

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

"THAT the minutes of May 13, 1985 be approved as circulated."
Motion Carried.

Councillor DeRoche made reference to the minutes of May 7, 1985 with respect to a delegation from the Municipality to meet with officials of the Department of Municipal Affairs to obtain a definitive ruling on the legal aspects of area rates for Solicitors services. Councillor DeRoche advised that there were a number of people in the gallery with respect to this item. It was agreed that Mr. Meech give a verbal report on this matter to those members in the gallery.

Mr. Meech advised that the delegation did meet with the Minister and Deputy Minister. He indicated that there is a report prepared. The delegation included the Warden, Councillor Gaudet, Councillor Snow, Mr. Cragg and himself.

Mr. Meech stated that the report will indicate that the Minister advised that his departmental staff's interpretation of the legislation concurred with Mr. Cragg's meaning, in effect, that they were also of the opinion that the legislation does not, at the moment, make provision for the levying of area rates specifically to provide funds for expenditures related for professional services such as legal fees and/or professional planning fees.

Mr. Meech indicated that this item was discussed at last weeks executive meeting and it was concluded that the item not be placed on the Council Agenda until June 18, 1985 on the basis that there would be a number of Councillors away from the Session this evening including Councillor Gaudet.

AGENDA ITEMS

Councillor Snow - Senior Citizen Housing

LETTERS AND CORRESPONDENCE

Mr. Kelly advised that a letter was received from the Minister of Transportation in response to our correspondence with respect to the construction of a highway between Pennant and Terence Bay. The Minister, in his letter, indicated that this item will be reviewed again when capital projects are being considered for 1986-87.

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

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

Mr. Kelly indicated that a letter had been received from the Minister of Lands and Forests with respect to our correspondence to Members of Cabinet respecting the Beaver Bank Elementary School. The Minister, in his letter, stated that he would be pleased to support this project when it comes to Cabinet.

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

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

Mr. Kelly advised that correspondence from the Department of Housing, attached to the supplementary agenda, was received respecting senior citizens need and demand survey for District 1 and 3. The Regional Manager stated, in his letter, that once funding has been committed by the various levels of Government, they will endeavour to secure a building site which will be reasonably central for seniors from both districts.

Deputy Warden Walker pointed out that there is a list of approximately fifty two (52) names from the Boutilier's Point and St. Margaret's Bay area which does not included District 3. He felt that this area would need a separate survey.

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

"THAT Mr. Schofield be advised that there is a list of fifty two (52) names covering the St. Margaret's Bay and Boutiliers Point areas that can be made available if required."
Motion Carried.

REPORT TO HALIFAX MUNICIPAL COUNCIL - MR. L. GILLIS, C.E.O.

It was agreed to hear Mr. Gillis's report at this time.

Members of Council received copies of a report from the Halifax County - Bedford District School Board. Mr. Gillis presented the report highlighting various points for presentation and addressed questions.

Mr. Gillis indicated that there was an application omitted from Section (B) under School Capital Construction. He noted that the Sackville Centennial Elementary School is also a project put forward for expansion under the Sackville Sub-system.

Councillor DeRoche expressed concern with regard to graduation dates. He indicated that junior high and high school graduations conflict advising that they both graduate at the same time. Councillor DeRoche requested that, in future years, the School Board look at the sub-systems so that the junior high school graduations do not occur at the same date as the high school. Mr. Gillis noted Councillor DeRoche's concerns.

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

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

EXECUTIVE COMMITTEE REPORT

Request for District Capital Grant, District 9

Mr. Kelly advised that the Executive Committee received a request for a District Capital Grant, District 9, in the amount of \$1,500 for the Lawrencetown Community Recreation Association.

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

"THAT a District Capital Grant, District 9, in the amount of \$1,500 for the Lawrencetown Recreation Association be approved."
Motion Carried.

Request for District Capital Grant, District 17 & 21

Mr. Kelly advised that the Executive Committee received a request for District Capital Grants, District 17 & 21, in the amount of \$8,000 for fencing public walkways, Cole Harbour area.

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

"THAT District Capital Grants, District 17 & 21, in the amount of \$8,000 each for fencing public walkways, Cole Harbour area, be approved."
Motion Carried.

Resolution, Municipality of Barrington

Mr. Kelly indicated that the Executive Committee received correspondence from the Municipality of Barrington and also a resolution passed by the Barrington Municipal Council.

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

"THAT Council support the resolution from the Barrington Municipal Council."
Motion Carried.

Council agreed to deal with District Capital Grant requests from District 1 and District 2 at this time also.

Request for District Capital Grants, District 1

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

"THAT District Capital Grant requests, District 1, in the amount of \$4,500 to supply funding for upgrading recreational facilities and \$6,500 for the Black Point Community Centre Ballfield be approved."
Motion Carried.

Request for District Capital Grant, District 2

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

"THAT a District Capital Grant, District 2, in the amount of \$8,209 to provide recreational equipment and land improvements to recreational areas in District 2 be approved."
Motion Carried.

