

Mr. Ayer stated that the majority of people at the public hearing have property abutting the land in question, and they have invested money in their homes knowing the abutting land is zoned R-1. He stated he realizes we live in a democratic society, but he felt the society is not always just to the small individual any more. The applicant purchased this property knowing it was zoned R-1 and what he could and could not do with the property. He can obtain legal counsel and convince this Council that R-2 zoning is the right way to go. He wants to make money, and there is nothing wrong with this. However, he should not do it at the expense of the residents who do not have the backing or the facilities to fight this type of project. Mr. Ayers further advised that he has recently read in the newspaper that there is no real great demand for new homes in Sackville. He concluded asking Council to protect the interest of the area residents.

Councillor MacKay asked Mr. Cragg if lots 1 to 13 inclusive could be approved for rezoning, leaving lot 14 zoned as R-1. Mr. Cragg advised there is no difficulty in deleting lot 14 from the motion to rezone the property in question. Councillor MacKay advised that alterations can be made to the subdivision application which could change the configuration of lot 14. Mr. Cragg stated that this will not matter; zoning for some or all of the lots can remain unaltered.

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

"THAT Application No. RA-SA-01-86-16 be approved as submitted for lots 1 to 13 inclusive, leaving lot 14 zoned as R-1 be approved."

Councillor MacKay stated that he does respect and appreciate the feelings of the residents of Kaye and Florence Streets. He stated he is not overwhelmed with supporting this application based on the fact that there is much opposition to it. However, not all deliberations and decisions will be received favourably. Approval of this application may be the lesser of other evils that could lead to development. He felt that if an application came forth now for R-4 zoning, it would eventually be approved. He also felt that if an application came forth for contract development, with commercial land in Sackville becoming more scarce, it would be approved. This would have much more impact on the immediate area of Kaye and Florence Streets than an R-2 development. If Mr. Gillespie had not made application for commercial or R-4 zoning on this property, somebody else probably would. With this perspective, Councillor MacKay advised that he has put the motion on the floor in favour of the application.

Councillor Deveaux advised that he is not against duplexes, but this property was purchased zoned R-1. When the plan is reviewed, some of these zonings may change, but in the meantime, this property is zoned R-2, and the developers who bought it did so in good faith. If they want to build duplexes, they should do so in an area zoned appropriately. Councillor Deveaux stated that he cannot accept the reasoning behind this rezoning. The lots are large, and this should be

commended, but the land was purchased as R-1 land surrounded by R-1 uses. It would not be in the interest of good planning to rezone this area to R-2. The people have taken interest in their area by attending meetings where the plan was being developed, and they are looking at maintaining what they presently have in the general area where they reside. Councillor Deveaux felt the interest of these people should be protected, and based on that he stated he would vote against the motion.

Warden MacKenzie clarified that the motion to be voted upon would approve rezoning of lots 1 to 13 inclusive to R-2 and that lot 14 would remain as presently zoned R-1. He stated that a majority vote of Council is required.

MOTION DEFEATED.

Councillor Deveaux asked where the application and the zoning of the land now stands. Mr. Cragg advised that because the application did not receive a majority vote of Council, it has not been approved. It is as though the application has never been put forth.

Councillor DeRoche clarified that this issue is closed by virtue of the defeated motion. Mr. Cragg advised it is closed as far as Municipal Council is concerned. However, the applicant can appeal the decision to the Municipal Board.

Councillor DeRoche commented that the applicant's request was received and advertised, but what was put to Council was an amendment to the request. He asked if the matter is still closed. Mr. Cragg advised that the motion as put before Council was dealt with and defeated. However, somebody else could put another motion on the floor that the application be approved as proposed by Mr. Gillespie. This is up to any member of Council. If nobody puts another motion on the floor, Council's involvement with this matter is closed.

Councillor MacKay clarified that anything lesser than the application can be dealt with by Council. Anything more than the application could not be dealt with by Council because it had not been duly advertised. Mr. Cragg agreed. If the motion as put forth had been approved, opponents could have appealed it to the Municipal Board.

ADJOURNMENT

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

"THAT this Public Hearing adjourn."
MOTION CARRIED.

D19

STAFF REPORT

TO: The Planning Advisory Committee

FROM: Dept. of Planning & Development

APPLICATION NO.: RA-TLB-78A-85-02

DATE: February 19, 1986


C.A.O.

Keith M. Bonds
DIRECTOR

RECOMMENDATION

THAT THE REZONING OF LOT 12B OF THE LANDS OF EDNA P. COX, LOCATED ON THE ST. MARGARET'S BAY ROAD AT LAKESIDE, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-4 (MULTI-UNIT DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Mr. Nassim F. Ghosn, to rezone Lot 12B of the lands of Edna P. Cox in Lakeside as identified in Map 3 No. (p.4) from R-1 (Single Unit Dwelling) Zone to R-4 (Multi-Unit Dwelling) Zone.

The purpose of the rezoning request is to permit the construction of a multi-unit dwelling. While the number of units for the proposed building has yet to be determined, the area requirements imposed by the land use by-law for Timberlea/Lakeside Beechville limits the potential number to fifty-seven.

