

APPROVAL OF MINUTES - JUNE 4, 1985, COUNCIL SESSION, JUNE 10, 1985, PUBLIC HEARING

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

"THAT the minutes of June 4, 1985 Council Session be approved as circulated."

Motion Carried.

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

"THAT the minutes of June 10, 1985 Public Hearing be approved as circulated."

Motion Carried.

AGENDA ITEMS

Councillor MacKay - Land Disputes.

Councillor Bayers - Committee of the Whole Meeting Scheduled for July 8 at 10:00 a.m.

LETTERS AND CORRESPONDENCE

Mr. Kelly advised that a letter had been received from the Halifax CN Rail Superintendent. The letter indicates that the matter had been sent on to the CN Manager of Public Affairs.

Councillor Gaetz moved, seconded by Councillor DeRoche:

"THAT this item of correspondence be received."

Motion Carried.

Mr. Kelly then brought forward correspondence from the Canada Post Corporation. Councillor DeRoche moved, seconded by Councillor Adams:

"THAT this item of correspondence be received."

Councillor Adams asked about a related matter regarding the post office. Mr. Kelly indicated that there has been no response, but will follow up Councillor Adams' request.

Motion Carried.

Mr. Kelly identified correspondence from the Halifax County-Bedford-District School Board informing Council that two schools were declared surplus to the School Board needs and were being turned over to the Municipality for disposal. The two schools were the Lakeside (Old) School and the Three Harbours (Samual R. Balcolm) Elementary School.

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

"THAT the Municipality accept from the Halifax County Bedford District School Board, two surplus schools, the Lakeside (Old) School and the Three Harbours (Samual R. Balcolm) Elementary School."
Motion Carried.

Councillor MacKay asked what the next logical step would be in disposing of the surplus schools. Mr. Kelly advised when the School Board declares schools to be surplus to their needs and are accepted by Council, the Policy is to first determine if any local group or organization is interested in leasing these school properties. Should there be no interest expressed by a local organization, then the schools may be sold by tender.

Mr. Kelly then listed organizations that have written to Council expressing thanks for receiving grants this year. These are part of the supplementary report.

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

"THAT these items of correspondence be received."
Motion Carried.

REPORT OF THE PLANNING ADVISORY COMMITTEE

Mr. Kelly presented the first item on this report regarding an application by Vemco Limited. to rezone lands of Stephen Edmonds from G (General Building) Zone to I-1 (General Industrial) Zone. After brief discussion, Councillor Gaudet moved, seconded by Councillor Deveaux:

"THAT Rezoning Application No. RA-24-28-85-04 be approved and that a public hearing be held on August 26, 1985 at 7:00 p.m."
Motion Carried.

The second item concerned parkland dedication of Lot 52, Five Point Developments, Sackville, District 19. Councillor MacKay moved, seconded by Councillor DeRoche:

"THAT Lot 52, Five Point Developments, Sackville be accepted as parkland by Council."
Motion Carried.

REPORT OF THE URBAN SERVICES COMMITTEE

Mr. Kelly presented this report. After discussion, Councillor DeRoche moved, seconded by Councillor MacKay:

"THAT the resolution of the Urban Services Committee be adopted."
Motion Carried.

Mr. Kelly then presented the supplementary item of this committee.

After discussion, It was moved by Councillor Eisenhauer, seconded by Councillor Margeson:

"THAT a resolution to expropriate the subject lands as detailed in the attached communication from R. Cragg be authorized and that the financial consideration be funded through the environmental services budget."

Motion Carried.

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

"THAT the appropriate resolution required for expropriation of the lands as prepared by the Municipal Solicitor be approved."

Motion Carried.

RESPONSE TO A PETITION - SITE 20 - COUNCILLOR DEROCHE

Councillor DeRoche indicated that this had already been addressed with the correspondence from Michael Warren from Canada Post.

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Request for District Capital Grants

Mr. Kelly presented three requests for capital grants:

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

"THAT the request for a District Capital Grant, District 19 for construction of playgrounds, Peter Buckley Drive, Lr. Sackville in the amount of \$2,225 be approved."

Motion Carried.

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

"THAT the request for a District Capital Grant, District 8 in the amount of \$800 for improvements to the Lake Echo Recreation Centre grounds be approved."

Motion Carried.

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

"THAT the request for a District Capital Grant, District 15 in the amount of \$10,000 for the acquisition of land corner of Kinsac and Beaver Bank Roads be approved."

Motion Carried.

Harrietsfield Water Sewer Alternatives

Mr. Kelly then explained the second item on the Supplementary Executive Committee Report. He read the recommendation to Council, following which Councillor Baker moved, seconded by Councillor Larsen:

"THAT J. Phillip Vaughn, Engineering Associates Limited, be retained to conduct the Harrietsfield water and sewer alternatives study for a fee of \$24,800, subject to funding of this amount by the Nova Scotia Department of Environment."

Councillor Lichter asked if the Department of Environment had been contacted to see if they would be willing to cost-share this study. Mr. Meech indicated that the Department had participated in the terms of reference for the study and that they were made well aware that the municipality intended to apply for assistance. Councillor Lichter moved, seconded by Councillor Baker:

"THAT the Premier of Nova Scotia being the MLA for the area be advised that the proposal from J. Phillip Vaughan, Engineering Associates be accepted in the amount of \$24,800 subject to receipt of funding of this amount from the Nova Scotia Department of Environment."

Councillor MacKay asked what fund the money for this project would be taken from. Mr. Meech said that there was no specific monies set aside for this particular purpose, but that the funds could be taken from the general capital grant fund or the budget from engineering and works could be reviewed. He indicated that the way the original motion is worded contains the condition that funding be obtained from the Department of Environment. If they cannot provide funding, this will come back to Council. Council should try to get an answer from the department as soon as possible.

First Motion Carried.

