower number of units and have relatively the same return on their investment at a higher quality of a development which would set them in better terms with the community rather than going in and maximizing the density as it stood under the C-2. He indicated that they are intending to subdivide into three properties and place thirty two (32) unit buildings on each of these properties having a common driveway serving all three minimizing the number of entrances onto to the Cole Harbour Road and thereby, hopefully, controlling some of the traffic problems that have been expressed.

Councillor MacDonald inquired if any accommodations were made to a green area along Hugh Allen Drive. Mr. Casnor advised that the required setback on the C-2 Lot is fifteen (15) feet. He stated that they have met that requirement.

Councillor Mont inquired if the building would have been designed differently if the requirements were looked at for an R-4 Zone. Mr. Casnor stated that if they were to comply with the R-4 Zone in an R-4, they would have to make modifications to the building to satisfy the R-4.

Councillor Deveaux questioned if Mr. Casnor or the Developer would be willing to go along with the R-4 Zone if it was required. Mr. Casnor stated no if it made the project uneconomical.

Councillor Lichter asked how far along the architects were with the plans for the building. Mr. Casnor advised that the plans are fully planned. Mr. Hanusiak advised that the plans referred to are the architectural plans for the three buildings and included with the plans are the proposed subdivision of the subdivision into three lots. Mr. Casnor advised that they are approximately \$100,000 into costs on the architectural, legal, and planning aspects of this project. He also stated that it is their intention to remove the "Nothing Fancy" store and build a third apartment.

Mr. David Slater, General Manager of a Dartmouth based Commercial Industrial Real Estate Firm and Development Firm, indicated his desire to speak in opposition to the application.

Mr. Slater indicated that on this particular project he worked both with the Forbes Group Ltd. and with the Lyonnais brothers to find a suitable piece of land for a development of this type. He stated that they spent months looking at various pieces of land, both within the City of Dartmouth and in the County of Halifax, and spent a fair amount of time on that particular piece of C-2 Land prior to it being handed over to Richard Casnor for a more technical evaluation. Mr. Slater stated that if this land is downzoned from C-2 to R-2 then the landowner will incur a substantial loss.

Mr. Pat Forbes, Forbes Group Limited, indicated his desire to speak in opposition to the application. As the owner of the property, Mr. Forbes did not feel that concern about the apartment building or what will go on that property is really the relevant matter. He advised that there is objection to the particular use of the property for that particular piece of land. He went on to say that having purchased the property and making an investment of hundreds of thousands of dollars that he should have some faith or reliability in the planning process that what is there is there. Mr. Forbes did not feel it was reasonable that he should suffer some financial loss because there is a particular objection to that particular use for that land.

Mr. Douglas J. Livingstone, Solicitor for Forbes Group Ltd., indicated his desire to speak in opposition to the application. Mr. Livingstone distributed a brief on behalf of Forbes Group Limited to members of Council. A survey certificate showing the Lot and the location of the present "Nothing Fancy" store on the building was also circulated.

Mr. Livingstone indicated that many of the concerns raised by the people and residents of the area are not relevant issues from a

planning point of view. He stated that the real issue is not whether an apartment complex or any other development will take place on this land but rather whether a piece of land should be zoned from C-2 to R-2. He advised that if there were no proposed apartment complexes that the land would be left C-2. Mr. Livingstone suggested that this application be viewed as if there were no proposed developments.

Councillor MacKay inquired as to what was the percentage of increased assessment of properties in the Arklow Drive area. Mr. Livingstone indicated that his approximate calculation was between about 15 and 20 percent and between 15 to 20 percent for Cumberland Drive. He went on to say that property values are not decreasing by 20 percent but they are going up and not being substantially affected.

Mr. Kelly informed Council that he has in his possession twenty letters addressed to the Warden and or the Warden and Members of Council. He advised that, in analyzing the letters, they support the rezoning and voice various objections to the proposed development. It was indicated that the letters received from Mrs. Kathryn Patterson dated December 5, 1985 and from Yvonne Feindel dated November 30, 1984 were forwarded to all members of Council. Mr. Kelly, also, advised that a letter was received from Mr. J. R. Featherby dated November 29, 1984 addressed to the Warden and Councillors.