Description

Area:	87,120 square feet
Dimensions:	As illustrated by Map No. 3 (p.4)
Features:	- Municipal sewer and water available. - Rises sharply from the St. Margaret's Bay Road to a plateau. - Sparse vegetation
Surrounding Land Uses and Zoning:	As illustrated by Map No. 3 (p.4)

ANALYSIS

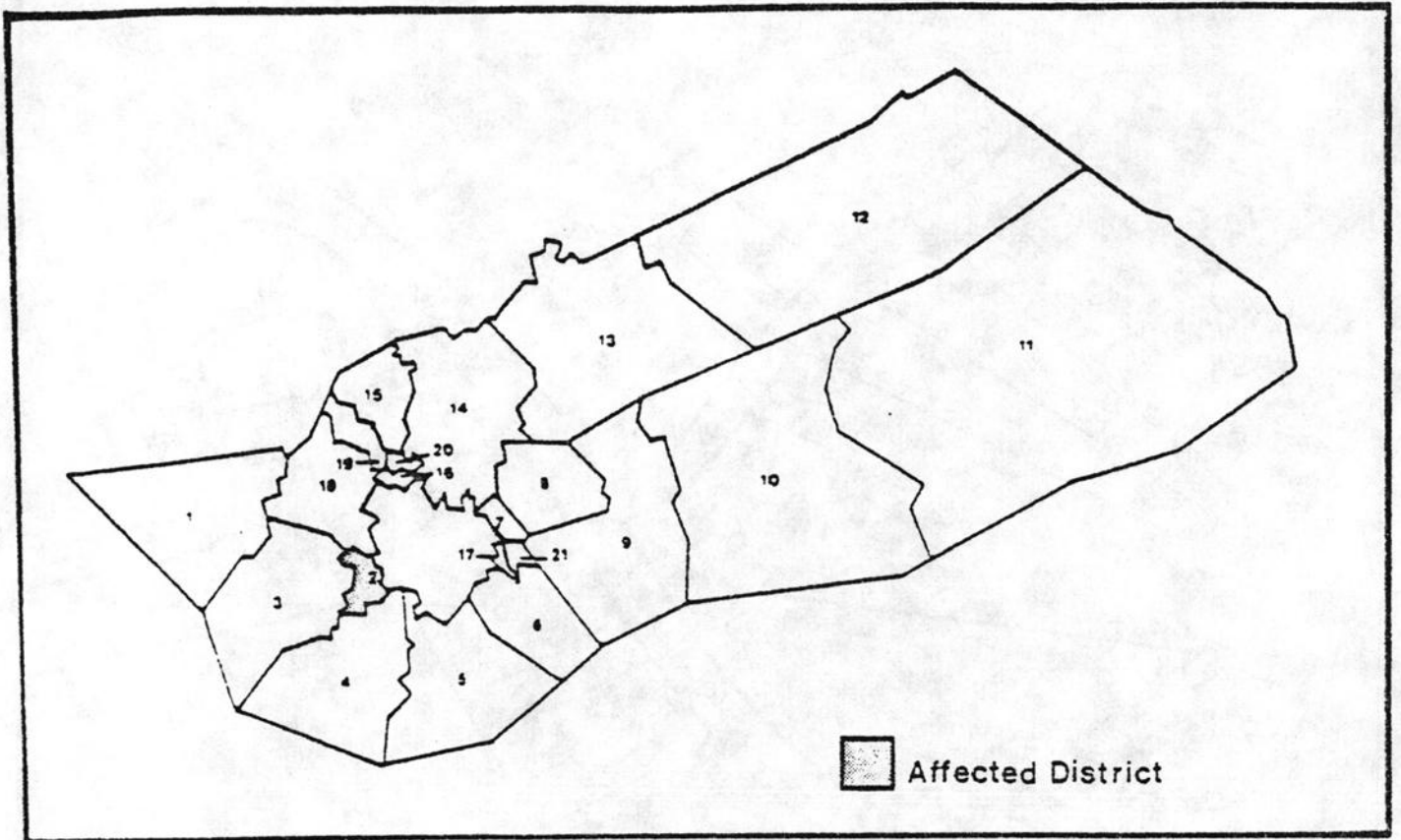
The municipal planning strategy for Timberlea/Lakeside/Beechville designates Lot 12B as Residential. This designation encourages a housing mix and recognizes the need for higher density residential development in serviced areas.

As shown in Map No.3 (p.4) the site abutts a single unit residential neighbourhood to the rear. However, the lot configuration will enable the developer to provide large setbacks, which he has stated he intends to do. Additional screening will be provided by the fact that the elevation of the lot where the building will be constructed is lower than the lots along Hamilton Street. This difference in elevation will ensure that the scale of the building will be in keeping with the abutting residential area to the rear. Furthermore, the neighbourhood will not be affected by increased traffic as access to the site will be by the St. Margarets Bay Road.