Surplus Portable Classrooms

Mr. Kelly advised that correspondence had been received from the Halifax Bedford District School Board confirming two surplus portable classrooms. The portable classrooms are located at Leslie Thomas and Smokey Drive Schools in Sackville. Mr. Kelly advised that correspondence had been received from the Nova Scotia Fire Fighters School, Waverley and the Cobequid Multi-Service Centre, Sackville indentifying the need for a surplus portable school.

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

"THAT a surplus portable classroom be provided to the Nova Scotia Fire Fighters School, Waverley and a portable classroom be provided to the Cobequid Multi-Service Centre."

Councillor Gaetz indicated that earlier in the year he had requested that any surplus portable classrooms be considered for an organization in his district. Councillor Gaetz said that he had brought correspondence from the interested association in to Mr. Ardley.

Motion Carried.

Guarantee Resolutions

Council reviewed the resolutions from Metropolitan Authority. Deputy Warden Walker moved seconded by Councillor Eisenhauer:

"THAT the Guarantee Resolutions shown in the Supplementary Report of the Executive Committee be approved by Council and that they be executed by the Warden and Municipal Clerk.

Councillor Lichter suggested that the motion be amended to include all Guarantee Resolutions except 85-01. Seconded by Councillor Larsen. Discussion followed. Mr. Meech indicated that there is no requirement for Council to approve Metropolitan Authority budgets. It was felt by some that this may be the only way to get some sort of result from the Metro Authority.

Councillor Margeson asked that Councillor Adams inform Council about the recycling of garbage since he had attended a recent conference. Councillor Adams indicated that the landfill (speaking of a Calgary site) is a small industry. It is not a major deficit to the community and there is a charge to all people who wish to use it. There is a special system for waste disposal.

Councillor Margeson felt that the Council should not automatically approve a \$2 million dollar project without raising any questions on Metropolitan Authority's point of view.

Motion Carried as amended - excluding 85-01.

BUILDING INSPECTION REPORT

Mr. Kelly presented the first item, concerning a lesser setback request for property located at Covey Road, Hackett's Cove owned by Chris Johnson.

After discussion, it was moved by Councillor Larsen, seconded by Councillor Baker:

"THAT this request for lesser setback be approved."
Motion Carried.

Mr. Kelly then presented a second request for lesser setback made by Ivan Paynter for property located in Hammonds Plains. The report recommended that this request be denied since it would establish a precedent of 4' side yard clearances for shed type structures.

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

"THAT this request for lesser setback be approved."

Councillor Lichter felt that since this person hadn't applied for a minor variance, it was not granted. Mr. Meech informed Council that the applicant was given instruction to stop construction but he continued. He felt that this was the reason for recommendation against approval. Councillor Eisenhauer said that he would like to become familiar with the property in question. He felt that the issue here might be the roof sloping over the 4' distance.

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

"THAT this item be referred to the July 16th Council session."
Motion Carried.

POST OFFICE AND POSTAL ADDRESS, COLE HARBOUR - COUNCILLOR MONT

Councillor Mont said that the Council had written to Mr. Warren of the Canada Post Corporation regarding poor delivery in the Cole Harbour area. To date, there has been no reply.

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

"THAT Council pass a resolution coming strongly in favour of the creation of a post office in Cole Harbour and that it also have a Cole Harbour postal address."

Councillor Mont felt it was time for Council to take a firm stand about this matter. This is the only community of its size not to have its own post office or postal address. It was mentioned that mail for the Cole Harbour area is still addressed to the Dartmouth post office. Councillor Adams brought forward a similar problem in his area. People living on the Myra Road in Porters Lake are unable to even obtain green boxes from the post office. He felt that his community also needed a post office and mentioned that there is still a piece of federally owned land in the area. Councillor Gaetz brought forward similar delivery problems which have been arising in his area.

Motion Carried.

Councillor Adams moved, seconded by Councillor DeRoche:

"THAT Council request Canada Post to supply proper pick-up boxes for the Myra Road area of Porters Lake."

Discussion followed on the previous response from Mr. Warren. Council felt that the response was inadequate since they had located only two residents that were not receiving their mail in the area.

Motion Carried.

PROPERTY ANNEXATION

Councillor Margeson felt that staff should be requested to undertake a study on annexation in order to come up with recommendations that might implement a change in the taking over of land from municipalities. Mr. Kelly indicated that this had been on the Executive Committee agenda last week and there has been a request to the province to place a moratorium on future annexations. Mr. Meech informed the Council that there had been changes made to the legislation some years ago, one of which placed the jurisdiction to administer the legislation on the Municipal Board rather than the Board of Public Utilities, however he did not think that royal assent had been given to the changes. Mr. Meech felt that the best action that could be taken would be to ask the province to place a moratorium on future annexations and incorporations.

LAND DISPUTE

Councillor MacKay asked Mr. Cragg who or what would decide a land dispute if two properties were somehow improperly surveyed or if the plans to the adjoining properties did not coincide. Mr. Cragg indicated that action of the Supreme Court would be to gratify one or both of the combatants. Possibly an encroachment would be placed on the property. The judge would have to weigh evidence from both sides and from this would probably fix a boundary. Councillor MacKay asked if judgement would be made considering current land costs, for example if the mistake had been made through a currently existing house. Mr. Cragg indicated that this is difficult to determine and would depend on the judge of the case, but he felt that the municipality would not be liable in a case such as this.

Committee of the Whole - July 8

Councillor Bayers suggested that since there is a public hearing scheduled for July 8, the Committee of the Whole meeting should be held at 5:00. Discussion followed regarding the items to be discussed at this meeting. It was decided that the meeting should be set for 4:30 p.m. Warden MacKenzie asked that Councillors Snow and MacDonald be informed about this change.

ADDITION OF ITEMS TO THE JULY 16, 1985, COUNCIL SESSION

Councillor MacKay asked that the Urban Rehabilitation Program be added to the next Council agenda.