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

"THAT the rear portion of Block A-1 of the lands of Charles Settle subdivision, located on the Cole Harbour Road at Cole harbour, beyond the depth of 250 feet more or less, be rezoned from C-2 to R-2."

Councillor McInroy stated that he felt there were circumstances that reinforced the residents belief that C-2 Zone in that area only went to a depth of 250 feet. He stated that it was significant that the Service Commission spoke in favour of the application and support of the residents because, in his view, it is a detached objective community planning committee. Councillor McInroy went on to say that it is regrettable that the issue wasn't dealt with at the earliest possible stage so that there wouldn't have been any loss for anyone involved.

Councillor DeRoche stated that when the Municipal Planning Strategy for the Westphal/Cole Harbour plan was being put together, he participated in it. Councillor DeRoche made reference to Chart No. 4 of the plan which is generalized existing land use. He stated that this was the chart, drawn up by Staff of County Planning, to indicate to the PPC and to the residents of the area exactly what existed in the plan area at that particular point in time. He went on to say that the property in question, as indicated on Chart No. 4, was zoned a commercial back approximately 200 to 250 feet back from Cole Harbour Road. He stated that that particular map, and the data that was supplied by County Planning Staff, was the basis for PPC presenting to the residents and, in fact, to Council the intent of establishing a community commercial designation with a planned area.

Councillor Poirier stated that under these conditions, with this land having already been zoned with the person that owned it under that impression that he could do what he could do according to law, he was not consistent in his 200 feet deep all along the Cole Harbour Road and to make an example of this one property owner would be a very poor act for this Council to do. She went on to say that if this goes through, what will it do for the credibility of Halifax County in its Urban areas where developers are concerned and where people are concerned who have certain zonings on their land.

Councillor Lichter stated that law is the law today and to say to somebody, "Sorry, you looked at the plan, you knew what you were permitted to do but we have changed our minds in the meantime", is not fair.

Motion Defeated.

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

"THAT proposed rezoning of a portion of Block A-1 of the lands of Charles Settle, located on the Cole Harbour Road at Cole Harbour, from C-2 (General Business) Zone to R-2 (Two Unit Dwelling) Zone be rejected."

Motion Carried.

There being no further business, the meeting adjourned.

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COUNCIL SESSION

TUESDAY, DECEMBER 4, 1984

PRESENT WERE: Warden MacKenzie
Deputy Warden Walker
Councillor Poirier
Councillor Larsen
Councillor Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Gaetz
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Margeson
Councillor MacKay
Councillor McInroy
Councillor Eisenhower
Councillor MacDonald
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. R. Gough, Director of Development
Mr. K. Birch, Director of Planning and Development
Mr. John Beeston, Consultant, Thorne Riddell
Mr. Barry Travers, Consultant, Thorne Riddell

SECRETARY: Margaret MacDonell

CALL TO ORDER

Warden MacKenzie called the meeting to order at 6:00 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 Mont:

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

APPROVAL OF MINUTES - OCTOBER 22, 1984 PUBLIC HEARING; OCTOBER 29, 1984 PUBLIC HEARING; NOVEMBER 19, 1984 PUBLIC HEARING

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

"THAT the minutes of October 22, 1984 Public Hearing be approved as circulated."
Motion Carried.

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

"THAT the minutes of October 29, 1984 Public Hearing be approved as circulated."
Motion Carried.

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

"THAT the minutes of November 19, 1984 Public Hearing be approved as circulated."
Motion Carried.

AGENDA ITEMS

Councillor McInroy requested the topic of the Cole Harbour/Westphal Zoning By-Law to be added to the agenda.

Councillor DeRoche requested the topic of Traffic Highway No. 7 to be added to the agenda.

LETTERS AND CORRESPONDENCE

Mr. Kelly indicated that a letter was received from the Honorable Ken Streach, Minister of Lands and Forests, acknowledging the County's letter of October 22, 1984, with respect to the Canadian National Railway Right-of-Way Lands.

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

"THAT a meeting be arranged with the Honourable Ken Streach, Councillor Reid, Councillor Lichter, Councillor Bayers, and Councillor Gaetz to discuss the matter of Canadian National Railway Right-of-Way Lands."
Motion Carried.

Mr. Kelly advised that a letter had been received from Mr. C. E. Schofield, NS Department of Housing, in response to a Council resolution respecting Senior Citizens Housing in District 3.