SUPPLEMENTARY REPORT OF THE PLANNING ADVISORY COMMITTEE

Development Agreement Nos.: DA-SA-03-85-16, DA-SA-04-85-16, DA-SA-05-85-16, DA-SA-06-85-16, DA-SA-07-85-16, DA-SA-08-85-16, DA-SA-09-85-16, DA-SA-10-85-16, DA-SA-11-85-16, DA-SA-12-85-16, DA-SA-13-85-16, DA-SA-14-85-16

The report stated that all of the foregoing are development agreements between the Municipality and Little River Group Limited of Lower Sackville to permit the construction of two family dwellings on lots 29 to 40 inclusive of the lands of R. J. MacDonald and Reta Boyd located on Acadia Lane, Lower Sackville.

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

"THAT the above-noted development agreements be approved and public hearings be held on July 8, 1985 at 7:00 p.m."
Motion Carried.

Rezoning Application No. ZA-24-23-85

Mr. Kelly read the report stating that the Planning Advisory Committee recommends that rezoning application No. ZA-24-23-84 be approved and a public hearing be called. Councillor Lichter pointed out that it is not the recommendation of PAC that a rezoning application be approved but rather that an amendment to the Zoning By-Law 24 be approved.

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

"THAT an amendment to Zoning By-Law 24 to include the I-3 (Light Industrial) Zone be approved and a public hearing be held July 22, 1985 at 7:00 p.m."
Motion Carried.

Rezoning Application No. RA-24-55-83-15, Industrial Machinery Limited, Cobequid Road, Windsor Junction

Mr. Kelly read the report advising that the Planning Advisory Committee recommends this application be approved and a public hearing be called.

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

"THAT Rezoning Application No. RA-24-55-83-14 be approved and a public hearing be held July 22, 1985 at 7:00 p.m."
Motion Carried.

BUILDING INSPECTOR'S REPORT, LESSER SIDEYARD CLEARANCES

The first application in the agenda is for an application for lesser side yard clearance of 4'. Lot 113, Ponderosa Park Subdivision, Lake Echo. Applicant Greg Gidney. The reason for this request is to convert existing carport for dwelling purposes.

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

"THAT application for lesser side yard clearance of 4' be approved."

Motion Carried.

An application for lesser side yard clearance of 4' and 6' was received. 927 Herring Cove Road, herring Cove. Applicant Peter E. Warren. The reason for this request is because a garage is being converted into a shed.

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

"THAT application for lesser side yard clearance of 4' and 6' be approved."

Motion Carried.

Approval was recommended for an application for lesser side yard clearance of 2.9'. Property located at Black Point. Application Snair's White Eagle Bakery Limited. The reason for this request is to accommodate an addition to the existing Bakery.

Councillor DeRoche expressed concern with regard to this matter. He indicated that Staff have been taking somebody else's projections as fact and have not been checking it out properly.

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

"THAT the application for lesser side yard clearance of 2.9' be approved."

Motion Carried.

DESIGNATION AGREEMENT, DEPARTMENT OF HOUSING

Mr. Kelly advised that a designation agreement was received from the Department of Housing for the construction of ten (10) senior citizens units in Middle Musquodoboit.

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

"THAT Council approve the Designation Agreement from the Department of Housing for the construction of ten (10) senior citizens units in Middle Musquodoboit."

Motion Carried.

APPOINTMENT OF DELEGATE TO THE SOCIAL SERVICES DIALOGUE

It was advised that the Executive Committee has examined the appointment of a delegate to attend the Social Services Dialogue to be held in Truro on July 25-26 and are recommending the appointment of Councillor DeRoche as a delegate to the Social Services Dialogue.

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

"THAT Councillor DeRoche be appointed as a delegate to the Social Services Dialogue to be held in Truro on July 25-26."
Motion Carried.

METRO TRANSIT COMMISSION, APPROVAL OF TEMPORARY TRANSIT SERVICE

Mr. Kelly advised that Councillor Bill MacDonald, County representative on Metro Transit Commission has indicated that the commission has approved in principal the provision of transit service to the Atlantic Winter Fair Site for Fair Week beginning June 29th and additionally for the Atlantic Winter Fair in October. Councillor MacDonald has requested Council's approval of Metro Transit Commission providing transit service for these events.

Councillor MacKay requested that the cost associated with this request be brought forward at a later date. Funding for the transit service must be provided by the Municipality and the City of Halifax.

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

"THAT the provision of transit service to the Atlantic Winter Fair Site for Fair Week beginning June 29th and additionally for the Atlantic Winter Fair in October be approved."
Motion Carried.

BY-LAW AMENDMENT, DANGEROUS AND UNSIGHTLY PREMISES BY-LAW

Members of Council received copies of a redrafted amendment to Section 4 prepared by Mr. Cragg. Mr. Cragg indicated that he deleted the words "presence of exposed bare ground or rock, and" in the first and second lines in the proposed amendment and as well the words "unsightly, unhealthful or offensive to all or any part of the public." in the sixth, seventh and eighth lines of the proposed amendment.

Councillor MacKay inquired if a person were to have a piece of land that could be deemed dangerous, other than an excavation, would the existing legislation cover it. Mr. Cragg advised that those sections were amended to attempt to clarify the section.

Councillor Deveaux expressed concern respecting the redrafted amendment to Section 4. He felt that the amendment should not be restricted only to excavations. Mr. Cragg advised that a by-law has to be drafted

within certain general guidelines so that the person being charged can respond somewhat accurately to the charge. Mr. Cragg stated that, in his opinion, this proposed amendment coupled with what we have, covers all instances that he can reasonably foresee occurring in a normal course of events.