Councillor Margeson asked that another letter be sent to CNR regarding trains blowing their horns where small children play. He indicated that the larger trains make their presence known, but the passenger trains go by without very much noise. The Council agreed with this suggestion and asked Mr. Kelly to follow it through.

Councillor DeRoche moved, seconded by Deputy Warden Walker:

"THAT the Council session be adjourned."

Motion carried.

The session adjourned at 7:45 p.m.

COMMITTEE OF THE WHOLE

JULY 8, 1985

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

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
Mr. K. S. Wilson, Director of Finance

SECRETARY: Virginia Veinot

The meeting convened at 4:40 p.m. and adjourned at 6:27 p.m.

TRANSIT

Warden MacKenzie advised that the purpose of this Committee of the Whole session is to discuss the subject of transit. He advised that on Friday he had talked with Mayor Wallace and the Mayor has requested that the Warden, three Mayors and the C.A.O.'s meet to discuss regional concerns and more particularly transit and cost sharing arrangements.

Mr. Meech commented that the problem is that we have a regional body established to provide regional services yet in practice it is not making decisions on a regional basis. We have not achieved a formula for cost sharing that is fair and equitable.

Mr. Meech advised that Mr. Wilson and his counterparts have met over the past months and tried to deal with the issue of a cost sharing formula and the results of their discussions have been outlined and distributed to Members of Council today.

Mr. Wilson advised that Option A is the present formula which is in effect. Option B is the route costing suggested by the Operational

Planning Group and is referred to as the new methodology. Option C suggests maybe it is time to consider whether transit should be dealt with as is the Correction Centre, sharing for the administration of justice courts, sheriff's costs and movement of inmates, which is done on the basis of assessment.

Option C, by taking an area within metro, an area of the City of Halifax, City of Dartmouth, Bedford and urban or suburban areas of Halifax County, here our costs would increase substantially initially which would dictate representatives from the County and Bedford would be impacted most drastically by going to this formula. It would be expected that MTC would allocate resources to improve services in outlying areas.

Discussion was held with respect to the procedure involved when a Municipality wishes to have an increase in service and depending on the routing this may involve obtaining approval from the other Councils. It was pointed out that rather than MTC acting as the decision-making body, everything comes back to the individual Councils for decision.

It was suggested that all monies should be forwarded to MTC and it would then be their responsibility to establish a minimum level of service.

It was pointed out that there are not enough buses to provide extended service during peak hours. This would dictate looking at routes that are low in terms of revenue recovery or are deficit runs.

Discussion was held with respect to the various cost sharing arrangements and removing the decision making process from the hands of the politicians.

It was stated that provision of regional services would not work unless it was legislated by the Province and it was suggested that the C.A.O.'s and the Mayor's be requested to meet with the Minister of Municipal Affairs to look at the legislation of the Metropolitan Transit Commission and Metropolitan Authority.

It was suggested that the legal implications be examined with respect to the County pulling out of transit.

After a lengthy debate on the subject, it was recommended by Councillor Margeson and agreed that the Warden, Mayors, C.A.O.'s and a representative of the Department of Municipal Affairs schedule a meeting and examine the principles and economics of the provision of transit services to residents of the metro area.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:27 p.m.

PUBLIC HEARING

JULY 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 Margeson
Councillor MacKay
Councillor McInroy
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman
Councillor Mont

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

SECRETARY: Rosemary MacNeil

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 McInroy:

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

APPLICATION NUMBERS 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

Mr. Hanusiak advised that this evenings public hearing is concerned with the possible approval of twelve development agreements being proposed by the Municipality of the County of Halifax and Little River Group Limited of Lower Sackville. The purpose of the agreements is to permit the construction of two unit dwellings on Lot 29 through 40 inclusive of the lands of R.J. McDonald and the lands of Reta Boyd.

Mr. Hanusiak indicated that all of the agreements are identical in terms of the conditions that are found in them and the feet and inches that are expressed in the various clauses.

A copy of the tentative plan of subdivision was attached to each of the individual agreements for information purposes to give an idea of where the properties are located.

Mr. Hanusiak went on to advise that each of the agreements were advertised in accordance with the provisions of the Planning Act. To date, no correspondence has been received objecting to any of the proposed development agreements. It was noted that Mr. Kelly has a letter in his possession from the Sackville Advisory Group recommending approval of the individual applications.

Mr. Hanusiak stated that the Department of Planning and Development and the Department of Engineering and Works have been working since early spring with the developer on these particular applications. A lot of work went into these particular development agreements simply because of the site's immediate proximity to the river and the fact that the properties did not have the type of existing elevations that have been found in past development agreements.

Mr. Hanusiak noted that the minimum setbacks on the properties from the front yard are 30 feet and pointed out that that varies somewhat from the normal 20 feet you would see. However, there is a 30 foot easement that runs in the front 30 feet of the property, therefore, dictating that the houses themselves have to start at least 30 feet back. In the agreement, Section 4 states that no portion of the Building shall extend beyond a distance of sixty (60) feet from the front lot line. Originally when the agreements were being prepared, the intention was to provide for that thirty (30) foot setback from the front yard then to provide for a building that would be somewhere in the vicinity of thirty (30) feet in depth. Mr. Hanusiak stated that it has come to their attention, since these agreements were prepared, that that may not be enough for the developers purpose. It was found that to increase that requirement from sixty feet to sixty four or sixty five feet will have little if any significance on the overall development. In that regard, Mr. Hanusiak requested that that particular clause be amended so as to show sixty five feet as opposed to sixty feet. The other dimension of seventy feet would remain the same.

Mr. Hanusiak explained the agreement reviewing each clause of the

agreement.

Mr. Kelly read the letter of correspondence from the Sackville Advisory Board dated July 5th to Warden MacKenzie and members of Council with regard to development agreements between the Municipality of the County of Halifax and Little River Group Limited of Sackville. The letter was in favour to the agreements.

