

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

"THAT a by-law to amend by-law #2, the Municipal council by-law be approved."
Motion Carried.

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

"THAT a by-law to amend by-law #4, the Municipal Officers By-law be approved."
Motion Carried.

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

"THAT a by-law to amend by-law #18, the Dangerous and Unsightly Premises By-law be approved."
Motion Carried.

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

"THAT a by-law to amend by-law #29, the Mobile Home By-law be approved."
Motion Carried.

Request for District Capital Grant, District 10

It was advised that a request was received for a District Capital Grant, District 10 in the amount of \$1066 for Ostrea Lake - Pleasant Point Volunteer Fire Department.

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

"THAT a District Capital Grant, District 10 in the amount of \$1,066 for Ostrea Lake - Pleasant Point Volunteer Fire Department be approved."
Motion Carried.

Request for District Capital Grant, District 19

It was indicated that a request was received for a District Capital Grant, District 19 in the amount of \$990 for Springfield Lake Beach improvements.

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

"THAT a District Capital Grant, District 19 in the amount of \$990 for purchase of playground equipment for Springfield Lake beach improvements be approved."
Motion Carried.

Request for District and General Parkland Grants

It was indicated that a request was received for Parkland Grant, District 19 in the amount of \$660 and a General Parkland Grant in the amount of \$1,840 for the purpose of upgrading a ball field located at the Harry Hamilton School, Middle Sackville.

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

"THAT a District Parkland Grant, District 19 in the amount of \$660 and a General Parkland Fund Grant in the amount of \$1,840 to provide assistance in upgrading a ball field located at the Harry Hamilton School in Sackville be approve."
Motion Carried.

1985 Property Tax Exemption

Council was informed that the Executive Committee had received a report respecting property tax exemption for 1985. The Executive Committee recommends that for the year 1985 the maximum property tax exemption for owner occupied property shall be in the amount of \$250 with the provision that the total annual income of all family members residing in the same household shall not exceed \$8,000.

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

"THAT for the year 1985 the maximum property tax exemption for owner occupied property shall be in the amount of \$250 with the provision that the total annual income of all family members residing in the same household shall not exceed \$8,000."

Councillor Larsen expressed concern with regard to the basis of the \$8,000. Mr. Meech advised that Mr. Wilson had prepared the Staff report and the recommendation. Mr. Kelly advised that the amount last year was \$7,500 and it was felt that the \$8,000 would represent a small increase for 1985.

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

"THAT this item be deferred to the January 8, 1985 Session pending receipt of additional information relative to the resolution."
Motion Carried.

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Request for District Capital Grant - District 11

Mr. Kelly advised that a request had been received for a District Capital Grant, District 11 in the amount of \$5,000 for the Sheet Harbour Volunteer Fire Department.

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

"THAT a District Capital Grant, District 11 in the amount of \$5,000 for the Sheet Harbour Volunteer Fire Department for purchase of a fire vehicle be approved."
Motion Carried.

METROPOLITAN AUTHORITY REPORT - COUNCILLOR MONT

Councillor Mont reported that a new chairman, Mayor Ron Wallace, was elected for the Metropolitan Authority. He stated that there was continuing discussion on transit cost sharing with nothing really new decided. He also stated that there was some discussion on participation in the transfer station in Dartmouth and in the two substations in the County. He stated that they are waiting for Engineering reports on those items.

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

"THAT this report be adopted."
Motion Carried.

TABLING OF STREET LIGHTING COMMITTEE REPORT

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

"THAT this report be tabled and brought back on January 8, 1985."
Motion Carried.

ACQUISITION OF PROPERTY, SACKVILLE - COUNCILLOR MacKAY

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

"THAT this item be tabled until the first council session in January."
Motion Carried.

ADDITION OF ITEMS TO AGENDA

December 24, 1984 Holiday - Councillor Deveaux

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

"THAT the County Building be closed on December 24, 1984."

Councillor MacKay opposed to the recommendation due to the duration of time the building would be closed if someone had some transactions that they wanted done.

Motion Defeated.

Lands & Forests - Councillor Baker

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

"THAT a letter be sent to the Minister of Lands and Forests to request that a ban be placed on hunting in the area from Halifax City Boundary to Halibut Bay, Halifax County, 2000 ft. from the main road."

Councillor Mont stated that this resolution concerns big game and high powered rifles. He further stated that the area in question is a thickly populated road into the County from the City Boundary and hunters in these wooded areas create a real danger for the residents and or children playing in the area.

Motion Carried.

Heritage Farm - Councillor DeRoche

Councillor DeRoche indicated that this item has to do with a District Capital Grant. He stated that he did not get the application in to the Executive Committee in time for consideration. He stated that he would like to have a grant approved to provide funds to the Cole Harbour Heritage Farm Museum to make repairs to the horse barn before additional damage can be caused to it and undue the good that has been achieved at this point in time.

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

"THAT a District Capital Grant in the amount of \$2,695 be approved for the Cole Harbour Rural Heritage Society for repairs to the horse barn on that property."

Motion Carried.

ADDITION OF ITEMS FOR NEXT SESSION

Councillor Margeson - Forestry Resources.

Councillor Margeson - Legislation, re annexation.

There being no further business, the meeting adjourned.

MINUTES & REPORTS

OF THE

THIRD YEAR MEETINGS

OF THE

FORTY - FIRST COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

JANUARY COUNCIL SESSION

TUESDAY, JANUARY 8 and 15, 1985

&

PUBLIC HEARINGS

JANUARY 7 and 21, 1985

PUBLIC HEARING
JANUARY 7, 1985

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

ALSO PRESENT: Mr. R. Cragg, Municipal Solicitor
Mr. G. J. Kelly, Municipal Clerk
Mr. K. Birch, Chief of Planning and Development

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 Councillor Margeson:

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

REPORT CONCERNING MULTIPLE UNIT DWELLING STANDARDS WITHIN THE COLE HARBOUR/WESTPHAL LAND USE BY-LAW

Mr. Birch advised Council that this report is not arising out of a direct application. He stated that it was a motion of Council to give notice to change the By-Law for Cole Harbour/Westphal to require R-4 standards for apartment development in the C-2 Zone.