Councillor Larsen requested that, with regard to this subject, the NS Department of Housing be more explicit. Mr. Kelly agreed to look into this.

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

"That this item of correspondence be received."

APPOINTMENT OF NON-COUNCIL MEMBERS TO COMMITTEES AND BOARDS

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

"THAT Rupert Giffin be appointed to the Planning Advisory Committee for a two (2) year term effective immediately."

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

"THAT nominations cease for the position on the Planning Advisory Committee."
Motion Carried.

Warden MacKenzie declared Mr. Rupert Giffin appointed for a two (2) year term effective immediately.

b) Board Management - Halifax County Rehabilitation Centre

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

"THAT Archie Fader be nominated to the Board of Management for the Halifax County Rehabilitation Centre for a one (1) year term of appointment effective immediately."

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

"THAT Harpell Power be appointed to the Board of Management for Halifax County Rehabilitation Centre for a term of one (1) year effective immediately."

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

"THAT nominations cease."
Motion Carried.

Warden MacKenzie declared Archie Fader and Harpell Power appointed for a one (1) year term effective immediately to the Board of Management - Halifax County Rehabilitation Centre.

c) Board of Health

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

"THAT Erma Smith be appointed to the Board of Health for a term of one (1) year effective January 1, 1985."

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

"THAT nominations cease."
Motion Carried.

Warden MacKenzie declared Erma Smith appointed for one (1) year effective January 1, 1985 to the Board of Health.

PLANNING ADVISORY COMMITTEE REPORT

1) Development Agreement - Wilmer Charbonneau - Salvage Yard, Eastern Passage.

Mr. Kelly read the report indicating that the Planning Advisory Committee recommends that Council approve the development agreement, which was attached to the report, and set a public hearing for January 7, 1985 at 7:00 p.m.

Mr. Kelly advised that an item in the Supplementary Report of the Planning Advisory Committee dealt with the same Development Agreement. Number two (2) of the Supplementary Report indicates that the Planning Advisory Committee recommends to Council that it's previous motion to hold a public hearing on January 7, 1984 at 7:00 p.m. be rescinded. The Committee recommended that the development agreement for Mr. Charbonneau be signed and no public hearing held.

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

"THAT the Planning Advisory Committee's motion to hold a public hearing on January 7, 1984 at 7:00 p.m. be rescinded and that the development agreement for Mr. Charbonneau be signed and no public hearing held."

Councillor MacKay inquired if this item was or was not brought before Council on two occasions and both times denied. Mr. Meech indicated that Council had, in fact, denied the approval of the agreement on two occasions. He advised that the applicant appealed the decision to the Municipal Board and, as a result, the Municipal Board overturned the decision of Council and directed that Council must enter into a development agreement to provide for the salvage yard.

Motion Carried.

2) Subdivision By-Law

Mr. Kelly read the report and recommendation of the Planning Advisory Committee.

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

"THAT Council approve either a news release, or some other method be adopted to inform County residents of the adoption of the new proposed Subdivision By-Law when it has been signed by the Minister."

Motion Carried.

3. Parkland Acquisition - Parcel P-4, Allen Heights Subdivision, Head of St. Margarets Bay

Mr. Kelly read the report and indicated that the Planning Advisory Committee recommends that the "Memorandum of Agreement" be accepted.

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

"THAT Council approve the acceptance of the "Memorandum of Agreement"."

Motion Carried.

4. Proposed Amendment to the Forest Hills P.U.D. Agreement

Mr. Kelly read the report and indicated that the Committee recommends to Council approval to the proposed amendment to the Forest Hills Planned Unit Development Agreement and that no public hearing be called.

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

"THAT Council approve the proposed amendment to the Forest Hills Planned Unit Development Agreement and that no public hearing be called."

Councillor McInroy declared Conflict of Interest on this matter.

Motion Carried.

SUPPLEMENTARY REPORT OF THE PLANNING ADVISORY COMMITTEE

1. Amendment to the Sackville Municipal Planning Strategy Re: Royce Hefler Property

Mr. Kelly read the report and indicated that the Committee recommends that a public hearing take place on January 21, 1985 to consider endorsement of the proposed municipal planning strategy amendment for Sackville as per option number three as amended by Staff.