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

"THAT the redrafted amendment to Section 4 of the Dangerous and Unsightly Premises By-law be approved."
Motion Carried.

RESOLUTION, SEWER AGREEMENT, TOWN OF BEDFORD

Mr. Kelly advised that the Municipal Solicitor has advised that the Board of Public Utilities has requested that Council pass a resolution to authorize Mr. Cragg to sign a consent order on behalf of the Municipality relative to the sewer agreement which has already been ratified by both Councils.

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

"THAT Mr. Cragg be authorized to sign a consent order on behalf of the Municipality relative to the sewer agreement which has already been ratified by both Councils."
Motion Carried.

ADDITION OF ITEMS TO THE JUNE 18, 1985 COUNCIL SESSION

Councillor Larsen reminded Council of the in-camera session to be held on June 18, 1985 at 5:00 p.m.

AGENDA ITEMS

Senior Citizens Housing - Councillor Snow

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

"THAT a letter be sent to the Department of Housing requesting an update of a senior citizens need and demand study for District 14."
Motion Carried.

ADJOURNMENT

There being no further business, the meeting adjourned.

PUBLIC HEARING

JUNE 10, 1985

PRESENT WERE: Warden MacKenzie
Deputy Warden Walker
Councillor Poirier
Councillor Larsen
Councillor Gaudet
Councillor Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Gaetz
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor MacKay
Councillor MacDonald

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk
Mr. R. Cragg, Municipal Solicitor
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 Councillor Deveaux:

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

Warden MacKenzie pointed out that both amendments before Council will require the majority vote of Council (11 votes).

APPLICATION NUMBER RA-SA-10-85

Mr. Hanusiak advised that the first application is a request by Memorial Gardens (Atlantic) Limited to amend the land use by-law for Sackville for the purpose of identifying "funeral establishments" as a permitted use in the C-2 (General Business) Zone. The effect of the amendment will be to also allow funeral homes in the C-3 (Commercial Core) Zone given that that particular zone allows all C-2 uses by right.

Mr. Hanusiak explained that the municipal planning strategy for Sackville identifies the lack of very specialized facilities in the Sackville area. In that regard, the Planning Department feels it very appropriate that an amendment take place to allow funeral homes to exist in the zone that would be perhaps most appropriate for that type of activity.

QUESTIONS FROM COUNCIL

Councillor MacKay inquired about the definition of "ancillary uses". Mr. Hanusiak stated, in reading through the land use by-law, it indicates that where a principle land use is permitted any other activity that would be customarily associated with the delivery of that particular service is permitted as an accessory or subordinate use. In that regard, Mr. Hanusiak advised that the Development Division are willing to consider to allow a chapel as well as a crematorium with the building that would be erected if the funeral home goes in as the main use of land. It was noted that the Planning Department went to the Province and looked at their licensing procedures. They indicated to the Planning Department that if a funeral establishment is given a license to carry on that particular type of business, so too are they permitted, at the same time, the ability to operate a crematorium under the same license. In that regard, Mr. Hanusiak indicated that they feel that that falls right in line with the way they interpret ancillary or subordinate uses.

SPEAKERS IN FAVOUR OF APPLICATION NO: RA-SA-10-85

None.

SPEAKERS IN OPPOSITION TO APPLICATION NO: RA-SA-10-85

None.

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

"THAT Application Number RA-SA-10-85 be approved."
Motion Carried.

APPLICATION NUMBER RA-CH/W-11-85-17

Mr. Hanusiak advised that the second application being considered is a request by Mrs. Gwen Stevens to rezone Lot 3 of the lands of William J. Casavechia, located on the Caldwell Road at Cole Harbour, from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone. The purpose of the application is to permit construction of a side-by-side or over and under duplex on the property.

Mr. Hanusiak advised that the application has been advertised in accordance with the provisions of the Planning Act. To date, Mr. Hanusiak indicated that they have received no correspondence either in favour of or opposed to this particular application. However, it was noted that Mr. Kelly has in his possession correspondence from Councillor McInroy regarding this application. The Warden and members of Council received copies of the correspondence from Councillor McInroy.

Mr. Hanusiak reviewed the staff report making reference to the site description. It was explained that the municipal planning strategy for Cole Harbour/Westphal designates the property "Residential A". The designation is intended to provide an eventual mixture of housing stock in response to the varied population and economic needs of the evolving community. Mr. Hanusiak noted, in review of the municipal planning strategy for Cole Harbour/Westphal, there is a lack of any specific statements regarding R-2 development in terms of site requirements unlike the Sackville by-law, for instance, which has specific requirements dealing with the relationship of higher density development to lower forms. Mr. Hanusiak indicated that there are technical requirements, however, regarding municipal services, adequate road access, etc. In analysing this particular development, it was advised that it was found that those particular technical requirements were more than satisfied by the very fact that the property is located on the Caldwell Road.

Mr. Hanusiak indicated that the Development Division has indicated to the Policy Division that a side-by-side duplex or an over and under duplex can be built in accordance with the side yard front yard area requirements of the C-2 Zone, if that lot is to be developed.

In light of those points, Mr. Hanusiak stated that the Planning Department is recommending approval of the application.