Mr. Birch stated that the essence of the report is saying, for various reasons, that it is the Staff recommendation that this zoning change be affected.

Mr. Birch outlined the report and stated that Staff recommends that Council effect the change.

QUESTIONS FROM COUNCIL

Councillor Poirier inquired if, when the plan was being dealt with and arrived at, Staff would not anticipate something like this that you would make these requirements at the time before the plan came into effect rather than to change things in midstream. Mr. Birch responded with a yes, but stated that there is always the exception which proves the rule. He indicated that in terms of putting the R-4 standards into effect with the C-2 zoning that, yes, it would have been desirable to have done it at the time the plan was implemented.

Councillor McInroy questioned that if there were two parcels of land of identical size and each one is going to be developed with apartment dwellings, is it not a fact that the amenitie spaces, the per square requirements, ground cover, side yard clearances, parking locations, etc. from a planning point of view were imposed or are required in the R-4 Zone because it was felt that those things would enhance any kind of an apartment development on a site. Mr. Birch responded with a yes. It was Councillor McInroy's opinion that a particular application for a particular lot is not being looked at, but it is the general consensus of the people of Cole Harbour that if you build an apartment building, whether in an R-4 Zone, an R-1 Zone, an Industrial Zone, or a Commercial zone, if there are proper ways to do it then those things should be adhered to regardless of where your building is.

Councillor Deveaux inquired if the standards in accordance with R-4 as opposed to C-2 would be the major change in this case. Mr. Birch advised that that would be the main change but it is difficult to ascertain exactly how it would impact on the number of units on the property because that depends on the shape of the property. He stated that it was his estimation that the major change would be in the relocation of the building.

Councillor Deveaux inquired if the property in question could be exempted from this rezoning or change that is being requested. Mr. Cragg advised that no property could be exempted from this amendment if passed because he felt it would be deemed, down the road, to be discretionary in nature.

Councillor DeRoche inquired that if this amendment is accepted, how many properties along Cole Harbour Road would be affected by it or could be affected by it. Mr. Birch advised that every property along Cole Harbour Road would be impacted by it. Councillor DeRoche questioned that if this amendment is not adopted, where would the children or youth who live in those buildings spend their free time. Mr. Birch advised that Councillor DeRoche's answer would be more qualified than his.

Councillor MacKay inquired if he was correct in stating that the original intent of the Cole Harbour Plan was that the standards for apartment dwellings or multiple family unit dwelling in a C-2 area was to be the same as in the R-4 area. Councillor DeRoche stated that yes it was the intent that the R-4 criteria apply in the C-2 Zone but the fact that it did not was because it came to the attention just prior to the presentation of the motion which caused the Public Hearing.

Councillor Poirier inquired if there have been any apartment buildings built on C-2 Zonings since the plan has been in effect in Cole Harbour. Mr. Birch indicated that he has only been able to determine one and for the setback requirements it meets the R-4 requirements.

SPEAKERS IN FAVOUR OF RECOMMENDATION CONCERNING MULTIPLE UNIT DWELLING STANDARDS WITHIN THE COLE HARBOUR/WESTPHAL LAND USE BY-LAW

Kathryn Patterson, resident, 32 Hugh Allen Drive, indicated her desire to speak in favour of the recommendation that Part 16: C-2 (General Business) Zone of the Cole Harbour/Westphal Land Use By-Law be amended so as to require R-4 (Multi-Unit Dwelling) Zone standards for multiple unit dwellings.

Ms. Patterson stated that she spoke in Council on December 10, 1984 when Council at that time heard a petition to have property in Cole Harbour rezoned from C-2 to R-2. She went on to say that during that Hearing the subject came up about how many restrictions or lack of them there were if a property developer wished to develop multi unit apartments on a C-2 Zoning. Ms. Patterson stated that he does not have to adhere to the thousand square foot limits of a commercial building neither does he have to comply with R-4 limitations as it currently reads. She stated that it is reasonable to require that a developer of this nature abide by one set of rules or the other which, in the case of the apartments, R-4 rules would be the fairest to all concerned. Ms. Patterson indicated that by finding in favour of this motion you can afford protection to surrounding properties while at the same time allow owners of C-2 properties flexibility in developing their properties without any zone changes whatsoever.

Councillor Mont stated that Council received a letter from Mr. Doug Livingstone, Solicitor for Forbes Group Ltd., which stated that the staff report indicates that it is preferable to adopt the R-4 requirement which would limit parking to sides of rear apartment buildings. Councillor Mont also advised that Mr. Livingstone stated that area residents, at a recent public hearing, were objecting most to the property at the side or rear of such buildings and not the parking at the front. Councillor Mont requested Ms. Patterson's opinion with regard to parking requirements. Ms. Patterson advised that she agreed with what Mr. Birch has recommended.

Councillor McInroy stated that the matter being addressd at the time those concerns were expressed as referred to by Councillor Mont were a matter separate and apart than what is now being considered. He stated that the residents were objecting to either an apartment in the back part of that Lot or a parking lot in the back part of that Lot.

Councillor MacKay asked Ms. Patterson if she would like to, under the C-2 existing guidelines, look out and see the building right at the rear lot line or, under the proposed R-4 restrictions, see the parking lot in the back. Ms. Patterson stated that there would be more privacy available to people if the parking lot were there and not the dwellings.

Councillor Lichter inquired if the previous application that Council heard on December 10, 1984 is a dead issue, as she stated, or an issue that actually is going to the Municipal Board for appeal. Ms. Patterson stated that she has no intention of appealing.

Mr. Ron Cooper indicated his desire to speak in favour of the Staff recommendation on behalf of the Westphal/Cole Harbour and area Service Commission. He stated that the application of R-4 requirements to apartment buildings in the C-2 Zone has come up before the Westphal/Cole Harbour Service Commission Planning Committee and it is the consensus of that committee that they should apply. Mr. Cooper pointed out that at the corner of Cole Harbour Road and across the street from the Irving Station there are two apartment buildings. He stated that one has a completely paved front and side yard with no grassed area. He stated that the children in that apartment building play in the parking lot with cars coming and going all the time. Mr. Cooper went on to say that right next door to that building is another apartment building with parking in the rear, fenced in, has a grassy plot in front of the building, and it is well constructed and looks good. Comparing the two buildings, Mr. Cooper felt that the one with the grass area in the front is much preferable to the one on the right.