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

"THAT Council approve a Public Hearing to take place on January 21, 1985 to consider endorsement of the proposed municipal planning strategy amendment for Sackville as per option number three as amended by Staff."

Councillor MacKay expressed concern with respect to the immediate removal of a commercial designation with regards to the Beaver Bank Road and the Lucasville Road. He stated that if somebody wanted to develop something commercially they could not because it would be contrary to the designation; therefore, you cannot get the applicable zone. Councillor MacKay, secondly, expressed concern with regard to multiple family residential in this area. He stated that he would like to see the dual capability that would be involved or Mr. Hefler's case be dealt with in isolation by itself.

Councillor MacKay expressed concern with respect to the shrinking of a commercial area.

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

"THAT this item be deferred to the second session of council in January, 1985."

Motion Defeated.

Considerable discussion and debate was held with regard to the amendment.

Motion Carried.

Councillor MacKay felt that the application for rezoning from C-2 to R-4 should be held on January 21, 1984 as well. Mr. Cragg advised that if Council did hold a public hearing for the rezoning indicated, then they would be accepting for a second time an identical application from the same applicant.

Block A-1, Charles Settle Subdivision, Cole Harbour Road

Mr. Kelly read the report indicating that the Planning Advisory Committee recommends that a public hearing be held on December 10, 1984 to consider the rezoning of a portion of Block A-1 of the lands of Charles Settle located on the Cole Harbour Road from C-2 (General Commercial) zone to R-2 (Two Unit Dwelling) Zone.

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

"THAT Council hold a public hearing on December 10, 1984 to consider the rezoning of a portion of Block A-1 of the lands of Charles Settle located on the Cole Harbour Road from C-2 (General Commercial) Zone to R-2 (Two Unit Dwelling) Zone."

Motion Carried.

Presentation - Lieutenant Penny

Warden MacKenzie welcomed Lieutenant Penny, Chairman of the Shearwater Air Show, and his wife to the Council Session. The Warden presented to them, on behalf of the County of Halifax and all citizens of Halifax County, an award for his work as chairman of the Shearwater Air Show.

PUBLIC HEARING

Staff Report For Application F 690-84-04

Mr. Gough presented the staff report for an application by Harold Boutilier for approval of Lots B and V of the Vaughan Boutilier Subdivision, Hacketts Cove, under the "Undersized Lot Legislation".

Mr. Gough advised that this undersized Lot had been advertised as prescribed under the terms of the legislation and there has been no communication received either in favour of or opposed to the creation of Lots B and V of the Vaughan Boutilier Subdivision.

Mr. Gough outlined the application and stated that Staff recommended approval of this rezoning.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF APPLICATION F 690-84-04

None.

SPEAKERS IN OPPOSITION OF APPLICATION F 690-84-04

None.

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

"THAT Council approve this application through the Undersized Lot Legislation."
Motion Carried.

BUILDING INSPECTORS REPORT RE: LESSER SETBACK

Mr. Kelly read the request for an application for lesser setback of 21' property located at 1908 Porto Bello Road, Waverley. It was advised that the reason for this request is because of an error in locating footings.

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

"THAT this application be approved."
Motion Carried.

Mr. Kelly read the request for an application for lesser setback of 20', Lot A6, Smith Subdivision, Lake Echo. Applicant Robert Ballum.

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

"THAT this application be approved."
Motion Carried.

Mr. Kelly read the report for a request to accommodate the replacement of an existing cottage located on Highway right-of-way on property at Black Point. Applicant Dennis Butler.

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

"THAT the setback request be approved."
Motion Carried.

EXECUTIVE COMMITTEE REPORTRequest for District Capital Grant, District 8

Mr. Kelly read the report indicating that the Executive Committee received a request for a District Capital Grant, District 8 in the amount of \$13,000 for the District 8 Volunteer Fire Department for the purpose of restructuring North Preston sub-station.

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

"THAT Council approve a District Capital Grant, District 8 in the amount of \$13,000 for District 8 Volunteer Fire Department."
Motion Carried.

Request for District Capital Grant, District 7

Mr. Kelly read the report for a request for a District Capital Grant, District 7 in the amount of \$5,000 to renovate and repair the Cherry Brook Recreation Centre.

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

"THAT Council approve a District Capital Grant, District 7 in the amount of \$5,000 for renovations to the Cherry Brook Recreation Centre."
Motion Carried.