QUESTIONS FROM COUNCIL

Warden MacKenzie inquired as to what the height of the duplex would be. Mr. Hanusiak advised that the height permitted under the R-2 Zone is the same as the R-1 Zone which is thirty five feet. Warden MacKenzie further inquired if the Green Gables, across the street, is in an elevated position. Mr. Hanusiak advised that the property is relatively flat. Councillor DeRoche clarified that the Green Gables store is slightly elevated from the street and it is a paved parking lot but there is no great elevation involved and the slope is quite gradual.

SPEAKERS IN FAVOUR OF APPLICATION NO: RA-CH/W-11-85-17

Mrs. Gwen Stevens, 782 Portland Street, indicated her desire to speak in favour of the application.

Mrs. Stevens indicated that she is the individual who has the application in to build the over and under duplex. She explained that the reason she wants to build this is because she is a widow. Where she lives now, is an isolated area with no neighbours. She further explained that she is within the one hundred feet that the County owns indicating that she knows she will not be there a great amount of time. It is her hope, if she can build this duplex, to live in half of it and her younger son, when he marries, will in the other half. Therefore, Mrs. Stevens explained that she will always have family by her.

Mrs. Stevens stated that she knows there have been some objections from the next door neighbour but does not understand why because he has had a for sale sign on his house and, although it is now down, she understands that the house is still for sale. Mrs. Stevens could not understand why one extra car is going to make all that much difference in traffic. She also indicated that she is at the end of the sewer and water line. Mrs. Stevens also advised that her son's rent would help her income.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN OPPOSITION TO APPLICATION NO: RA-CH/W-11-85-17

Mr. Gordon Plant, member of the Cole Harbour/Westphal and Area Service Commission and chairman of the MDP Committee, indicated his desire to speak in opposition to the application.

Mr. Plant indicated that they held a meeting in reference to this application and the Committee felt the application was not compatible with the C-1 Planning for a residential area.

QUESTIONS FROM COUNCIL

Councillor MacDonald inquired as to what the main objection to the rezoning was. Mr. Plant indicated that their main objection was that the rezoning is not compatible with the R-1 planning for that area.

Councillor Snow made reference to the Staff Report stating that the report states that the proposed rezoning is in keeping with the intent of the planning strategy for the area. Councillor Snow inquired if he was correct in assuming that the Committee does not like the way they planned the street. Mr. Plant indicated that all he is doing is voicing the opinion of the MDP Committee.

Councillor Lichter inquired as to how much discussion this rezoning application received by the Cole Harbour/Westphal Service Commission. He inquired if it was a matter of really sitting down, taking a good look at the plan, and deliberating or was it a matter of somebody voicing their opinion that they are not in favour of it and, as a result, it was agreed that they were not in favour of it. Mr. Plant indicated that the application presented to the Committee was discussed at length. He noted that he took a count of the votes and the majority were opposed to the rezoning. Councillor Lichter felt that it is not good enough to him to hear that it is not compatible explaining that he must have some reasons why it is not compatible. Councillor Lichter further explained that there is a Green Gables store right across the road. He inquired as to how much harm it would do to have a duplex next door to him when there is a Green Gables store almost across from him which is a 24 hour operation. Councillor Lichter asked if the Service Commission had inquired about the Green Gables store. Mr. Plant advised that the Green Gables store was not discussed.

Councillor Larsen made reference to the photographs which were circulated to Council displaying the property to be rezoned. Councillor Larsen inquired if there was a road right-of-way proposed for that area. Mr. Hanusiak advised that he has never seen one nor has there been any discussion, that he is aware of, on the site coming out across from Astral Drive. Councillor Larsen expressed concern with regard to having a block of R-1 land adjacent to the area.

Councillor DeRoche advised that a short while ago, a resolution was adopted for extension of water service along the Caldwell Road from Atholea Drive. He explained, if you were to look at that area, the extension will essentially enter into the commencement of that long strip of R-1 property on Caldwell that is being referenced. The sewer and water stops just beyond that property at the present time. Councillor DeRoche went on to advise that it is conceivable that, with the extension of the water service coming up from Atholea heading North along Calwell, it won't be very long before it will be hooked up to where it is at the present juncture at Astral Drive.

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

"THAT Application Number RA-CH/W-11-85-17 be approved."
Motion Carried.

There being no further business, the meeting adjourned.

COUNCIL SESSION

JUNE 18, 1985

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

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

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 Margeson:

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

APPROVAL OF MINUTES - MAY 21, 1985 COUNCIL SESSION

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

"THAT the minutes of May 21, 1985 Council Session be approved as circulated."
Motion Carried.

Councillor Margeson expressed concern with regard to page 13 of the May 21, 1985 Council Session minutes with respect to the item in connection with housing. Councillor Margeson inquired if the request has gone forward to the Housing Department to have an addition placed on the Ocean View Manor for help to residents. Mr. Kelly advised that the request has gone forward but no reply has been received.

AGENDA ITEMS

Councillor Mont - French Immersion, Cole Harbour

Councillor MacDonald - Senior Citizens

Councillor McInroy - Co-ordination of Emergency and Maintenance of Infrastructure

Councillor MacKay - Mainstreet Programs 1985
- Sidewalks, Sackville

Councillor Gaudet - Bus Service for District 4

Deputy Warden Walker - Senior Citizen Housing

LETTERS AND CORRESPONDENC

Mr. Kelly advised that there is one item of correspondence in the Supplementary Agenda.