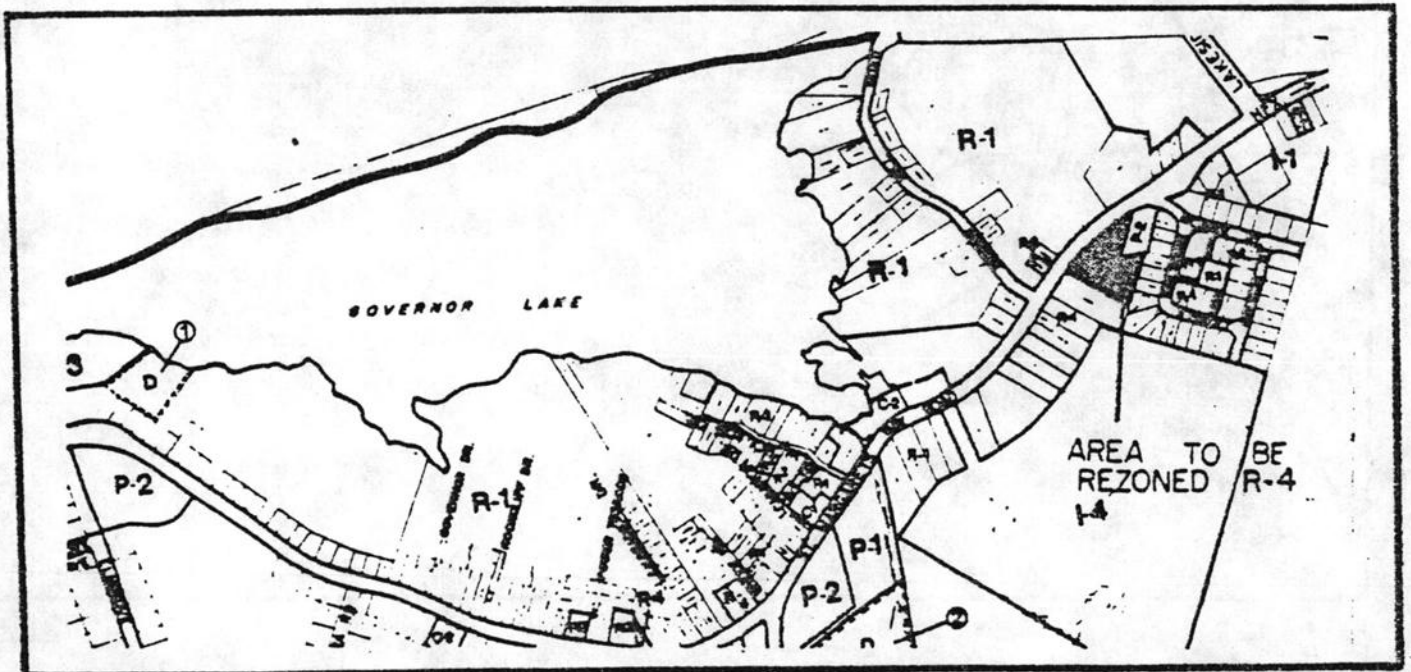
The Department of Transportation has stated that Lot 12B does not appear to have any access problems.

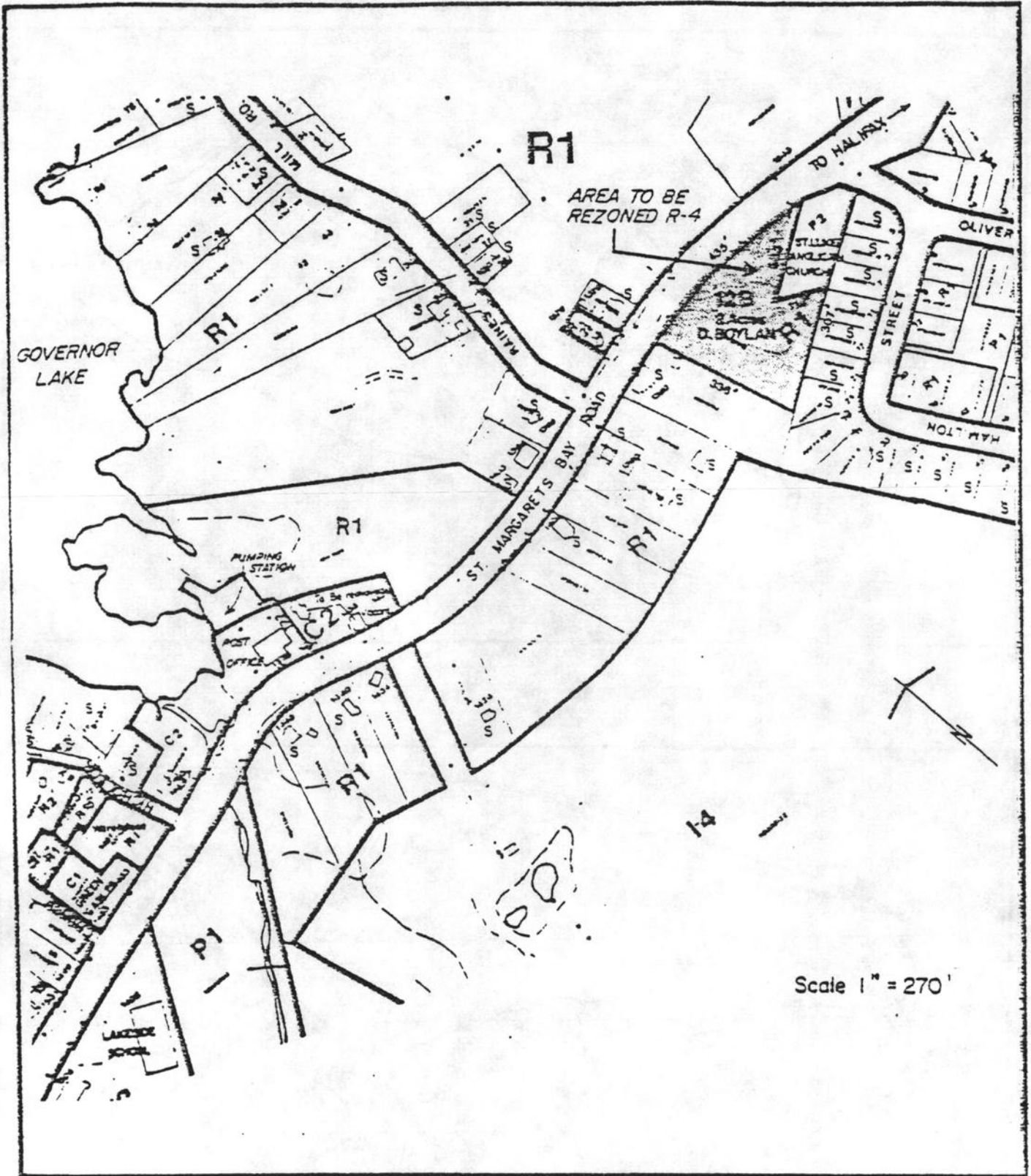
The Department of Engineering and Works has advised that adequate water and sewer services are available to accommodate the proposal.