Request for General County Capital Grant

Mr. Kelly read the request for a General County Capital grant in the amount of \$2,500 for a storm drainage project for the purpose of alleviating flooding problems for residents in the Westmount Drive, Glendale Avenue and Ross Road area, Westphal.

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

"THAT Council approve a General County Capital Grant in the amount of \$2,500 for this storm drainage project."
Motion Carried.

AGENDA ITEMSCole Harbour/Westphal Zoning By-Law - Councillor McInroy

Councillor McInroy introduced the subject of the Cole Harbour/Westphal Zoning By-Law to the members of Council.

Councillor McInroy stated that under the C-2 Zone, where use is permitted, it simply says Multiple Unit Dwellings. He advised that it does not, specifically, state when you construct multiple unit dwellings in a C-2 Zone you must construct in accordance with the guidelines as established in the R-4 Zone for the same type of development.

Councillor McInroy further stated that, rather than run the risk of having a development three weeks from now be applied for and approved without any of those guidelines, we have an opportunity to see those are in place until such time as the matter of amending the By-Law is considered. He went on to say he felt it would not be wise to let the opportunity to have those measures enforced slip by.

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

"THAT Council give notice of its intention to hold a Public Hearing to amend the Zoning By-Law for Cole Harbour/Westphal to the effect that multiple unit dwelling is constructed in a C-2 Zone shall be constructed in accordance with the guidelines and requirements as set out in the R-4 Zone."

Councillor Deveaux inquired that if this motion is approved and if next Monday, December 10, 1984, the C-2 Commercial Zone is upheld, will the applicant then have to change the requirements he is going to need in order to proceed with his present intention. Mr. Birch advised if Council decides not to proceed with the request to rezone part of the property from C-2 specific property to R-2, it would prevent, at least until the Hearing, an applicaiton for multiple unit dwellings.

Motion Carried.

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

"THAT this motion be reconsidered."
Motion Defeated.

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

"THAT a Public Hearing be held on Monday, January 7, 1985."
Motion Carried.

Traffic, Highway No. 7 - Councillor DeRoche

Councillor DeRoche expressed concern with regard to traffic accident incidents in District 7.

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

"THAT Council request the Minister of Transportation to investigate the feasibility of reducing the speed zone or speed limit on No. 7 Highway commencing with the City of Dartmouth line proceeding Eastward."
Motion Carried.

ADDITION OF AGENDA ITEMS FOR NEXT SESSION

Councillor MacKay - Acquisition of Chambers Property in Sackville for the Purpose of a Tourist Bureau.

REPORT ON REVIEW OF PURCHASING PROCEDURES

It was moved by Deputy Warden Walker, seconded by Councillor Gaudet:

"THAT Council go incamera to discuss the "Report on Review of Purchasing Procedures".
Motion Defeated.

Mr. John Beeston and Mr. Barry Travers, Chartered Accountants, Thorne Riddell, circulated a report entitled, "Report on Review of Purchasing Procedures", to the members of Council.

The two consultants presented the report outlining the executive summary, the analysis of results of testing, recommendations, and exhibits.

After the report was read, the following questions were presented and addressed by the consultants of Thorne Riddell:

Q: In the persual of the files involved, were there any comments on the files that were reviewed whereby the purchasing officer had substantiated the action he had taken or why the action was taken?

A: The reason was that the Departments were ordering the purchase orders without going through the Purchasing Department.

Q: Did the purchaser have that recorded on the file for you to peruse or did you determine that by questioning the individual?

A: By questioning the individual and by review of the purchase order.

Q: Did you in your summation come to any conclusions of your own with respect to the incidents of failure to adhere to purchasing policy?

A: No. Some of the Departments which may not have had the proper tendering, etc., could have been because they had a larger volume of purchasing than other departments.

Q: How many purchases were made in the years 1983 and 1984?

A: Not able to quantify that.

Councillor MacKay suggested that these recommendations go back to the Executive Committee Committee and there be discussions and recommendations brought back to the Municipal Council for a review of the purchasing policy.

Q: Was there any evidence that would lead you to believe that there was any hint of deliberate wrong doing on the part of anyone?

A: No.

Q: Have you looked, with regard to the forty six (46) cases, at in your random selection at the possibility of picking both small and possibly the largest purchase orders or requisitions?