QUESTIONS FROM COUNCIL

Councillor MacKay inquired about the main trunk sewer and the lateral servicing going into the individual units crossing an easement. Mr. Hanusiak stated that this particular development has proceeded through two tentative subdivision approvals and suspects that the Engineering and Works Department has addressed that concern.

Councillor MacKay pointed out an error in Clause 6, line three, of the agreement. It was agreed that the line should read "of the rear lot line" rather than "if the rear lot line".

Councillor MacKay inquired if any consideration has been given to changing the street name presently proposed to be Acadia Lane. Mr. Hanusiak stated that that is a question best addressed to the Department of Transportation. It was further noted that the agreement is written in a way that the first paragraph states "more particularly described in Schedule A of this Agreement". Mr. Hanusiak noted that that would be the legal description of the property once it had gone through final subdivision approval and the very precise legal description of the property could be prepared at that time. Mr. Hanusiak stated that they have a positive identification now that when those agreements before they are signed, that legal description would go on it. He suspected that that matter of the street name would be resolved at that point in time.

Councillor Gaetz made reference to Clause 6 of the agreement inquiring what type of wood is present. Mr. Hanusiak advised that hemlock, oak, poplar, and some maple trees are present on that property. He indicated that they will try to keep that quality stock along the river bank and feel comfortable that it will serve a valuable protection to the homes.

Councillor DeRoche, looking at Lot 40, inquired if the building could be erected given the dimensions shown in agreements within the space allotted. Mr. Hanusiak advised that the house can be physically built on the lot without interfering with the easement.

SPEAKERS IN FAVOUR

Mr. Sutherland spoke in favour of the applications.

Mr. John Shaw spoke in favour of the application on behalf of Mr. McDonald and Reta Boyd. He addressed concerns with regard to the naming of the street. Mr. Shaw indicated that they have the plans that were to be submitted for final subdivision changed to read Bruce Drive.

A fair amount of time and effort has been spent in coming up with, what they feel, a responsible approach to developing along the River.

QUESTIONS FROM COUNCIL

Councillor MacKay inquired as to what type of arrangements have been made with regards to the eventuality of a break in the service laterals coming over the main trunk sewer of the easement located on the property. The Consultant advised that this is a matter of County policy which he has not discussed with the Engineering Department.

SPEAKERS IN OPPOSITION TO THE APPLICATIONS

None.

It was agreed that Clause 4 and Clause 6 be amended as suggested previously.

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

"THAT Application DA-SA-03-85-16 be approved as amended."
Motion Carried.

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

"THAT Application Number DA-SA-04-85-16 be approved as amended."
Motion Carried.

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

"THAT Application Number DA-SA-05-85-16 be amended as approved."
Motion Carried.

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

"THAT Application Number DA-SA-06-85-16 be approved as amended."
Motion Carried.

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

"THAT Application Number DA-SA-07-85-16 be approved as amended."
Motion Carried.

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

"THAT Application Number DA-SA-08-85-16 be approved as amended."
Motion Carried.

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

"THAT Application Number DA-SA-09-85-16 be approved as amended."
Motion Carried.

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

"THAT Application Number DA-SA-10-85-16 be approved as amended."
Motion Carried.

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

"THAT Application Number DA-SA-11-85-16 be approved as amended."
Motion Carried.

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

"THAT Application Number DA-SA-12-85-16 be approved as amended."
Motion Carried.

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

"THAT Application Number DA-SA-13-85-16 be approved as amended."
Motion Carried.

With regard to Application Number DA-SA-14-85-16, Mr. Hanusiak advised that Mr. Cushing, consultant, has indicated that in the agreement it has in clause three (3) a minimum front yard of 30 feet. He further stated that that lot had been adjusted to bring the house of the easement. In doing so, it reduced the front yard down to a regular 20 foot requirement. Mr. Hanusiak stated that the agreement should reflect a minimum front yard in clause three (3) of 20 feet as opposed to the 30 as it is written.

Councillor DeRoche inquired if section five (5) of the agreement would require any changes. Mr. Hanusiak indicated that it could be left as it is or it could be changed at the discretion of Council regarding the minimum front yard of 30 feet for accessory building. If Council feels to bring the potential accessory buildings in line with the front of the house, that can be changed to reflect 20 feet. Councillor DeRoche felt that it should be amended to twenty feet. Council agreed to amend section three (3) and section four (4) to have them, in both instances, read 20 feet rather than 30 feet.

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

"THAT Application Number DA-SA-14-85-16 be approved as amended."
Motion Carried.

ADJOURNMENT

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

"THAT Council adjourn."
Motion Carried.

COUNCIL SESSION

JULY 16, 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. Wilson, Director of Finance
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 Deputy Warden Walker:

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

AGENDA ITEMS

Councillor Mont - Crosswalk

Councillor Wiseman - Development Agreement, Riverside Estates

Councillor DeRoche - Overhead Light

Councillor Baker - 1) Crystal Crescent Beach, 2) Garbage

Councillor Gaudet - Goodwood School

Deputy Warden Walker - 1) Senior Citizen Housing, Hubbards, 2) Industrial Development, Hubbards

LETTERS AND CORRESPONDENCE

Mr. Kelly advised that a letter had been received from the President and Chief Executive Officer of Canada Post Corporation. The letter was in response to our letter concerning Council's resolution regarding the possibility of establishing a post office in the Fall River, Lake Fletcher area.

Councillor Mont advised that there was an advertisement in the newspaper by a select committee that has been appointed by the Minister responsible for Canada Post to look into and prepare a report on what Canadians want to see from a national postal corporation in the future.

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

"THAT the Municipality of the County of Halifax submit a brief to the select committee."
Motion Carried.

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

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

Mr. Kelly indicated that a letter had been received from the Halifax County - District School Board with respect to Council's resolution regarding implementing French immersion.