Councillor McInroy pointed out that at least one of the buildings that Mr. Cooper referred to has been constructed on a C-2 Lot within the criteria of R-4 Apartment Development.

Councillor DeRoche inquired if it was his opinion and the opinion of the majority of PPC at the time of the public participation committee that the R-4 criteria would apply wherever apartments were to be constructed and that included the C-2 Zone. Mr. Cooper advised that it was the consensus of the committee at the time it came before deliberation.

SPEAKERS IN OPPOSITION TO THE RECOMMENDATION CONCERNING MULTIPLE UNIT DWELLING STANDARDS WITHIN THE COLE HARBOUR/WESTPHAL LAND USE BY-LAW

Mr. Douglas J. Livingstone, Solicitor for Forbes Group Ltd., indicated his desire to speak in opposition to the staff recommendation.

Mr. Livingstone circulated copies of a letter to the Warden and Councillors with regard to the proposed amendment to amend the C-2 requirements as they relate to the development of apartment buildings, within the area of the Cole Harbour/Westphal MDP. In his letter he indicated that he and his client, Forbes Group Ltd., are not disagreeing with the Staff Report but indicated that the concerns raised in their opinion are not that significant that they should be used to alter the zoning requirements at this time. He went on to say that the appropriate timing of altering zoning requirements is at the time of reconsideration of the Municipal Development Plan.

Mr. Livingstone re-examined a number of assumptions in his letter and concluded that while there may be apparently good planning reasons to support the proposed amendment, such an important step is more properly conducted during the periodic review of the Municipal Development Plan so that the points raised can be more thoroughly canvassed. Mr. Livingstone also concluded that it is only fair that the amendment not be applied to the plans already submitted regarding his client's lot.

Councillor Mont felt that Mr. Livingstone in his letter and in his oral presentation minimized that effect of the proposed changes. Councillor Mont inquired as to why Mr. Livingstone is bothering to oppose this amendment. Mr. Livingstone stated that his client has been trying for quite a number of months to sell this land to a particular buyer and just about the time they were ready to close the deal they were hit with one rezoning application and now they are hit with another and stated frankly that they don't want to lose the deal. Councillor Mont inquired if they were at the Public Hearing. Mr. Livingstone reported that they were not at the Public Hearing. Councillor Mont stated that he would have to assume that if it was of serious concern to them, they would come. Mr. Livingstone pointed out that the appeal period has not yet expired.

Councillor MacKay expressed his opinion with regards to some of the comments made by Mr. Livingstone. Councillor MacKay, with regards to Mr. Livingstone's comments made with respect to financial institutions requiring amenity areas to make the building marketable, stated that on the surface he would tend to agree with that but when he looks at some financial institutions, he would assume likely that length of money to developers who constructed certain facilities is sometimes questionable. He went on to say that in some areas where there are developments there didn't appear to be much consideration if any towards amenities.

Councillor MacKay also stated that the density not being acceptable as a planning tool seems contrary to everything he has ever heard because density in many instances seems to be the bottom line as to what you can or cannot do as far as a recommendation goes. Councillor MacKay inquired as to what would constitute an application being in process so that it would be exempt. Does it have to be a formal application having been made or construction having commenced with a legal permit or what exactly constitutes it. Mr. Cragg advised that different cases have held different things and most cases dealing with matters such as the ones brought forward by Councillor MacKay pretty well revolve on their own merits. Mr. Cragg stated that Mr. Livingstone has alluded in his correspondence as he has to this Council on numerous occasions in the past that the three things that a Municipal Board will look at are clear intent, good faith, and due dispatch. He stated that it was his understanding that Council gave its notice prior to the Public on December 10 that this matter was going to be dealt with. Mr. Cragg, as a result, felt there was no question that Council made its intent clear and it proceeded with all due dispatch. Mr. Cragg felt that the Municipal Board could be persuaded that Council acted in good faith by evidence indicating that it was the intention of the PPC and the residents in the area that what is being proposed should have been in the plan in the first place.

Mr. Livingstone, in response to the points raised by Councillor MacKay, stated that it was his intention to submit that in terms of the density, that density in itself is not a justifiable reason for zoning. In terms of the intention, Mr. Livingstone submitted that intention has to be construed from what was written and if somebody says that something else was intended then he would submit that if anything was the case other than what was written, is that nobody thought about it.

Councillor MacInroy stated that Mr. Livingstone indicated, from looking at a set of public hearing minutes for December 10th, that any of the concerns that were raised were not relevant issues from a planning point of view and it was his suggestion that the application be viewed as though there were no proposed developments. Councillor MacKay noted that Mr. Livingstone now indicated that he does not disagree with the staff report and that from a planning point of view it likely is the proper thing to have the same kind of thing apply to apartment construction regardless of whether it is an R-4 or C-2 Zone. Mr. Livingstone stated that he did not believe he said he was in agreement with the staff report but that the staff report in itself appears to be an intelligently written document. Mr. Livingstone submitted that his client has owned C-2 Land for a number of years and they have a buyer who has spent considerable amount of money and time in preparing to buy that property from them. He went on to say that in a one month period the rules are going to be changed. Mr. Livingstone submitted that as a planning authority the County Council should use the same process they used before when making a wide sweeping planning decision.

Mr. Pat Forbes, Forbes Group Limited, indicated his desire to speak in opposition to the application.

Mr. Forbes indicated that he did not feel it was fair that on a "whim" the property can be rezoned. As a property owner, Mr. Forbes did not feel the rules should be changed in the middle of the game. He went on to say that he made an investment in real estate and that this is not the only piece of property he owns and that any changes that take place will affect it all.

Mr. Forbes stated that at the time that the plan was being done and not having had representation, he had to accept the end result of the plan. He indicated that at that time somebody had to go through what was permitted in a C-2 Zone because there were a number of things that were changed at that time. He went on to say that by moving the buildings to the front of the property from the rear or from some reasonable setback and not allowing any parking, the buildings are being moved adjacent to commercial lots. Mr. Forbes stated that the residents in an apartment building should have some rights but those rights are not being respected if they are adjacent to the street and adjacent to parking lots coming in and out. As far as amenities, children, and all of the other concerns that are there, Mr. Forbes stated that it only seems fair that it would be better if the parking was in the front than if it was in the rear.