A: We attempted to get at some of the larger items.

Q: Page 9, second paragraph, where it was indicated that one supplier concerning stationary have a second opportunity to submit quotations, does this particular stationary supply purchasing appear in your case study and, if it does appear, which particular one?

A: It did not come up in these the samples for '83 or '84 but it did come up in other procedures we carried out.

Q: From the report brought forward and the comments made, is it right to conclude that whatever discrepancies made were not all the fault of the co-ordinator and that departments were also involved?

A: One of the major occurrences would be that a number of operating departments ordered the goods without going through the purchasing department.

Q: Could you conclude that the discrepancies made were much more out of line then a comparable situation?

A: If you went into any organization you will find that there are a number of occurrences where policies are not adhered to.

Q: With the changes that took place, with respect to the School Board by virtue of the implementation of the Walker Commission Report on Education, to whom would the purchasing co-ordinator be responsible in the discharge of his actions on behalf of the Municipality?

A: The Finance Department purchases the service of the purchasing co-ordinator. I suspect they report to someone in the Finance Department for the Municipality of the County of Halifax.

Q: In your report, you indicate that a number of the variances to policy were committed by the various department heads?

A: Would not say it was the department heads.

Councillor DeRoche suggested that when this matter is referred back to the Executive Committee, that the issue of blame whether it is to be assessed and, if so, where be dealt with.

Q: Do you have the bottom line figure of the County's total purchases for any one year?

A: If you take out salaries and capital dept cost, you might come to somewhere around two million dollars (\$2,000,000).

Q: Of that amount of purchase, do you feel that we have sufficient Staff to deal with the purchases of that magnitude?

A: Would not say it is understaffed.

Mr. Meech pointed out that although there are a number of instances where the policy has not been adhered to, there has been a fair amount of achievement over the past number of years in terms of bulk purchasing and in terms of competitive pricing. It was also stated that one has to appreciate the circumstances at the particular time of purchase. Mr. Meech advised that he would review in more detail some of the policies that are not being adhered to and make a judgement as to whether to suggest that we should have certain revisions to the policy.

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

"THAT the recommendations presented be referred to the Executive Committee for consideration."
Motion Carried.

There being no further business, the meeting adjourned.

COUNCIL SESSION

TUESDAY, DECEMBER 18, 1984

PRESENT WERE: Warden MacKenzie, Chairman
Deputy Warden Walker
Councillor Poirier
Councillor Larsen
Councillor Gaudet
Councillor Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Gaetz
Councillor Bayers
Councillor Reid
Councillor Snow
Councillor Margeson
Councillor MacKay
Councillor McInroy
Councillor MacDonald
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. Birch, Chief of Planning and Development
Members of the Atlantic Winter Fair Executive Committee

SECRETARY: Margaret MacDonell

CALL TO ORDER

Warden MacKenzie called the meeting to order at 6:00 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.

APPROVAL OF MINUTES - NOVEMBER 20, 1984 REGULAR MEETING

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

"THAT the minutes of November 20, 1984 Regular Meeting be approved as circulated."

Motion Carried.

PRESENTATIONS - EXECUTIVE COMMITTEE, ATLANTIC WINTER FAIR

Warden MacKenzie welcomed a former Warden of Halifax County, Mr. Ira Settle. The Warden also welcomed members of the Executive of the Atlantic Winter Fair. Councillor Gaudet made a presentation of a plaque to Donald Keddy, President of the Atlantic Winter Fair and certificates of recognition were presented to the following Executive Committee members: Rod Robertson, Alex Lamond, Ira Settle, Donald Bishop and Norman Spence. One of the Committee members, Donald Oland was unable to attend. The Executive Committee members spouses were presented with flowers.

Warden MacKenzie also acknowledged the work that has been done by Councillor Gaetz representing the Municipality on the Atlantic Winter Fair Board of Directors.

AGENDA ITEMS

Councillor Deveaux requested the topic of the holiday for December 24, 1984 to be added to the agenda.

Councillor Baker requested the item of Lands and Forests to be added to the agenda.

Councillor DeRoche requested the topic of the Heritage Farm Museum to be added to the agenda.

LETTERS & CORRESPONDENCE

Mr. Kelly advised that a letter had been received from the Honorable Jack MacIsacc, Minister of Transportation, in response to the Municipality's letter of November 23, 1984 with respect to the lack of uniformity of signs identifying various communities within the Municipality.