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

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

Members of Council received a memorandum from Mr. Dale Reinhardt, Deputy Municipal Clerk, regarding a proposal to develop a subdivision in the Herring Cove area. Mr. Kelly read the memorandum stating that the Halifax County Board of Health take serious exception to a development of any size being approved using the present sewer services that are completely unsatisfactory for present health standards for sewage treatment.

Councillor Baker expressed the concern that the people of Herring Cove are being penalized stating that Spryfield as well as the City of Halifax add to the existing unsatisfactory situation.

Councillor Lichter pointed out that the letter does not indicate that the Board of Health wish to have any resolution put on the floor. He also pointed out that two words in the report are somewhat inaccurate. They are not speaking about "this size" being approved in the last paragraph but are speaking about "any size being approved" in the last paragraph.

Councillor Lichter went on to state that the reason the Board of Health dealt with this item and brought it to Council's attention is because they believe it is a matter of principle that is at stake here. He explained that if we time and time again speak about the way Halifax City dumps untreated sewage into the Harbour, then how can we say that we will permit also development to go on exactly the same way.

Councillor DeRoche advised that the report is essentially an indication that the County Board of Health is going on record as saying that it is opposed to the continued pollution of the area by virtue of untreated effluent going into the waters that are within the jurisdiction of the County.

A number of Councillors felt that a recommendation should be brought forward to request the Department of Environment to review this situation and make recommendation.

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

"THAT this report be received."
Motion Carried.

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

"THAT a letter be sent to the Minister of Environment bringing to his attention that there is a proposal to develop a subdivision in the Herring Cove area and the developer wishes to utilize the present waste water drain that is there and we would like a recommendation from him either not to utilize that service and/or go on-site systems."

Councillor DeRoche suggested that the motion include a request of the Minister in seeking the services of his office in seeking a speedy resolution to the pollution problem existing in the Herring Cove area as it has been amply and repeatedly identified by this Council. Council agreed to incorporate Councillor DeRoche's addition to the motion.

Councillor McInroy suggested that Halifax County take a position that is going to at least temporarily hold up approvals of that subdivision. It was further suggested that Halifax County put a moratorium on the total development criteria by asking the Department of Environment, until a satisfactory solution is found, that no more joint certificates be given for any development whose effluent exits fire into Herring Cove.

Councillor DeRoche requested that the letter that is sent to the Minister of Environment be copied to the Minister of Health. Councillor DeRoche pointed out that the purpose of his addition to the motion for a speedy resolution was to request that the Minister get involved in the situation so as to achieve a resolution in as short a time as possible. He further explained that it is within the jurisdiction of his office to evoke a measure whereby no additional hook ups would be permitted.

Motion Carried.

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

"THAT Halifax City jointly with Halifax County declare a general moratorium on development anywhere where untreated sewage is permitted to enter the Harbour."
Motion Carried.

APPEAL OF MINOR VARIANCE - 7:00 P.M.

Mr. Ted Brown presented the appeal of application for a minor variance at Lot 41, Maroun Chater Subdivision, 1972 Shore Road, Eastern Passage, File No. MV 11-06-85. Members of Council received a copy of the sketch of the minor variance which was requested.

Mr. Brown advised that on May 27, 1985, Mr. Yearwood applied for a development permit and building permit to construct an attached garage to the dwelling located at Lot 41, Maroun Chater Subdivision. On June 2, 1985, an application for a minor variance was received again from Mr. Yearwood and, at this time, he was requesting a lesser setback of four feet from the northern property line of his lot. The required setback for an attached garage to a dwelling is eight feet. Subsequent to this, Mr. Brown advised that on June 3, 1985, a site visit was carried out and it was discovered that Mr. Yearwood had already started construction by the placing of a slab for the purposes of constructing the attached garage four feet from the line.

Under Section 79.3 (c) of the Planning Act, it states that a minor variance cannot be granted "c) the difficulty experienced results from the intentional disregard for the requirements of the land use by-law." - that being the eight foot setback and the fact that the permits had not been issued.

Mr. Brown explained that since construction had been started prior to the issuance of the variance and the necessary permits not being issued, the Development Officer had no alternative other than to reject Mr. Yearwood's request.

QUESTIONS FROM COUNCIL

Councillor Deveaux inquired if there had been any correspondence received either in favour or opposed to this application. Mr. Brown advised that no correspondence had been received.

Councillor MacKay inquired as to when the site visit was carried out. Mr. Brown advised that the site visit was carried out on June 3, 1985. He further explained that the site visit was carried out because it is a requirement of the minor variance procedure and not because of a complaint or anything of that nature.

Councillor MacKay inquired if there was any reason to suspect that, if normal course of procedure had been followed, the minor variance would not have been issued. Mr. Brown indicated that under normal circumstances, the application would have been given more consideration.

SPEAKERS IN FAVOUR OF THIS APPEAL

Mr. Stafford Yearwood, resident of 1972 Shore Road, indicated his desire to speak in favour of the appeal.

Mr. Yearwood advised that nine years ago he applied for an application to erect a garage on this site. At that time, Mr. Yearwood stated that he was told that he had to be eight feet from the building to the property line. He noted that he spent the past nine years trying to buy a piece of land to do this. Mr. Yearwood indicated that at no time during the ten year period, did anyone tell him about a minor variance.

Mr. Yearwood circulated petitions to the members of Council from his neighbours.

Mr. Yearwood also displayed a description of his property.

Mr. Yearwood advised that after he had applied for the building permit, his Councillor informed him about the minor variance and assisted him in getting an application form.

QUESTIONS FROM COUNCIL

Councillor DeRoche inquired when the cement was poured. Mr. Yearwood indicated that it was poured the day before the inspector arrived, July 2, 1985. He further stated that the forms were not put in place until the day the cement arrived.