A letter had been received from the Minister of Education in response to our letter of May 15, 1985, concerning the proposed Beaver Bank Elementary School. The Minister pointed out that an application has been submitted for a new elementary school for Beaver Bank from the Halifax County/Bedford District School Board. He has further indicated that he will be introducing the need for a new Beaver Bank Elementary School at the June 13, 1985, meeting of the Cabinet.

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

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

REPORT, RE PROSPECT BAY RATEPAYER'S ASSOCIATION

Mr. Kelly read the memorandum to the Warden and members of Council from Mr. Meech regarding area rates for professional and technical fees.

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

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

Councillor Larsen inquired if the Prospect Bay Ratepayer's Association would not be proceeding with any area rate application. Mr. Meech explained that Mr. Cragg's opinion has put forward the judgement that it related to the professional fees both the legal and the planning professional fees. Mr. Cragg advised that, although his opinion dealt specifically with legal fees, it holds true as well for other professional fees. He further noted that if you have special legislation which deals with the matter, you can incur an area rate for not only legal fees but other professional fees as well.

Councillor Larsen expressed concern with regard to setting up a form of taxation over which we have no control. Mr. Cragg indicated that if the Waverley group, for example, wished us to levy an area rate we would have to do so by virtue of the provincial legislation unless it were manifestly clear to Council that it was for an illegal or incorrect purpose. Councillor Larsen's view was that we should be doing something so that we as a Municipality can either have that law changed or have something so that we end up still having the control. Mr. Cragg explained that we do not have any responsibility or anything in the Municipal Act which enables us to deal with this matter. He noted that to amend the Municipal Act, it would have to be done on the initiative of the Provincial Government and they would have to go Province wide to see what the feelings of all the other Municipalities are.

Councillor DeRoche inquired if he was correct in his interpretation that any area rate requests that incorporates in it the payment of professional fees, we are not able to entertain unless there is special enabling legislation. Mr. Cragg advised that either special legislation which incorporates the group as the Waverley Ratepayer's Association has done or an amendment to the Municipal Act would clearly grant that authority.

A number of Councillors, in many respects, shared Councillor Larsen's opinion. Councillor DeRoche felt that the setting of an area by this Council on the basis of a certain select few residents of an area in support of one function or another that does not enjoy the acceptance of the majority of the residents is, in fact, a departure or transference of responsibility on the part of this Council.

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

"THAT this matter be referred to the Executive Committee to look at the whole ramifications, where it starts, where it ends, and whether the Municipality should be requesting the Province to change legislation."

Motion Carried.

Mr. Meech pointed out that the Westphal/Cole Harbour area Service Commission is subject to the approval of this Council. Mr. Meech further advised that it has always been practice historically that, when a special act or private members bill is introduced into the legislature and if it is considered to be of a municipal matter, the MLA or legislative council before they would introduce it into the

House they would ask for it to be presented to this Council, if effects Halifax Council, asking Council to pass a resolution endorsing the passage of the Private Members Bill. If that trend and practice continues, Mr. Meech indicated that you could request that you would endorse it conditional on the fact that incorporated in the legislation that the area rate in the final analysis is subject to this Council.

REPORT OF THE PLANNING ADVISORY COMMITTEE

Rezoning Application No. RA-CH/W-20-85-21. Application By Douglas C. and Deanna M. Bonvie to Rezone Lot S1 From R-1 (Single Unit Dwelling) Zone to C-2 (General Business) Zone.

Mr. Kelly advised that the Planning Advisory Committee recommends that the request be for the above rezoning application be approved and a public hearing be held.

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

"THAT Rezoning Application No. RA-CH/W-20-85-21 be approved and a public hearing be held August 12, 1985 at 7:00 p.m."
Motion Carried.

Amendment to the Subdivision By-Law

Mr. Kelly read the report stating that the Planning Advisory Committee recommends that the Subdivision By-Law be amended in such a manner as not to require surveys of properties which are joined by consolidation.

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

"THAT the Subdivision By-Law be amended in such a manner as not to require surveys of properties which are joined by consolidation and a public hearing be held July 23, 1985 at 7:00 p.m."
Motion Carried.

Parkland Dedication

Mr. Kelly read the report advising that the Planning Advisory Committee recommends that the following parcel of land being donated to the Municipality under the provisions of the Planning Act be accepted as parkland by Council: 1. Ocean Company Limited, Allen Heights Subdivision, Parcel P-2; 2. Oakdene Estates Limited, Sackville, Parcels P1 & P2; 3. C.H.S. Developments Limited, Windsor Junction, Parcel CH1B.

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

"THAT Ocean Company Limited, Allen Heights Subdivision, Parcel P-2; Oakdene Estates Limited, Sackville, Parcels P1 & P2; and C.H.S. Developments Limited, Windsor Junction, Parcel CH1B be accepted as parkland."
Motion Carried.

APPEAL, RE MINOR VARIANCE - APPEAL DATE

Mr. Kelly advised that a request had been received from Mr. S. Yearwood for an appeal of a minor variance.

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

"THAT an appeal for Minor Variance Application No. MV-11-06-85 be heard at a public hearing on Tuesday, July 16, 1985 at 7:00 p.m."

Motion Carried.