The Halifax County-Bedford School Board has expressed no difficulty with accommodating additional students in any of the schools servicing the area.



MAP 2





D19

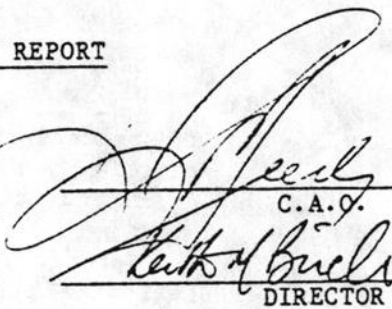
STAFF REPORT

TO: The Planning Advisory Committee

FROM: Dept. of Planning & Development

APPLICATION NO.: RA-SA-01-86-16

DATE: February 25, 1985


C.A.O.
DIRECTOR

RECOMMENDATION

THAT THE REZONING OF A PORTION OF LOT YA8AR-2A1C OF THE LANDS OF O.E.L. LIMITED AND THE LANDS OF OAKDENE ESTATES LIMITED, LOCATED OFF FLORENCE STREET AT LOWER SACKVILLE, AS SHOWN ON MAP 3, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Oakdene Estates Limited to rezone the lands identified in Map 3 (p.4) to R-2 (Two Unit Dwelling) Zone. The purpose of the rezoning is to permit construction of 14 two unit dwellings. The applicant has received tentative approval for the subdivision of the property into 14 lots. The approved lot configuration and road lay out is illustrated on Map 3 (p.4).

Description

MPS: Sackville
Area: Approximately 4.1 acres
Dimensions: As illustrated by Map 3 (p.4).
Features: - Heavily wooded with a mixture of hard and softwood trees.
- Moderate to severe incline leading away from Sackville Drive.
- No visible signs of poor or impaired drainage.

ANALYSIS

The Sackville municipal planning strategy designates this property Urban Residential. While the construction of single unit dwellings continues to be the most active form of residential development within the designation market demands are beginning to redirect this focus towards two unit dwellings. The designation has been structured to permit consideration of a variety of housing types, including two unit dwellings, within the serviced portion of the community. However, in order for these developments

to proceed in a manner that is compatible to the existing single unit residential environment, amendments to the land use by-law are required.