The Minister advised that an official of the Municipality is at liberty to contact the Regional Manager, Mr. Bob Johnson, to provide a list of communities where signs do not appear to be properly located.

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

"THAT the chairman of the Rural Services Committee would arrange for such information to be provided."

Motion Carried.

Mr. Kelly indicated that a letter was received from the Metropolitan Transit Commission acknowledging the Municipality's letter of November 23, 1984 with regard to examining the feasibility of extending Route 80 in Sackville.

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

"THAT this item of correspondence be received."
Motion Carried.

REPORT OF THE PLANNING ADVISORY COMMITTEE

Rezoning Application Nos. ZA-SA-39-84, ZA-CH/W-40-84, ZA-EP/CB-41-84, ZA-LM-42-84, ZA-TLB-43-84

Mr. Kelly read the report advising that these applications are in response to a request from the Disabled Individual's Alliance (DIAL) to provide appropriate parking spaces for the mobility disabled.

The resolution recommended to Council was that the applications be approved and that a public hearing be called. The Committee suggested a public hearing date of February 11, 1985 at 7:00 p.m.

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

"THAT a public hearing be held on February 11, 1985 at 7:00 p.m."
Motion Carried.

Public Hearing - Hefler Property - Sackville

Mr. Kelly read the report and indicated that the Planning Advisory Committee recommends to Council that it consider a rezoning from C-2 to R-4 on Mr. Hefler's property and that a public hearing be called.

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

"THAT a public hearing be held on January 21, 1985 at 7:00 p.m."
Motion Carried.

Councillor MacKay inquired if this is a re-application by Mr. Hefler or is it being sponsored by the Municipality.

Mr. Birch advised that since the rezoning has already been carried out, this is action taken by the Municipality to make sure that Mr. Hefler indeed is able to develop his apartment on completion if appropriate of the Plan Amendment. Mr. Birch stated that the Advertising costs would be incorporated in with the Plan Amendment.

Parkland Review

Mr. Kelly read the report and indicated that the committee recommends that the following parcels of recreational lands being donated to the Municipality under the provisions of the Planning Act, be accepted as parkland by County Council: Phase 3 Forest Hills, Watercourse Park; Gilbert & Associates, Lot P-1 Mineville; Meadowlands Developments, Parcel P-1 Sackville; Ivan Smith Holdings; and Phase 12 Sackville Developments, Parcel P-12A.

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

"THAT the following parcels of recreational lands be accepted as parkland: Phase 3 Forest Hills, Watercourse Park; Gilbert & Associates, Lot P-1 Mineville; Meadowlands Developments, Parcel P-1 Sackville; Ivan Smith Holdings; and Phase 12 Sackville Developments, Parcel P-12A."
Motion Carried.

Councillor Gaetz expressed concern with regard to Conrod Settlement. He inquired if Mr. Brown, the man who looks after these parklands before they are accepted, has the power to deny a piece of land. Mr. Birch, in response to Councillor Gaetz, advised that the County is entitled to take either land or cash in lieu for plans of subdivision once they start to exceed three lots. He stated that the recommendation, whether the County takes the land or cash in lieu is made to the Planning Advisory Committee by way of the ADHOC Staff Committee made-up of the Director of Recreation and a staff member from each of the Engineering Department and the Planning Department. He stated that it is that collective staff committee which makes a recommendation to PAC and it is PAC who then decides whether they will take either land or cash in lieu. He went on to say that the items presented are derived from that recommendation or acceptance by PAC.

It was agreed that Mr. Birch be directed to look into Councillor Gaetz's concern and report back to him.

DIRECTOR OF DEVELOPMENT REPORT

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

"THAT this report be received."
Motion Carried.

BUILDING INSPECTORS REPORT RE: LESSER SETBACK

Mr. Meech advised that a recommendation was received from the chief building inspector relative to approving a lesser setback of 17'. Lot 78-2, William McCurdy Subdivision, Middle Musquodoboit. Applicant William McCurdy. It was advised that the reason for this request is because of low grade at the rear of the property.

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

"THAT a setback of 17' be approved."
Motion Carried.

EXECUTIVE COMMITTEE REPORT

a) By-Law Amendments

Mr. Meech read the report.