Councillor DeRoche inquired when he would have been aware of the minor variance possibility.

Mr. Yearwood indicated that he became aware of it on the 28th or 29th of May.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None.

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

"THAT Minor Variance at Lot 41, Maroun Chater Subdivision, 1972 Shore Road, Eastern Passage; File No. MV 11-06-85 be approved."
Motion Carried.

SUPPLEMENTARY REPORT OF THE PLANNING ADVISORY COMMITTEE

Development Agreements: DA-SA-15-85-19, DA-SA-16-85-19, DA-SA-17-85-19, DA-SA-18-85-19. Basil J. MacDougall, Beaver Bank.

Mr. Kelly read the report.

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

"THAT all four development agreements be approved and that the staff report be modified to indicate the elevation grade level at 53 metres as opposed to the staff suggestion of 54 metres and that public hearings be held August 26, 1985 at 7:00 p.m."
Motion Carried.

Retail Mall - Cole Harbour Road/Hugh Allen Drive

Mr. Kelly read the report.

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

"THAT Council write the Department of Transportation asking them to conduct an investigation of access for the Cole Harbour Road Shopping Centre to determine if there is any acceptable alternative to having access onto Hugh Allen Drive, and that this be done as soon as possible."
Motion Carried.

Yard Requirements for Semi-Detached and Rowhouse Dwellings

Mr. Kelly read the report.

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

"THAT the Land Use By-Laws for Sackville, Cole Harbour/Westphal, Eastern Passage/Cow Bay, Timberlea/Lakeside/Beechville, and North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston be amended so as to permit the individual dwelling units of semi-detached and rowhouse dwellings in serviced areas to maintain zero sideyard clearance from their mutual side lot lines and a public hearing be held September 9, 1985 at 7:00 p.m."
Motion Carried.

Proposed Zoning Changes - City of Halifax (Annexed Lands)

Mr. Kelly read the report.

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

"THAT Council inform the City of Halifax of its opposition to the unlimited commercial potential in the proposed zoning changes in the Bayers Lake Area and that representation by staff be made at the July 22nd Public Hearing and that copies of the attached staff report be made available to the City of Halifax."
Motion Carried.

PLANNING ADVISORY COMMITTEE REPORT

Gladwin Property - Eastern Passage

Mr. Kelly read the report concerning a property on Shore Road currently zoned R-3 of approximately 30,000 square feet in area.

It was stated that the property had been rezoned to T (Mobile Home Park) zone in 1976.

Later the property was given an R-3 (Mobile Dwelling) zone which reflected the existing mobile home.

The report further stated that Mrs. Gladwin moved a second mobile home onto the property to provide temporary accommodation for her son on the mistaken belief that the original Mobile Home Park zone was in effect. The power was disconnected from the original home and now cannot be connected up to either home as a result.

Councillor McInroy inquired if there is an agreement that could be made that the power hook up is for a certain period of time. Councillor Deveaux felt that this was the intent in order to allow Mrs. Gladwin and her son to occupy the mobile homes and, in the meantime, the Planning Staff is preparing a report which will allow a temporary solution.

Concern was expressed with the fact that the Municipality will be accommodating two residences on the same property.

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

"THAT Council request the Nova Scotia Power Corporation to hook up the two mobile homes on Mrs. Gladwin's property."
Motion Carried.

BUILDING INSPECTOR'S REPORT

This item was deferred from the July 2, 1985 Council Session concerning the application for lesser side yard clearance of 4'.

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

"THAT Application for lesser side yard clearance of 4', property located at Hammonds Plains, Applicant Ivan Paynter be approved."
Motion Carried.

DIRECTOR OF DEVELOPMENT REPORT

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

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

RESOLUTION, RE FIRE ADVISORY COMMITTEE

Council received copies of a memorandum from Mr. Tobin with regard to the Fire Services Report. Mr. Tobin is making reference to Recommendation #6 of the Fire Services Report that was brought to Council earlier in the year. Recommendation #6, which is identified in the report, regards the training allowance for fire fighters.

With regard to Recommendation #6, Mr. Wilson was requested to comment on this item. Mr. Wilson advised that a special fund would mean that the money would have to be taken out of the general tax rate and set aside in a separate bank account with separate banking authorities and so on. He indicated that it would be better if this amount was put in the budget from the general tax rate rather than set aside in a special fund.

A number of Councillors inquired as to the specific reason for this recommendation. Mr. Tobin indicated that one of the main reasons this recommendation would be made is to ensure that there is uniform training offered to fire fighters across the County. This way, when neighbouring fire departments are helping each other under a mutual aid format, they would be able to at least know that their counterpart from a neighbouring department was trained in a similar manner. He went on to state that this would ensure better safety for the fire fighter and would also ensure the property owner that the fire fighters are properly trained.

Mr. Tobin explained that the Nova Scotia Fire Fighters School will start booking courses late in the Fall and early in the new year for the 1986 year and it is up to the departments to take advantage of it early in the year. He further explained that he was doubtful if many fighters would be able to take advantage of the courses for 1985.

Councillor Wiseman inquired how many of the 36 County fire departments are currently sending men for training per year. Mr. Tobin agreed to acquire this information. Councillor Wiseman also inquired, if we did make this available, if the men had been approached to ask whether or not they would be willing to take the time to attend. Mr. Tobin advised that the majority of the departments support the work at the school.

Councillor Wiseman felt that the Sackville Fire Department members, who are currently paying taxes in the Community of Sackville for their own training, would feel distressed to know that they were also paying for neighbouring Districts training as well.

A number of Councillors indicated that a number of departments have resources supported by their area rates where they encourage and pay for their men to attend the Fire Fighters School. Councillor MacKay, on that basis, spoke against the recommendation.

Councillor Adams suggested that it might be more practical to look at a policy across the County whereby fire departments would be ensured of putting forth firemen to be trained so that we do have that uniformity.