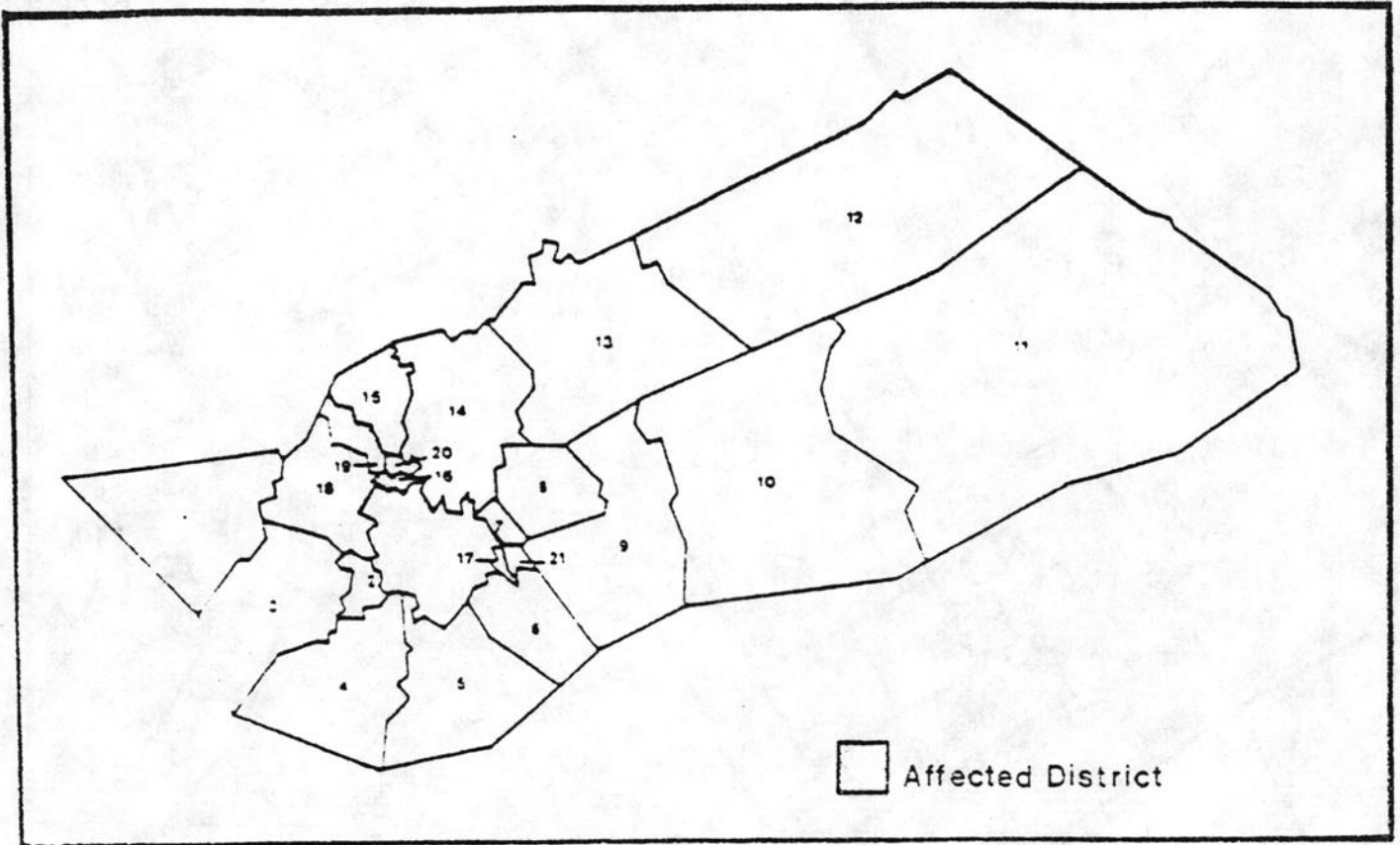
The property is bounded by commercial developments (existing and proposed) to the south and by single unit dwellings along Florence Street and Kaye Street. Lands to the east of the site are undeveloped.

The development will be compatible with neighbouring single unit dwellings for two reasons. First, the depth of the individual lots along the northern side of the proposed road ranges from 121 feet to 194 feet. These depths are significantly greater than the normal residential lot depth of 100 feet and will ensure an adequate separation distance from the single unit dwellings.

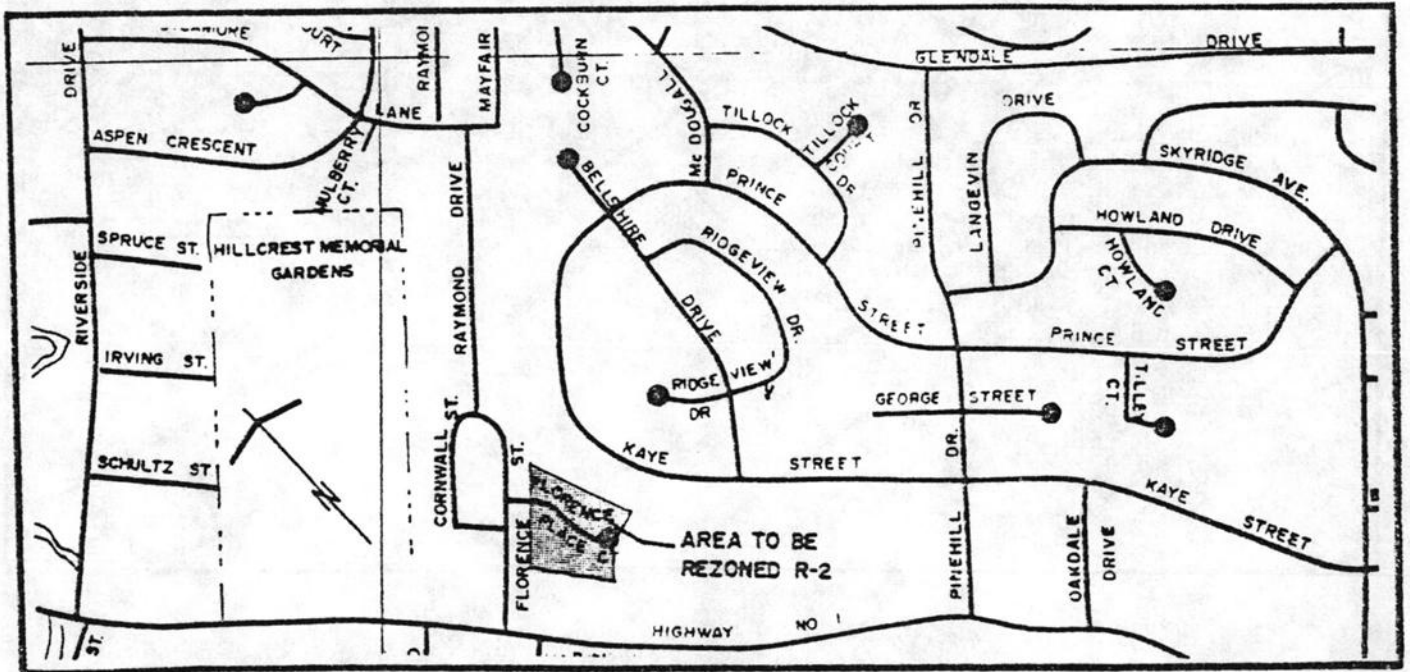
Second, the heavy tree cover will screen the proposed duplexes from existing developments. While some clearing of the individual lots is expected, the developer has stated that he intends to maintain the tree cover on the rear of the properties.