Mr. Forbes stated that if there is to be a change, he did not feel that it would be unfair to expect from an owner's point of view that any change should not be retroactive.

Councillor Margeson inquired if Mr. Forbes persuaded his builders or developers to put an apartment building on the location to meet the R-4 requirements in place of the C-2 requirements, would that seriously effect the value of the real estate. Mr. Forbes indicated that it would not.

Councillor Poirier inquired as to how much money the developer has invested. Mr. Forbes advised that they have invested \$100,000 at this time.

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

"THAT the C-2 (General Business) Zone of the Cole Harbour/Westphal Land Use By-Law be amended so as to require R-4 (Multi-Unit Dwelling) Zone standards for multiple unit dwellings as per the Staff recommendation."

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

"THAT this particular development under question, at the moment, be excluded from the regulation that we are trying to put into effect tonight by the change of regulations to an R-4 regulation for apartments on a C-2."

Councillor Poirier felt that the biggest word in the whole situation is fairness. She stated although there was no permit, there was an agreement, through the Municipal Development Plan, to go ahead with the C-2. Councillor Poirier went on to say that these people are asking Council to keep in effect what they already had when they started.

Councillor Mont raised the point that there is no evidence that this proposal will cause any harm to the developer. Councillor Mont felt the amenity issue is an important one. He stated that one of the biggest concerns that he has had, since becoming a Councillor in Cole Harbour, are problems with young people. He felt that the suggestion that you could build apartment buildings without these features would only add to the problems and cause further expense to the County and to the taxpayers.

Councillor Eisenhauer expressed concern with regard to the policy of moving the apartment building and putting all the parking in back. His personal choice was to keep the cars out front. Councillor Eisenhauer also inquired where the amenities would be if the apartment building moved to the front. He felt that everyone would be disrupted by moving that apartment to the front. Councillor Eisenhauer inquired an interpretation from Staff as to what impact they feel, if the apartment buildings were moved forward with parking lots in back, it would have to the developers. Mr. Birch indicated that you are more likely to have the situation of side yard apartment abutting the commercial or apartment zone. He also advised that there were reservations against the layout of the parking which would reduce the number of units. He went on to say that a theoretical acre giving you the maximum reduction would give you about 25 units under R-4 but under the theoretical coverage it varies according to the size of the units.

Councillor Poirier inquired if the motion put forth is passed, is that more ground for appeal. Mr. Cragg advised that the motion to amend will become part of the main motion and it's separate and distinct from that which was dealt with on December 10. He stated that if someone wishes to appeal, either the passage of the amendment or the refusal of Council to amend the By-law, they can appeal if in fact they can convince the Municipal Board to agree.

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

"THAT Council defer decision on this particular application until the January 15, 1985 regular Council Session."
Motion Carried.

Twelve members of Council voted in favour of the deferral, while eight members were in opposition to the deferral.

There being no further business, the meeting adjourned.

PUBLIC HEARING

JANUARY 21, 1985

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 MacDonald
Councillor Wiseman
Councillor Mont

ALSO PRESENT: Mr. R. Cragg, Municipal Solicitor
Mr. G. J. Kelly, Municipal Clerk
Mr. K. Birch, Director of Planning and Development
Mr. B. Wishart, Planner

SECRETARY: Margaret MacDonell

CALL TO ORDER

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

APPOINTMENT OF RECORDING SECRETARY

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

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

STAFF REPORT PROPOSED AMENDMENTS TO THE SACKVILLE MUNICIPAL DEVELOPEMENT PLAN

Mr. Wishart presented the staff report for the proposed amendments to the Sackville Municipal Development Plan. He stated that when the plan originally placed a General Commercial Designation in the area in

question it was, in part, a reflection of the zoning that had been applied to the area prior to the plan's adoption. Mr. Wishart went on to say that at the same time, land use in the area was in a state of flux and it was difficult to determine which land use would eventually predominate if left to market forces.

It was advised that although the plan designated the area General Commercial and there are certainly commercial uses situated there, it is in fact residential uses that predominate.

It was outlined in the Staff Report that support for this option, option 3, lies in the fact that there is an evident demand for land in the Sackville community capable of accomodating higher density development. At the same time there is an abundance of commercial land available within the community stretching from the Cobequid Road to Millwood and including a large core area and other smaller commercial pockets. It was noted that the last three plan amendment reports in Sackville have revolved around the issue of converting commercially designated property to higher density residential uses.

Also, as stated in the report, Mr. Wishart indicated that eliminating the Designation in the area between the Beaverbank Road and the Millwood Planned Unit Development Boundary would also have the effect of working to complement the concept of a commercial core by reducing the amount of commercial land readily available in immediately adjacent areas.

It was further noted that existing commercial zoning be maintained in the area. This would have the effect of maintaining the status quo for those properties which are presently zoned commercial.

Mr. Wishart made reference to the actual amendments for the Municipal Development Plan for Sackville.

QUESTIONS FROM COUNCIL

Councillor MacKay inquired if this particular amendment would allow for dual zoning. Mr. Wishart indicated that it would not.

Councillor MacDonald spoke against the amendment.

SPEAKERS IN FAVOUR OF THE PROPOSED AMENDMENT TO THE MUNICIPAL DEVELOPMENT PLAN FOR SACKVILLE

Mr. Paul Hyland, member of the Planning Advisory Committee, spoke in favour of the amendment; but, he wanted to see the dual zoning retained.

Mr. John Garden, Three - Star Developments, also spoke in favour of the amendment.

Mr. Hefler indicated his desire to speak in favour of the amendment but indicated that he wanted to retain dual zoning on his property if possible.

QUESTIONS FROM COUNCIL

Councillor Lichter suggested that Council approve the Plan Amendment but defer the rezoning application until the Minister of Municipal Affairs signed Plan Amendment and then Council could determine what action they would take with regard to the appeal for the dual zoning.

Mr. Birch suggested that Council hold a public hearing on the rezoning amendment but not make a decision if the plan amendment is passed.