BUILDING INSPECTOR'S REPORT, LESSER SETBACK AND SIDEYARD CLEARANCE

Mr. Kelly read the report.

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

"THAT Application for side yard clearance of 7.8'; Lot H-2, Lakeview Avenue, Middle Sackville; Applicant L & J Holding Development Company be approved."

Motion Carried.

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

"THAT Application for lesser setback of 15'; Lot 76, Brookside Mews, Brookside; Applicant John Peters be approved."

Motion Carried.

REPORT OF THE DIRECTOR OF DEVELOPMENT

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

"THAT this report be received."

Motion Carried.

EXECUTIVE COMMITTEE

Transfer of Title, Atlantic Memorial Elementary School, Shad Bay

Mr. Kelly read the report.

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

"THAT the Municipality transfer title to the Atlantic Memorial Elementary School property to her Majesty the Queen with the provision that upon completion of the project the property will be deeded back to the Municipality."

Motion Carried.

Request for General Parkland Fund Grant

Mr. Kelly read the report.

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

"THAT a General Parkland Fund Grant in the amount of \$10,000 toward Phase 3 of the Bissett Lake Park Project be approved."
Motion Carried.

Request for District Capital Grant, District 3

Mr. Kelly read the request.

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

"THAT a District Capital Grant, District 3 in the amount of \$4,672.50 for capital improvements for recreation purposes be approved."
Motion Carried.

Grants to Organizations - 1985

Mr. Kelly read the report.

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

"THAT the grants to organizations for the year 1985 as outlined in the report be approved."

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

"THAT the motion be amended to grant \$1,000 to the Waverley Ground Search & Rescue - Equipment."

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

"THAT the motion be further amended to delete the request of the City Market Maintenance."
Motion Carried as Amended.

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

"THAT \$2,000 dollars be granted to the Salvation Army."
Motion Carried.

Legal Services

Mr. Kelly read the report advising that the Executive Committee received a report from the Chief Administrative Officer respecting legal services for Municipality. The Executive Committee recommended that the Municipality call for proposals for the provision of legal services.

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

"THAT the Municipality retain the legal services of Mr. Cragg for the next three years."

A number of Councillors felt that the Municipality should entertain proposals for legal services for all our legal requirements for the Municipality. It was also felt that the Municipality should not abandon some sort of an approach to look at alternate methods of having legal services provided.

A number of Councillors expressed their support towards the current Municipal Solicitor.

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

"THAT the motion be amended to state that the contract for Mr. Cragg be extended for one year pending the outcome of the further investigation of the provision of legal services."
Amendment Defeated.

Motion Carried.

Council, at this time, took a brief recess.

Warden MacKenzie called the meeting back to order.

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Acquisition of Property, Department of Transportation

Mr. Kelly read the report advising that the Department of Transportation has requested acquisition of a portion of land (275 meters square) owned by the Municipality for the upgrading of the Beaverbank Road and sidewalks for the Beaverbank Road and Pinehaven Drive.

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

"THAT the request from the Department of Transportation for the acquisition of a portion of land (275 meters square) owned by the Municipality be approved."
Motion Carried.

Request for Grants, i.e., District Capital Grants, Parkland Grants

Mr. Kelly read the request for a District Capital Grant, District 16.

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

"THAT a District Capital Grant, District 16, in the amount of \$2,076 to install two dugouts including concrete slabs, framework, plywood, roofing and staining to the Riverview Community Centre ballfield be approved."
Motion Carried.

Mr. Kelly read the request for a District Capital Grant, District 9.

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

"THAT a District Capital Grant, District 9, in the amount of \$3,000 for the extension to the Seaforth Community Hall be approved."
Motion Carried.

Mr. Kelly read the request for a District Capital Grant, District 7.

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

"THAT a District Capital Grant, District 7, in the amount of \$3,680 to provide fencing to the public walkway in the Taranaki Drive, Westphal area be approved."
Motion Carried.

Mr. Kelly read the request for two general parkland fund grants for the George P. Vanier Playing field Project, Fall River and the Sackville Lions Club Field Project, Sackville.

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

"THAT two general parkland fund grants for the George P. Vanier Playing Field Project, Fall River in the amount of \$2,000 and to the Sackville Lions Club Field Project, Sackville in the amount of \$2,000 be approved."
Motion Carried.

Mr. Kelly read the request for a District 12 parkland fund grant.

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

"THAT a District 12 parkland fund grant in the amount of \$1,000 for capital improvements to the Upper Musquodoboit ballfield be approved."
Motion Carried.

Mr. Kelly read the request for a District Capital Grant, District 11, and a General Parkland Fund Grant, District 11.

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

"THAT a General Parkland Fund Grant in the amount of \$1,500 and a District Capital Grant in the amount of \$1,500, District 11, for the construction of seawall to prevent erosion of land to the Moser River Park (County owned parkland) be approved."
Motion Carried.

By-Law Amendment, The Committees and Boards By-Law

Mr. Kelly advised that the amendment before Council is for an amendment to the Committees and Boards By-Law. The basis for the amendment is to

add a section to the Committees and Boards By-Law for the purpose of establishing a per diem for Councillors attending conferences, seminars, and workshops.

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

"THAT the by-law to amend By-Law No. 3, The Committees and Boards By-Law, be approved."

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

"THAT the motion be amended to delete the words "When the Council is not in session" from the proposed amendment."
Amendment Carried.