The technical aspects of the proposal have received favourable reviews from applicable municipal and provincial agencies. Specifically, the Department of Engineering and Works has advised that central services are adequate to accommodate the proposed number of units and, the Department of Transportation has stated it has no objections to the rezoning or to the proposed roadway off Florence Street. The Halifax County Bedford District School Board has indicated that the projected number of children from the project can be accommodated.

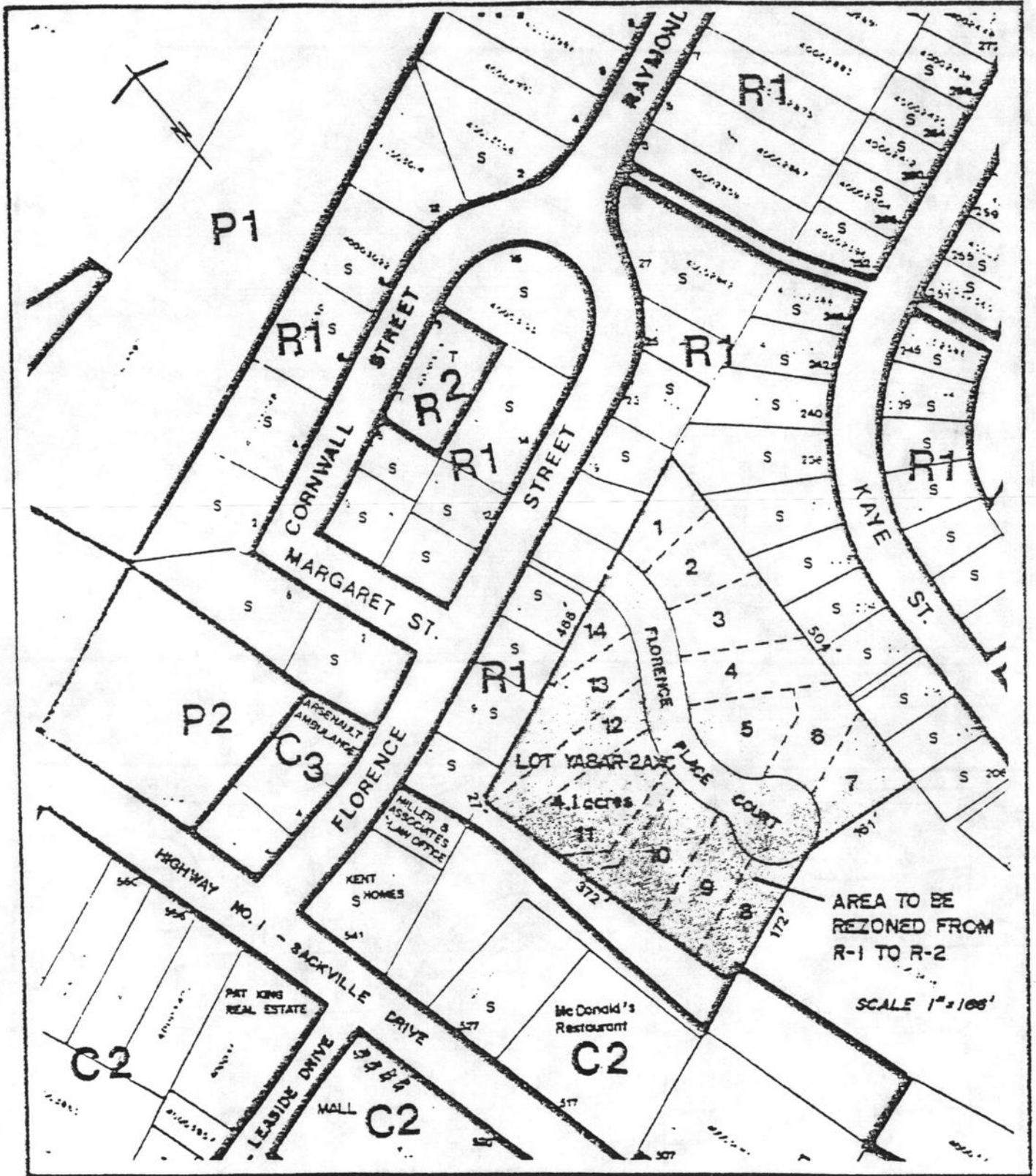
MAP 1



MAP 2



MAP 3



AREA TO BE
REZONED FROM
R-1 TO R-2

SCALE 1" = 100'