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

"THAT the by-law to amend the Municipal Development Plan for Sackville be rejected."
Motion Defeated.

After discussion was held with respect to the negative motion, a second motion was put forth.

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

"THAT the by-law to amend the Municipal Planning Strategy, as outlined in the Staff Report, be accepted."
Motion Carried.

STAFF REPORT FOR APPLICATION RA-SA-20-84-19B

Mr. Wishart presented the staff report for an application by Mr. G. Royce Hefler, Lower Sackville, to rezone Lot 7 of the E. N. Thomas Subdivision located at 989 Highway No. 1, Lower Sackville from C-2 (General Commercial) Zone to R-4 (Multi-Unit Dwelling) Zone.

It was stated, in the Staff Report, that the purpose of rezoning is to permit the construction of a 17 unit apartment building.

Mr. Wishart advised that the proposal met the criteria of the Sackville Municipal Development Plan. He further advised that Council may wish to hold a public hearing on the proposal but defer making a decision until after the Minister of Municipal Affairs signs the Plan Amendment.

It was stated, in the Staff Report, that the Planning Advisory Committee recommends that the rezoning of the lands of G. Royce Hefler, being Lot 7 of the E. N. Thomas Subdivision situated at 989 Highway No. 1 and being the same lands as described in Schedule "A" of the report, from C-2 (General Commercial) Zone to R-4 (Multi-Unit Dwelling) Zone, be approved by County Council pursuant to the approval by the Minister of Municipal Affairs of an amendment to the Sackville Municipal Planning Strategy which redesignates an area of land, within which the subject property is situated, from the general commercial to urban residential designations.

Mr. Wishart also outlined the reasons why the Department of Planning and Development recommends the proposed rezoning.

SPEAKER IN FAVOUR OF APPLICATION RA-SA-20-84-19B

Mr. Paul Hyland spoke in favour of the application.

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

"THAT Council approve the recommendation in the Staff Report."

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

"THAT Council defer this recommendation to the Council Session following the signing by the Minister of Municipal Affairs of the Plan Amendment."
Motion Carried.

There being no further business, the meeting adjourned.

January Council Session - 1985

I N D E X

Annexation - Legislation -----	10
Cole Harbour/Westphal Land Use By-Law -----	12-13
District Capital Grants -----	6 & 16
Dental Plan -----	13
Director of Development Report -----	16
Expropriation of Lands - Aerotech Park -----	17-18
Forestry Protection -----	10
Library Branch - Musquodoboit Harbour -----	5 & 18
L.W.F. Volunteer Fire Department - Loan -----	6
Motion - Appointment of Recording Secretary -----	1 & 11
Motion - Approval of Minutes -----	2 & 12
Motion - Letter re Flood Mapping, Little Sackville River ----	2
Motion - Letter re Water Shortage Ross Road Area -----	3
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Motion - Pension Benefits -----	5-6
Motion - District Capital Grants -----	6 & 16
Motion - Loan re L.W.F. Volunteer Fire Department -----	6
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Motion - Parkland Fund, District #16 -----	6-7
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Motion - Street Lighting -----	7-9
Motion - Letter re Tourist Bureau, Sackville -----	9
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Motion - Letter re Shad Bay Wharf -----	14
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COUNCIL SESSION
JANUARY 8, 1985

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 Eisenhauer
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
Mr. J. Markesino, Co-Ordinator of Recreation and Tourism
Mr. K. S. Wilson, Director of Finance

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 McInroy, seconded by Councillor DeRoche:

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

APPROVAL OF MINUTES - DECEMBER 4, 1984 REGULAR SESSION; DECEMBER 3, 1984 PUBLIC HEARING; DECEMBER 10, 1984 PUBLIC HEARING

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

"THAT the minutes of December 4, 1984 Regular Session be approved as circulated."
Motion Carried.

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

"THAT the minutes of December 3, 1984 Public Hearing be approved as circulated."
Motion Carried.

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

"THAT the minutes of December 10, 1984 Public Hearing be approved as circulated."
Motion Carried.

LETTERS AND CORRESPONDENCE

Mr. Kelly advised that a letter had been received from the Department of the Environment from the Minister in response to a resolution from Council with respect to flood mapping of rivers in Halifax County with emphasis on the Little Sackville River.

Mr. Kelly indicated that the Planning Department has been in touch with Mr. Doane, P.Eng., Manager, Canada-Nova Scotia Flood Damage Reduction Program, as indicated in the Honorable George Moody's letter with respect to this project.

Councillor MacKay requested that Mr. Birch give a briefing of what the discussion was about and what aspects may have been touched upon.

Mr. Birch stated that both the Planning and Development Department and the Engineering and Works Department, in the person of Leo Brooks, Storm Water Engineer, have been in touch with Mr. Doane. He advised that they have been invited to supply a person for the technical committee who would logically be the Storm Water Engineer for the County. Mr. Birch stated that they suggested that, when the results of the study are nearing completion, they meet with the Planning Advisory Committee to talk about the opportunities and disadvantages identified by the study at that time.

Councillor MacKay inquired when they might commence. Mr. Birch stated that they are of the understanding that it will commence in 1985 but he will reconfirm it specifically with them.

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

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

Mr. Kelly advised that a letter had been received from the City of Dartmouth in response to a resolution of Council with respect to concerns of water shortage in the Ross Road area during the summer months.

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

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

It was agreed that a copy of this letter would be sent to Mr. Wdowiak, Engineering and Works Department.

REPORT OF THE PLANNING ADVISORY COMMITTEE

Development Agreement DA-TLB-03-84-02. Marie and Joyce Reardon, Timberlea Trailer Park, Timberlea

Mr. Kelly read the report indicating that the Committee is recommending that the Development Agreement be approved and a public hearing be called.

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

"THAT the a public hearing be held on February 25, 1985 at 7:00 p.m."
Motion Carried.

Staff Report Re Forest Hills Planned Unit Development Agreement

Councillor McInroy declared conflict of interest.

Mr. Kelly read the report which indicated that it is the Committee's recommendation that Council hold a public hearing to consider zoning those developed portions of the Forest Hills Planned Unit Development according to the Cole Harbour/Westphal Land Use By-law.