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

"THAT this item be deferred to the next Council Session when the missing information could be provided."
Motion Carried.

EXECUTIVE COMMITTEE REPORT

Homes for Special Care

Mr. Kelly read the report.

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

"THAT the Municipality advance representation to the Union of Nova Scotia Municipalities and also to the Minister of Social Services outlining concerns regarding the present policy respecting cost sharing for Homes For Special Care."

Councillor DeRoche requested that he be provided with the details of discussions that took place at the Executive Committee with regard to this item.

Motion Carried.

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

"THAT a letter be sent to the Minister of National Health and Welfare stating our concerns with respect to homes for special care in the Municipality of the County of Halifax."
Motion Carried.

Grant - East Preston Boys' and Girls' Club

Mr. Kelly read the report.

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

"THAT a grant for the year 1985 to the East Preston Boys' and Girls' Club in the amount of \$21,700 and a supplementary addition to the 1985 Social Services Department budget to cover the grant be approved."
Motion Carried.

Projected Capital Costs, 1985-1987

Mr. Kelly advised that this report was presented to the Executive Committee for review and discussion. He indicated that it has been forwarded to the Department of Municipal Affairs as is required for capital projects for the next three year period.

Mr. Wilson reviewed the capital projects for the years 1985-1987 and addressed various questions from members of Council.

Mr. Wilson advised that any item on this list which is going to be carried out has to come to Council for approval.

A number of Council members felt that they would not be prepared to support this list if it were intended to be a priority listing. It was also stated that there are projects that should have been included in this listing that have not been.

Councillor DeRoche suggested that, if we are submitting a statement to Municipal Affairs with respect to projects, we indicate to Municipal Affairs what our priorities are. It was stated that this list could be misleading. The list is a list of projects but is not a prioritized list.

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

"THAT any decision on capital funding be deferred until a policy has been established for priorities for capital funding."
Motion Defeated.

Mr. Wilson advised that there is a study that is being done and should be ready by September respecting a method of ranking capital projects. The study will include a definition of capital projects and a method of ranking them.

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

"THAT this list as presented to Council this evening, be the list presented to the Department of Municipal Affairs." Motion Carried.

Councillor Mont stated that he objects to these documents being submitted. Councillor Wiseman hoped that, when this list is sent to Municipal Affairs, a letter of intent be sent along with it stating the fact that these do not represent a priority of Halifax County but represents a wish list of Staff. Councillor DeRoche stated that we cannot entertain that request by virtue of the resolution that was presented and adopted.

Windsor Junction Water Supply

Mr. Kelly read the report.

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

"THAT the installation of a water service to serve the residents of Windsor Junction for domestic water supply including fire protection at an estimated cost of \$1,400,000 and further funding for this project as outlined in the report be approved."

Councillor DeRoche made reference to the Project Financial Data report, item #3. He requested that the final sentence in that section requires

amendment. It could be interpreted that a developer for an entire subdivision only has to pay \$1,000. He suggested that it be amended to state that all residences on future connections be required to pay the \$1,000.

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

"THAT item #3 be amended to read that all future single connections be required to pay \$1,000 each capital contribution for such connection."
Amendment Carried.

Motion Carried as Amended.

Tax Exemption By-Law

Mr. Kelly read the report advising that the Executive Committee received requests for tax exemption under the Tax Exemption By-law from the following organizations: a) Club 75-80; b) Sack-A-Wa Canoe Club; c) Sackville Family Day Care Centre.

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

"THAT an appropriate amendment be prepared to include these organizations in the Tax Exemption By-law, the amendment being subject to approval by the Department of Municipal Affairs."
Motion Carried.

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Resolution - Withdrawal - Special Reserve Fund

Mr. Kelly read the request.

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

"THAT the appropriate resolution for execution by the Warden and Municipal Clerk be approved and forwarded to the Department of Municipal Affairs."
Motion Carried.

Resolution, Re Easement Property

Mr. Kelly read the report stating that a resolution from Council is required to revoke interest on certain easement lands no longer required by the Municipality. Mr. Kelly indicated that these are lots on two streets in Cole Harbour, Astral Drive and Stratford Drive. The easements are required by the Department of Transportation.

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

"THAT Council revoke interest on certain easement lands in Cole Harbour no longer required by the Municipality."
Motion Carried.

Resolution, Re Expropriation of Lands - Scott Paper International

Mr. Kelly read the report.

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

"THAT Council approve the appropriate resolution for expropriation of lands of Scott Paper International at Sheet Harbour."
Motion Carried.

REPORT, BOARD OF HEALTH

Council members received a report from Mr. D. Reinhardt respecting legal services. The report stated that legal services to the Halifax County Board of Health expires on October 7, 1985.

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

"THAT the Halifax County Board of Health call tenders for legal services and that they be permitted to interview the potential candidates to determine who should act as solicitor for the County Board of Health."
Motion Carried.

METROPOLITAN AUTHORITY REPORT - COUNCILLOR MacDONALD

Councillor MacDonald reported that the MDP has expressed some concern with regard to the future of the landfill site. The Metropolitan Authority set up a meeting on August 20 to look at the final use of the site. A report was completed on the life expectancy for the landfill site. The expectancy of the site in 1983 ranged from 1993 to 1997. At that time, 1997 was a probable time for the site to be filled. The latest study has shown that it has been dropped to the possible time of 1993. This caused the Metropolitan Authority to do a study in 1986 to look at the future of it.

Councillor MacDonald also advised that the total tunage to June, 1984, was 110,200 tuns and to June, 1985, the total is 1,118 tuns which is approximately an eight percent increase.

Warden MacKenzie reported on a meeting which took place regarding transit with the Mayors. He advised that discussion took place regarding parking in the City. The other area of concern was with regard to highways leading into the cities. Need for improved services was also discussed at the meeting.