Motion Carried as Amended.

Transit Service to Atlantic Winter Fair Site

Mr. Kelly advised that Council at the June 4th Session endorsed the provision of transit service by Metro Transit Commission for two special events held at the Atlantic Winter Fair Site. The memorandum to Council respecting this matter indicated that the City of Halifax has not given approval for funding the City's share toward the provision of the service for fair week.

Councillor Poirier expressed concern with regard to Transit. She advised that her community is reaching a point where it is just about ready for transit. Councillor Poirier went on to state that she does not have a very good feeling about going before the Transit Commission or whatever committee and try to get agreement of Halifax City to cost share on any transit service to her district.

A number of Councillors felt that there were only two ways to go about getting the issue of transit for the Atlantic Winter Fair or transit for anywhere else. Firstly, be prepared to pay the full deficit ourselves by the County or, secondly, go back to the Provincial Government and ask them for a regional transit system. The concern was expressed that Halifax City holds the attitude that they don't intend to do anything that will encourage development in the County.

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

"THAT Halifax County give no further consideration toward the proposal for service for fair week."
Motion Carried.

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

"THAT the Committee of the Whole meet to discuss the transit issue in the metro area."
Motion Carried.

Resolution, re Boundaries, Districts 7 and 21

Mr. Kelly outlined the proposed boundary changes between the two districts.

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

"THAT Municipal Council approve the proposed changes to the boundaries of Districts 7 and 21 so as to provide that a portion of District 21, in particular the lots fronting on Pioneer Court and Cedarwood Drive, be included in District 7, and that the Warden and the Municipal Clerk and Treasurer and Municipal Solicitor be authorized to proceed with the required submission to the Nova Scotia Municipal Board under the Municipal Boundaries and Representation Act."
Motion Carried.

METROPOLITAN AUTHORITY REPORT - COUNCILLOR MONT

Councillor Mont had no report for Council.

AGEDNA ITEMSa) French Immersion - Councillor Mont

Councillor Mont advised that he, as well as Councillor McInroy, were very disturbed to hear of the decision of the District School Board in regard to the implementation of the late French Immersion Program.

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

"THAT WHEREAS the strongest demonstrated demand for French Immersion exists in the Cole Harbour area and; WHEREAS the Halifax County District School Board has seen fit on two recent occasions to allocate French Immersion classes to two other areas within its jurisdiction and; WHEREAS the rationale for overlooking Cole Harbour has been that the implementation of early French Immersion is being studied with a view to providing it in Cole Harbour in September 1986, therefore; BE IT RESOLVED THAT the Halifax County Bedford District School Board be requested by Halifax County Council to confirm that "early" French Immersion will be made available in Cole Harbour to those who wish to participate in September 1986, and; BE IT FURTHER RESOLVED THAT Halifax County Bedford District School Board be requested to reconsider the current allocation of late French Immersion classes so that Cole Harbour be afforded an opportunity to participate in September of 1985.
Motion Carried.

b) Senior Citizen - Councillor MacDonald

Councillor MacDonald indicated that a large number of senior citizens are living below or at the poverty line. He found it offensive that the Federal budget singles out senior citizens by deciding to de-index their pensions.

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

"THAT a letter be sent to the Prime Minister asking him to reconsider the de-indexing of the seniors' pensions."

Councillor Bayers further requested that a letter be sent to the Federal Minister of Finance, Mr. Wilson, as well after the weak kneed position that the Maritime Premiers have taken on this subject.

Motion Carried.

c) Infrastructure - Councillor McInroy

Councillor McInroy explained that, during the last heavy rains, there were a considerable number of flooding problems (some relating to systems owned by the Municipality, others relating to systems owned by the Department of Transportation, others relating to systems owned by developers). He explained that what we've had in place in the Engineering Department for a short while has been an effort to have our Engineering and Works Department coordinate the emergency responses even though the Municipality might not be directly responsible or legally liable because of the fact that they don't own those particular systems. Councillor McInroy implied that he would like to have Council's support for a more formal coordination effort through our Engineering and Works Department to follow up on these problems.

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

"THAT Council support the establishment of a more formal coordination of emergency repair and maintenance responses for sewer and water services within our Engineering and Works Department to apply in particular to the services areas of Halifax County and further that, due to the population and density, the Department of Engineering and Works establish a physical presence in Cole Harbour."

Councillor McInroy request that a report be established by the Engineering and Works Department with respect to establishing an outlet or office in Cole Harbour.

Councillor Mont stated that he shared Councillor McInroy's frustration in the last two weeks in the flooding that had taken place. He indicated that there is no question that the residents found that the "buck" was being passed stating that they were told to call the Housing Department, City of Dartmouth, or somebody at the Province.

Motion Carried.

d) Mainstreet Program - Councillor MacKay

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

"THAT the further sum of \$13,348.90 be approved for the three respective mainstreet programs."
Motion Carried.

e) Sidewalks - Councillor MacKay

Councillor MacKay advised that between the years 1982 and 1983 the Sackville Community had requested sidewalk construction and had established their priorities and work through their MLA's. He explained that a request had gone through Council between the years 1982 and 1983 to the point that some of it had been approved in 1983 and the construction carried over into 1984. In conclusion, Councillor MacKay carried on with the history of requests.