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

"THAT Council hold a public hearing to consider zoning those developed portions of the Forest Hills Planned Unit Development according to the Cole Harbour/Westphal land use by-law on Monday, March 11, 1985 at 7:00 p.m."
Motion Carried.

Rezoning Application RA-SA-49-84-16. Lot GD-ER, N.S.H.C., (Glendale Drive) From R-1 to R-4

Councillor McInroy declared a conflict of interest.

Mr. Kelly read the report and indicated that on December 28, 1984, the Planning Advisory Committee considered the attached staff report and it is the Committee's recommendation to Council that the application be rejected and that no public hearing be called.

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

"THAT the application be rejected and that no public hearing be called."

Motion Carried.

SUPPLEMENTARY REPORT OF THE PLANNING ADVISORY COMMITTEE

Ocean View Estates Mobile Home Park - Development Agreement

Mr. Kelly read the report and indicated that at the January 7, 1985 meeting of the Planning Advisory Committee, the Committee completed it's review of the attached Development Agreement and recommends approval of the Agreement and that a public hearing be held on Monday, February 11, 1985 at 7:00 p.m.

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

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

Motion Carried.

Subdivision By-law

Mr. Kelly read the report and indicated that the Committee asks that Council carry out it's resolution of December 4, 1984 to inform the residents of the County of the Municipality's Subdivision By-law.

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

"THAT a letter be sent to the Honourable Thomas J. McInnis, Minister of Municipal Affairs, expressing our appreciation for meeting the deadline of 1984 in signing our Subdivision By-law."

Motion Carried.

Charles Conrad Property - Timberlea

Mr. Kelly read the report and indicated that at the time of the adoption of the Timberlea/Lakeside/Beechville municipal planning strategy and land use by-law, two property owners made representation that their autobody repair shops had not been recognized in the by-law.

The report indicated that, as a consequence, Council, that evening, added Appendix "D" to the by-law. Appendix "D" includes the following existing autobody shops deemed to be permitted uses to the extent to which they are in existence on the effective date of this by-law: Conrad's Auto Repair Shop (Civic Address, 2999 Bay Road; Lris Index Number, 693939); Jollimore's Autobody (Civic Address, 2416 Bay Road; Lris Index Number, 40162315).

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

"THAT Council hold a public hearing on both matters on Tuesday, February 5, 1985 during the Regular Council Session at 7:00 p.m."
Motion Carried.

EXECUTIVE COMMITTEE REPORT

Branch Library - Musquodoboit Harbour

Mr. Kelly read the report indicating that the Executive Committee recommends acceptance of the proposal submitted by Mr. Dave Stevens providing for a five (5) year lease with option to renew at \$9.00 per square foot (2,000 sq. feet) including heating, taxes and snow removal costs.

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

"THAT Council approve acceptance of the proposal submitted by Mr. Dave Stevens providing for a five (5) year lease with option to renew at \$9.00 per square foot (2,000 sq. feet) including heating, taxes and snow removal costs."
Motion Carried.

Pension Benefits - Councillors

Mr. Kelly read the report and indicated that the Executive Committee recommends approval of the proposal as outlined in the report including the establishment of a committee consisting of two Councillors and Mr. K.S. Wilson, to manage and administer the pension funds on behalf of County Councillors.

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

"THAT Council approve the proposal as outlined in the report including the establishment of a committee consisting of two Councillors and Mr. K.S. Wilson, to manage and administer the pension funds on behalf of County Councillors."
Motion Carried.

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

"THAT Councillor Eisenhower be nominated to the committee to act along with Mr. Wilson, to manage and administer the pension funds on behalf of County Councillors."

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

"THAT Councillor DeRoche be nominated to the committee to manage and administer the pension funds on behalf of County Councillors along with Mr. K. S. Wilson."

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

"THAT nominations cease."
Motion Carried.

Warden MacKenzie declared Councillor Eisenhower and Councillor DeRoche members of the committee to manage and administer the pension funds on behalf of County Councillors.

Request for District Capital Grant, District 18

Mr. Kelly indicated that the Executive Committee received a request for a District Capital Grant, District 18 in the amount of \$2,466.90 for improvements to Lucasville Community Centre.

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

"THAT a District Capital Grant, District 18 in the amount of \$2,466.90 for improvements to the Lucasville Community Centre be approved."
Motion Carried.

Request for Loan - Lakeview, Windsor Junction

Mr. Kelly advised that the Executive Committee received a request for a loan in the amount of \$7,000 for the Lakeview, Windsor Junction, Fall River Volunteer Fire Department for the purpose of purchasing a fire vehicle.

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

"THAT a loan in the amount of \$7,000 to the Lakeview, Windsor Junction, Fall River Volunteer Fire Department be approved on the basis of a ten (10) year repayment term of principal and interest with Council reserving the right to levy an area rate in default of principal and/or interest."
Motion Carried.

Relocation of Recreation Department Maintenance Section, Lower Sackville

Mr. Kelly advised that the Executive Committee received a report respecting the re-locating of the Recreation Maintenance Department in Lower Sackville from its present location to the new Sackville Industrial Mall.

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

"THAT the relocating of the Recreation Maintenance Department to new facilities in the Sackville Industrial Mall be approved."
Motion Carried.

Request for Parkland Fund Grant, District 16

Mr. Kelly advised that the Executive Committee received a request for a Parkland Fund Grant, District 16 in the amount of \$3,000 for the purpose of installing an asphalt multi-purpose pad at Centennial School.

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

"THAT a Parkland Fund Grant, District 16 in the amount of \$3,000 for the purpose of providing an asphalt multi-purpose pad at Centennial School be approved."
Motion Carried.

Tax Exemptions, 1985

Mr. Kelly advised that this item was deferred from the last Council Session. He indicated that the attached Staff Report with respect to the proposed 1985 Property Tax Exemption was discussed by the Executive Committee and recommended to Council for approval.

The Report indicated under the Municipal Act, a tax exemption may be granted to the following persons: a) a widow or widower; b) 65 years of age or over; c) the head of a single parent family supporting a dependent(s).