D19

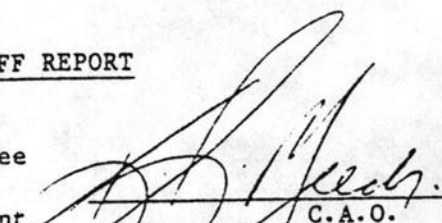
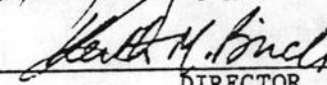
STAFF REPORT

TO: The Planning Advisory Committee

FROM: Dept. of Planning & Development

APPLICATION NO.: RA-TLB-78A-85-02

DATE: February 19, 1986


C.A.O.

DIRECTOR

RECOMMENDATION

THAT THE REZONING OF LOT 12B OF THE LANDS OF EDNA P. COX, LOCATED ON THE ST. MARGARET'S BAY ROAD AT LAKESIDE, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-4 (MULTI-UNIT DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Mr. Nassim F. Ghosn, to rezone Lot 12B of the lands of Edna P. Cox in Lakeside as identified in Map 3 No. (p.4) from R-1 (Single Unit Dwelling) Zone to R-4 (Multi-Unit Dwelling) Zone.

The purpose of the rezoning request is to permit the construction of a multi-unit dwelling. While the number of units for the proposed building has yet to be determined, the area requirements imposed by the land use by-law for Timberlea/Lakeside Beechville limits the potential number to fifty-seven.

Description

Area:	87,120 square feet
Dimensions:	As illustrated by Map No. 3 (p.4)
Features:	- Municipal sewer and water available. - Rises sharply from the St. Margaret's Bay Road to a plateau. - Sparse vegetation
Surrounding Land Uses and Zoning:	As illustrated by Map No. 3 (p.4)

ANALYSIS

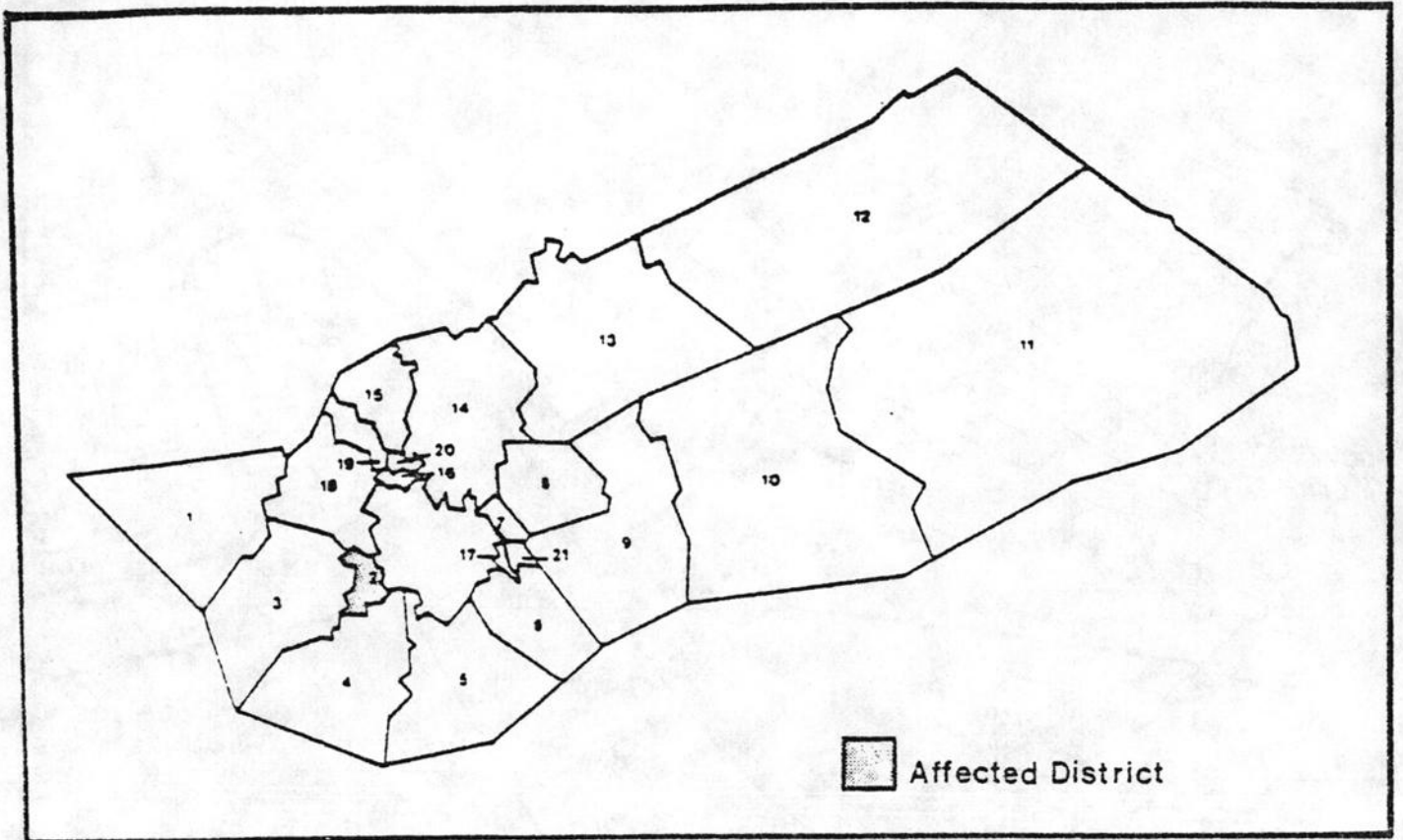
The municipal planning strategy for Timberlea/Lakeside/Beechville designates Lot 12B as Residential. This designation encourages a housing mix and recognizes the need for higher density residential development in serviced areas.