It was agreed to have the CAO's, who were in attendance from all of the Municipal Units, to meet along with the Planning Department of the Metropolitan Authority and come back to another meeting of the Chief Magistrates with recommendations.

Warden MacKenzie indicated that there was some direction given to them with regard to the establishment of transit service boundaries for the total metropolitan area. The issue of requirements for new routes with a response to need was addressed. Also a funding formula to deal with this will also be addressed.

Warden MacKenzie suggested that perhaps a meeting of the four councils could be considered after the recommendations are brought back.

URBAN REHABILITATION PROGRAM

Councillor MacKay requested and it was agreed that this item be placed on the next Council agenda.

ADDITION OF ITEMS

School Crosswalk - Councillor Mont

Councillor Mont advised that he had attended a meeting with the executive of the Parent Teachers Association of the Joseph Giles School to discuss sidewalks, crosswalk, etc. Councillor Mont stated that he agreed to bring forward a resolution.

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

"THAT we request the Department of Transportation to locate a school crosswalk at the corner of Gregory and Flying Cloud Drive to be established prior to the commencement of the school year in September."

Councillor Mont advised that Mr. Nantes and an official of the Department of Transportation were present at that meeting and assured that this request would be approved by the Department of Transportation.

Motion Carried.

Development Agreement - Councillor MacKay

Councillor MacKay read a letter from Mr. Hanusiak with regard to Lot 13 of the Riverside Estates Subdivision, Lower Sackville.

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

"THAT we hold a public hearing on August 12, 1985 to consider the development agreement that would be proposed by the development department as outlined by Mr. Hanusiak."
Motion Carried.

Overhead Lights - Councillor DeRoche

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

"THAT the Department of Transportation be requested to provide permission for the installation of overhead lights on Forest Hills Parkway between Flying Cloud Drive and Taranaki Drive and that, upon receipt of authorization from the Department of Transportation, the County undertake to install the lights."
Motion Carried.

CRYSTAL CRESCENT BEACH - COUNCILLOR BAKER

Councillor Baker expressed concern with regard to the parking at Crystal Crescent Beach.

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

"THAT the Department of Lands and Forests be requested to supervise Crystal Crescent Beach or close the beach to the public."
Motion Carried.

Councillor Baker requested that a copy go to the MLA, John Buchannan.

Goodwood School - Councillor Gaudet

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

"THAT the Goodwood School be leased to the Prospect District Lions Club for ten years with an option to renew the lease for an additional ten years at one dollar per year and the Prospect Bay Lions Club honor the one year lease with Mr. Price a company owned by Mr. John Chapman and Mr. Jerry Holland."
Motion Carried.

Senior Citizens - Deputy Warden Walker

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

"THAT a need and demand survey be made for additional senior citizen housing in Hubbards."
Motion Carried.

Industrial Development - Deputy Warden Walker

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

"THAT the Industrial Commission be requested to review the possibility of establishing an incubator mall in the St. Margaret's Bay area."
Motion Carried.

ADDITION OF ITEMS TO THE AUGUST 6, 1985 COUNCIL SESSION

Prospect Road - Councillor Gaudet

ADJOURNMENT

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

"THAT Council adjourn."
Motion Carried.

PUBLIC HEARING

JULY 22, 1985

PRESENT WERE: Warden MacKenzie, Chairman
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 McInroy
Councillor Eisenhower
Councillor MacDonald
Councillor Wiseman
Councillor Mont

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 McInroy:

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

APPLICATION NUMBER ZA-24-23-85

Mr. Hanusiak stated that each of the applications being considered this evening were advertised in accordance with the provisions of the planning act. To date, some correspondence in favour of these applications have been received. No written correspondence, at the present, against the application has been received. Mr. Kelly indicated that a letter had been received from the Chairman of the District #14 Public Participation Committee regarding the proposed Cobequid Park rezoning. The letter was in favour of the application.

Mr. Hanusiak presented the application stating that it is an amendment to the Municipality's Zoning By-Law No. 24 to include a new zone being referenced as the I-3 (Light Industrial) Zone.

The application results from desires by Adventure Investments Limited to establish a 100 acre industrial park at Waverley on lands that they presently own. At present, Mr. Hanusiak advised that the applicant has the opportunity to make application for one of two existing zones under By-Law 24 to either I-1 (General Industrial) Zone or the I-P (Industrial Park) Zone. However, the applicant has looked at those two zones and feels that they really do not provide enough open protection for the Municipality for them to consider those zones. Thus, they have asked for the creation of a new zone which would permit "light" as opposed to "heavy" industrial activities. Secondly, the zone would be prepared in a manner that would be acceptable for developments that are not necessarily going to be on both Municipal water and sewer facilities.

After having considered the applicant's request and the type of activities that were being proposed, Mr. Hanusiak indicated that a three phase amendment was produced. Mr. Hanusiak reviewed the actual amendment laid out as Appendix "A" in the Staff Report.

QUESTIONS FROM COUNCIL

Councillor DeRoche made reference to Section 2 after Clause (CCC) the definition of "service industries" inquiring how the distinction would be made as to whether or not an undertaking which is not delineated here would be acceptable in that park. Mr. Hanusiak stated that that would be a question best directed to the Chief Building Inspector who would have jurisdiction over this By-Law. He indicated that, in the past, the Building Inspector has looked at the situation where it says "without limiting the generalities of the foregoing" and found the similar land use classifications and dealt with it in that manner.

Councillor DeRoche also made reference to I-3 Zone Requirements, Subsection A, Minimum Lot Area of 30,000 and Minimum Lot Coverage of 70 percent inquiring if that should be maximum lot coverage. Mr. Hanusiak advised that it should be maximum lot coverage of 70 percent.

Councillor DeRoche pointed out, making reference to Page 5, section (4) (vii), that one of the allowable enterprises in that park would be transport facilities and terminals. He inquired how a transport operation would be able to function without having their own pumps and storage capacities.