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

"THAT the maximum tax exemption allowed for the year 1985 for owner occupied properties be in the amount of \$250 and further that the total income for 1984 for all family members residing in the household not exceed \$8,000."
Motion Carried.

Councillor Margeson suggested that the legislation should be amended so that it would be broadened to cover single persons who have incomes less than the amount indicated.

Councillor MacKay also suggested that a letter be written to the City of Dartmouth to find out exactly what guidelines they have with regard to Property Tax Exemption.

Street Lighting Committee Report

Mr. Kelly circulated copies of the Street Lighting Report to members of Council.

Councillor Mont indicated that a committee was established by Council on January 3, 1984, to review the issue of street lighting within the Municipality. The committee is comprised of the Chairman of the urban Services Committee, Councillor Mont; the Chairman of the Rural Services Committee, Councillor Adams; and the Director of Finance, Mr. K. Wilson to discuss the question of street lights and area rates and to see if they could come up with a new policy.

Councillor Mont stated that the Street Lighting Committee concluded that all County residents benefit from the existence of street lights in the County even though they are not presently located in all areas of the County. He indicated that the Committee recommends that street lighting be included in the general tax rate and the criteria for adding street lights as per appendix "A" be used as a guide to install street lights.

Councillor Mont pointed out that he felt this will be a benefit to Councillors particularly in the Rural areas. He indicated that although his rate will go up if this policy is introduced but he still thinks it is the best policy for the County.

Councillor Lichter indicated his opposition to the recommendation of the committee. He stated that government's are doing everything in their power to save energy and now this committee is recommending to go on the general rate which automatically means that a demand is being created which really should not be created. He went on to say that 10 per year automatic would do absolutely nothing as far as solving the problems in those areas where the problems exist and where people are willing to pay for it. Councillor Lichter felt the only equitable type of arrangement is the one that was suggested at the Rural Services Committee. He informed that the recommendation was to annually at the end of the calendar year, determine how many lights are in the Municipality and divide the \$201,800 that many ways. Councillor Lichter felt that the grant per lights would reduce as the demand becomes greater and greater but it would be still an equitable way of doing it and you would not create the kind of demand that will be created with this kind of arrangement.

Councillor Baker inquired if the Street Lighting Special Committee's recommendation will take the power away from the Councillor. He asked what the process would be in order for a resident requesting a street light would be. Councillor Mont, in response to Councillor Baker's questions advised that each Councillor would be allowed to place 10 lights per year in their district.

Deputy Warden Walker also indicated opposition to the recommendation for a general tax rate.

Mr. Wilson advised that you would never light an entire district no matter where the poles may be and you would not do it all at once. He indicated that you would have to use the engineering studies that have been done and the power corporations recommendations. Mr. Wilson indicated that the areas where people would require seatbelts would be the first areas presented to the Executive Committee. He went on to say that there should be no reason why they should be turned down because they are paying for it and you have a certain criteria that you use throughout the County.

Councillor MacKay stated that he was supportive of the recommendation by the Street Lighting Committee in principle. He felt that each district should pay the same rate if they are in the same Municipal unit. Councillor MacKay felt that if you have the mechanisms in place, standards to be met, and a committee to peruse them to make recommendation than there is a safeguard that is built into the system. Councillor MacKay stated that he supports the adoption of the report.

Councillor Bayers also stated that he could not support the recommendation to include street lighting in the general tax rate. It was his opinion that it was not advantageous for him, as a rural Councillor in District #10, to support that.

Councillor Larsen stated that he was very much opposed to the criteria outlined in the report. It was his opinion that the report is only an improved administrative procedure for Staff. He did not feel the report addressed the concerns of the people particularly in the rural areas.

Councillor Deveaux stated that he could not support the recommendation on the basis that there are Councillors who are opposed to it and who do not pay any rates for street lights.

Councillor Eisenhower felt that more research had to be done with regard to street lights. He suggested that Council acquire an understanding of what it would cost a community in a rural area to get street lights without any grants in comparison with what it would cost based on the proposal of the Street Lighting Committee.

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

"THAT the recommendation be rejected."

Councillor Mont stated that it certainly was not his intention to try and force anything on anyone. He went on to say that the committee felt that this report was in the best interest of the County.

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

"THAT this recommendation be referred back to the authors of this report."

Motion Defeated.

Motion Carried. ("THAT the recommendation be rejected.")

SURPLUS PROPERTY, PUBLIC WORKS CANADA - LOWER SACKVILLE

Councillor MacKay indicated that he had attempted to acquire a piece of property in Sackville for the use of a tourist bureau which is presently owned by Public Works Canada.

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

"THAT a letter be written to Public Works Canada requesting that the piece of property be offered to the Municipality for the purpose of a Tourist facility for the sum of \$1.00 per year on a lease basis for ten (10) years with the terms to be negotiated through the Solicitor for the County and their Solicitor."

Motion Carried.

Councillor MacKay also requested that a copy of the letter be sent to the Member of Parliament for that area, Mr. Howard Crosby.

FORESTRY PROTECTION - COUNCILLOR MARGESON

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

"That Executive Committee be directed to arrange for a study to determine if there is any way that County could be of some assistance to the Provincial Department of Lands and Forests and they in turn might be of some value and assistance to the woodlot owners and to the protection of the forests in the Municipality of the County of Halifax."

Councillor Wiseman felt that this matter is the responsibility of the Provincial Department of Forestry. She suggested that the idea be recommended to that department rather than to one of the committee's of Council.

Councillor Reid felt that this study is important and the people in the County should be made aware of.

Motion Carried.

LEGISLATION, RE ANNEXATION - COUNCILLOR MARGESON

Councillor Margeson felt that legislation, re annexation should be re-examined or up-dated. He suggested that the Executive Committee could examine the present legislation and come up with something that would be much easier to negotiate or deal with when Municipality's find they are in need of more land and wish to have boundary changes implemented by the Public Utilities Board.

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

"THAT this subject be referred to the Executive Committee for a recommendation to Council."
Motion Carried.

ADDITION OF ITEMS TO THE JANUARY 15, 1985 COUNCIL SESSION

Councillor MacKay - Expropriation of Lands, re Aerotech Park

Councillor Baker - Police Protection, District #5

Councillor Larsen - Amusement Act Permit Applications

Councillor Margeson - Provincial Study of Volunteer Fire Departments
Up-date

ADJOURNMENT

There being no further business, the meeting adjourned.