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

"THAT the Municipality formally ask the Department of Transportation for the detailed survey and estimates on sidewalk construction for the following sidewalks: Old Sackville Road from Sackville Cross to Connolly Lane; Connolly Lane from Old Sackville Road to the entrance to Sackville Heights School; First Lake Drive from Sackville Arena to Cavendish Drive; Sackville Drive both sides from Beaver Bank Connector to Sackville Cross reconstruction."
Motion Carried.

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

"THAT based on the preliminary estimates, we ask for construction in the 1985 year for those four sidewalks that were just previously mentioned."
Motion Carried.

e) Bus Service, District 4 - Councillor Gaudet

Councillor Gaudet advised that two years ago he asked for a study to have a bus service in District 4. He advised that he has not received that report.

Mr. Kelly agreed to follow up on this matter.

f) Studley's - Councillor Larsen

Councillor Larsen advised that it was his understanding that the Studley's are going to proceed with a second application under Section 38.

It was agreed that the Municipality not proceed with any further prosecutions at this time pending the outcome of the application to the Board.

ADDITION OF ITEMS TO THE JULY 2, 1985 COUNCIL SESSION

Response to a Petition, Site 20 - Councillor DeRoche

Request for a Post Office in Cole Harbour and Change of Postal Address to Cole Harbour - Councillor Mont

Review of the Situation in Connection with one Municipality Annexing Another Municipality's Property - Councillor Margeson

ADJOURNMENT

There being no further business, the meeting adjourned.

PUBLIC HEARING

JUNE 24, 1985

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

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk
Mr. M. Hanusiak, Planner
Ms. Lynn Henry, Solicitor

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 Wiseman, seconded by Councillor MacKay:

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

APPLICATION NUMBER RA-SA-19-85-20

Mr. Hanusiak presented the first application. He advised that the first application being considered is an application by the Municipality of the County of Halifax to rezone Lot 36D, Sackville Developments, located at 4 Mulberry Court at Lower Sackville, from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone.

Mr. Hanusiak advised that it was brought to Staff's attention a few months ago that the property at this location is a single family dwelling with an existing basement apartment. The County assessment records indicate that the basement apartment has been in existence since 1975. Mr. Hanusiak went on to state that the present property owners are anxious to sell the property and they would like to have the rezoning simply to reinstate the two unit use as a conforming use under the zoning by-law for Sackville.

The reasons for the rezoning are outlined on page one of the zoning report.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF APPLICATION NO: RA-SA-19-85-20

None.

SPEAKERS IN OPPOSITION TO APPLICATION NO: RA-SA-19-85-20

None.

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

"THAT according to Application Number RA-SA-19-85-20 that the development located at 4 Mulberry Court at Lower Sackville be rezoned from an R-1 Zone to an R-2 Zone."
Motion Carried.

APPLICATION NUMBER RA-CH/W-18-85-21

Mr. Hanusiak advised that the second application is a request by Ms. Kathryn Andrew of Forest Hills to rezone Lot 22 of Phase 7 of the Forest Hills Land Assembly located at 14 Tamerlane Court, Forest Hills, from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone.

Mr. Hanusiak informed Council that this matter was brought to their attention sometime ago regarding the applicant's problem at the time of buying the property. It was indicated to Ms. Andrew by the real estate agent that the property was R-2. It has a basement apartment in it now which is approximately 75% completed. She is requesting the rezoning simply to allow the basement apartment to be completed and used for rental purposes.

For reasons outlined on page two of the report, Staff recommends approval of the application.

QUESTIONS FROM COUNCIL

NONE.

Councillor Mont inquired if the application was properly advertised. Mr. Hanusiak advised that the application was advertised in accordance with the provisions of the Planning Act and stated that no correspondence was received from the residents in the area either for or against the application.

SPEAKERS IN FAVOUR OF APPLICATION NO: RA-CH/W-18-85-21

None.

SPEAKERS IN OPPOSITION TO APPLICATION NO: RA-CH/2-18-85-21

None.

Councillor Margeson inquired if the applicant would have to get a building permit for the apartment in the basement if the person had to complete it. Mr. Hanusiak advised that they will be required to have a building permit.

Councillor DeRoche indicated that this whole matter has come about, in his estimation, as the result of one of the negatives that emerged from the Forest Hills PUD Agreement. It is his considered belief that, had the PUD not held sway and the matter of minor variances not been a matter of determination between Staffs of the NS Housing Commission and County Staff, there would be no R-2 in that area at the present time.

Councillor DeRoche further stated that had this PUD not applied in that particular area, Council would not be here tonight with a public hearing.

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

"THAT Application Number RA-CH/W-18-85-21 be approved."
Motion Carried.

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

JULY COUNCIL SESSION

TUESDAY, JULY 2 and 16, 1985

&

COMMITTEE OF THE WHOLE

JULY 8, 1985

&

PUBLIC HEARINGS

JULY 8, 22, and 23, 1985

July Council Session - 1985

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Motion - Industrial Development -----	22
Overhead Lights -----	22
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Surplus Schools -----	2-3
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School Crosswalks -----	21
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COUNCIL SESSION

JULY 2, 1985

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

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

SECRETARY: Rosemary MacNeil

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 Margeson:

"THAT Rosemary MacNeil be appointed as Recording Secretary."
Motion Carried.