COUNCIL SESSION

TUESDAY, JANUARY 15, 1985

PRESENT WERE: Warden MacKenzie
Deputy Warden Walker, Chairman
Councillor Poirier
Councillor Larsen
Councillor Gaudet
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Gaetz
Councillor Reid
Councillor Snow
Councillor Margeson
Councillor MacKay
Councillor McInroy
Councillor Eisenhauer
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. P. Fawson, Personnel Coordinator
Mr. E. T. Wdowiak, Director, Engineering and Works

SECRETARY: Margaret MacDonell

CALL TO ORDER

Deputy Warden Walker 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.

PRESENTATION - MR. KELLY, MUNICIPAL CLERK

Warden MacKenzie, on behalf of the Councillors, the Staff, and all of the residents of the Municipality of the County of Halifax, extended very best wishes to Mr. Kelly on the occasion of his 25th anniversary in the employ of the Municipality.

Mr. Wdowiak expressed congratulations to Mr. Kelly in recognizing his twenty five years as a member of Staff for the Municipality. Mr. Wdowiak presented Mr. Kelly, on behalf of Staff, a painting. Warden MacKenzie also presented Mr. Kelly with a plaque in honor of his twenty five years with the Municipality.

APPROVAL OF MINUTES - DECEMBER 18, 1984 REGULAR SESSION

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

"THAT the minutes of December 18, 1984 Regular Session be approved as circulated."

Motion Carried.

PUBLIC HEARING RE MULTIPLE UNIT DWELLING STANDARDS WITHIN THE COLE HARBOUR/WESTPHAL LAND USE BY-LAW

Councillor McInroy indicated that there was a motion made after the public portion of the public hearing of January 7, 1985 had closed. He advised that the motion was to the effect that multiple unit dwellings constructed in C-2 Zones within Cole Harbour/Westphal be constructed in accordance with the R-4 requirements for multiple unit dwelling construction and that the zoning by-law be amended to that effect. Councillor McInroy informed that, subsequent to that motion being made, Councillor Poirier made a motion to amend that to the effect of excluding Block A-1 of the Charles Settle lands in Cole Harbour. Councillor McInroy also informed that, subsequent to Councillor Poirier's motion, Councillor Lichter moved deferral of the decision to the January 15, 1985 Council Session.

Councillor McInroy spoke in favour of the main motion and against the amendment.

Councillor DeRoche also requested Council to support the main motion and to defeat the amendment.

Councillor MacKay asked Mr. Cragg if the amendment was a valid amendment. Mr. Cragg indicated that the amendment was valid and he also advised that he discussed this matter with the Solicitor for the Department of Municipal Affairs.

Councillor Poirier inquired if the motion would automatically affect the developer and the owner of the piece of property. Mr. Cragg advised that if the motion to amend is passed, they would not be effected by the main motion if passed which would amend the zoning by-law. He stated that if the motion to amend is defeated, all properties within the effected areas, in his opinion, would fall within the amended zoning by-law. Under those circumstances, Councillor Poirier spoke against the main motion.

Councillor Deveaux also expressed his support for the developers in question.

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

"THAT the development under question, be excluded from the regulation that Council is trying to put into effect by the change of regulations to an R-4 regulation for apartments on a C-2 Zone."
Motion Defeated.

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

"THAT the C-2 (General Business) Zone of the Cole Harbour/Westphal Land Use By-Law be amended so as to require R-4 (Multi-Unit Dwelling) Zone standards for multiple unit dwellings as per the Staff recommendation."
Motion Defeated.

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

"THAT a notice for reconsideration be presented at the next Council Session."
Motion Carried.

DENTAL PLAN

A report was circulated to the members of Council along with a staff recommendation recommending approval for the implementation of a dental program for Halifax County Municipal Administration non-union employees effective February 1, 1985 to be cost shared 50% employer and 50% employee.

The report indicated that there is a very high percentage of the employees who have indicated an interest and a willingness to join the plan.

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

"THAT the implementation of a dental program for Halifax County Municipal Administration non-union employees effective February 1, 1985 to be cost shared 50% employer and 50% employee be approved."

Councillor Wiseman felt that it was premature to approve implementation of a dental plan before the financial situation of the County has been dealt with.

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

"THAT this matter be deferred until further information is received."
Motion Carried.

AGENDA ITEMS

Councillor Wiseman requested the topic of the 1985 funding for the Musquodoboit Library Branch to be added to the agenda.

Councillor DeRoche requested the topic of postal service, Site 20, R.R.#1, Dartmouth be added to the agenda.

Councillor Deveaux requested the topic of the Planning Act, Section 43, to be added to the agenda.

LETTERS & CORRESPONDENCE

A copy of a letter was received from the Minister of Fisheries and Oceans with regard to the possibility of reconstructing or upgrading the wharf at Shad Bay, Nova Scotia. The letter indicated that the Department of Fisheries and Oceans is unable to grant the request for upgrading the wharf at this time.

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

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

PLANNING ADVISORY COMMITTEE REPORT1. Parkland Review

The report indicated that the Planning Advisory 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: Hubert Harie Subdivision, Delmerle Properties, Parcel D-11-X; Forest Hills, Walkways TC6-WW1 and TC6-WW2; Lake Fletcher Resort Estates Subdivision, Parcel LL-1R; Town & Country Subdivision, Brenhold Limited, Parcel A20-X & BH-1 and AVD-2 as an addition to Parcel A; Riverview Subdivision, Covenant Developments, Parcel P-1; and Highland Park Subdivision, Parcel L-1.

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

"THAT the parcels of recreational lands donated to the Municipality under the provision of the Planning Act be accepted as parkland by the Municipality."
Motion Carried.

SUPPLEMENTARY REPORT OF THE PLANNING ADVISORY COMMITTEE1. Subdivision By-law/Regional Development Plan

The report indicated that during the Planning Advisory Committee meeting of January 14, 1985, the Committee discussed the matter of amendments to the Regional Development Plan that are necessary in order to make the Municipality's Subdivision By-law effective.