As shown in Map No.3 (p.4) the site abutts a single unit residential neighbourhood to the rear. However, the lot configuration will enable the developer to provide large setbacks, which he has stated he intends to do. Additional screening will be provided by the fact that the elevation of the lot where the building will be constructed is lower than the lots along Hamilton Street. This difference in elevation will ensure that the scale of the building will be in keeping with the abutting residential area to the rear. Furthermore, the neighbourhood will not be affected by increased traffic as access to the site will be by the St. Margarets Bay Road.

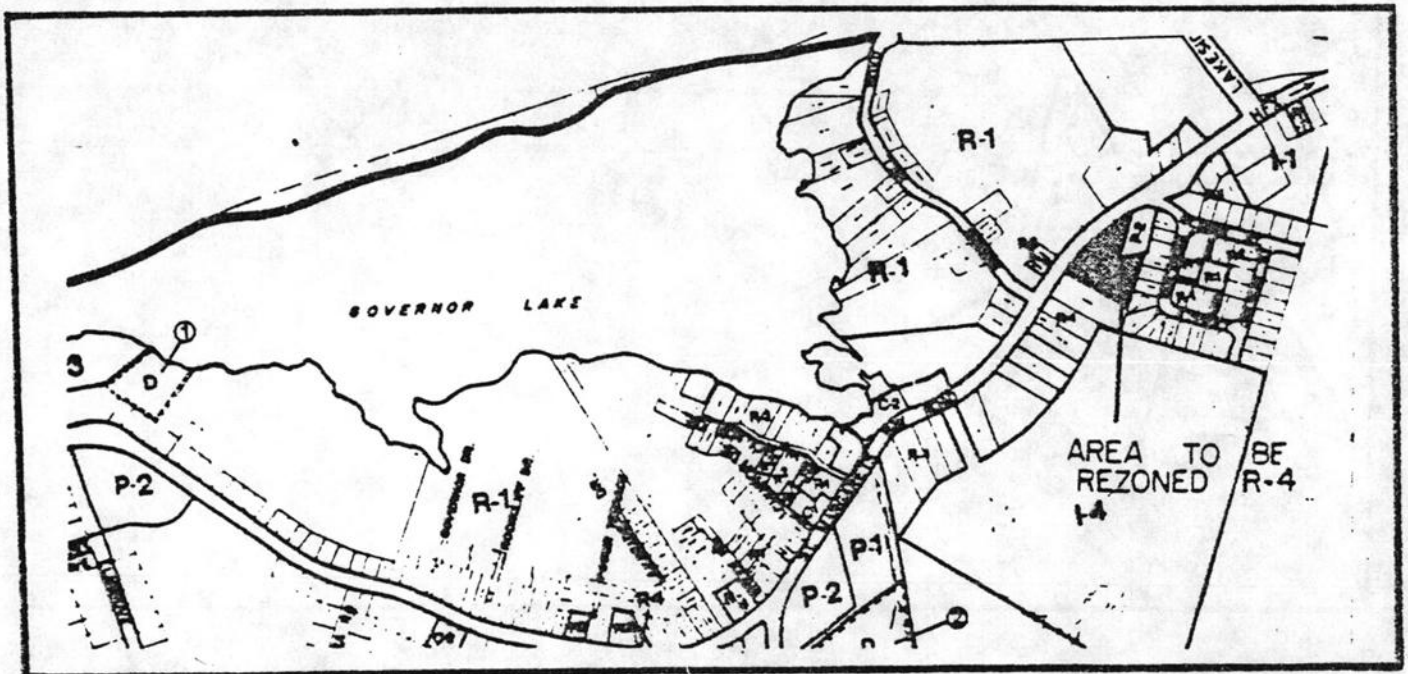
The Department of Transportation has stated that Lot 12B does not appear to have any access problems.

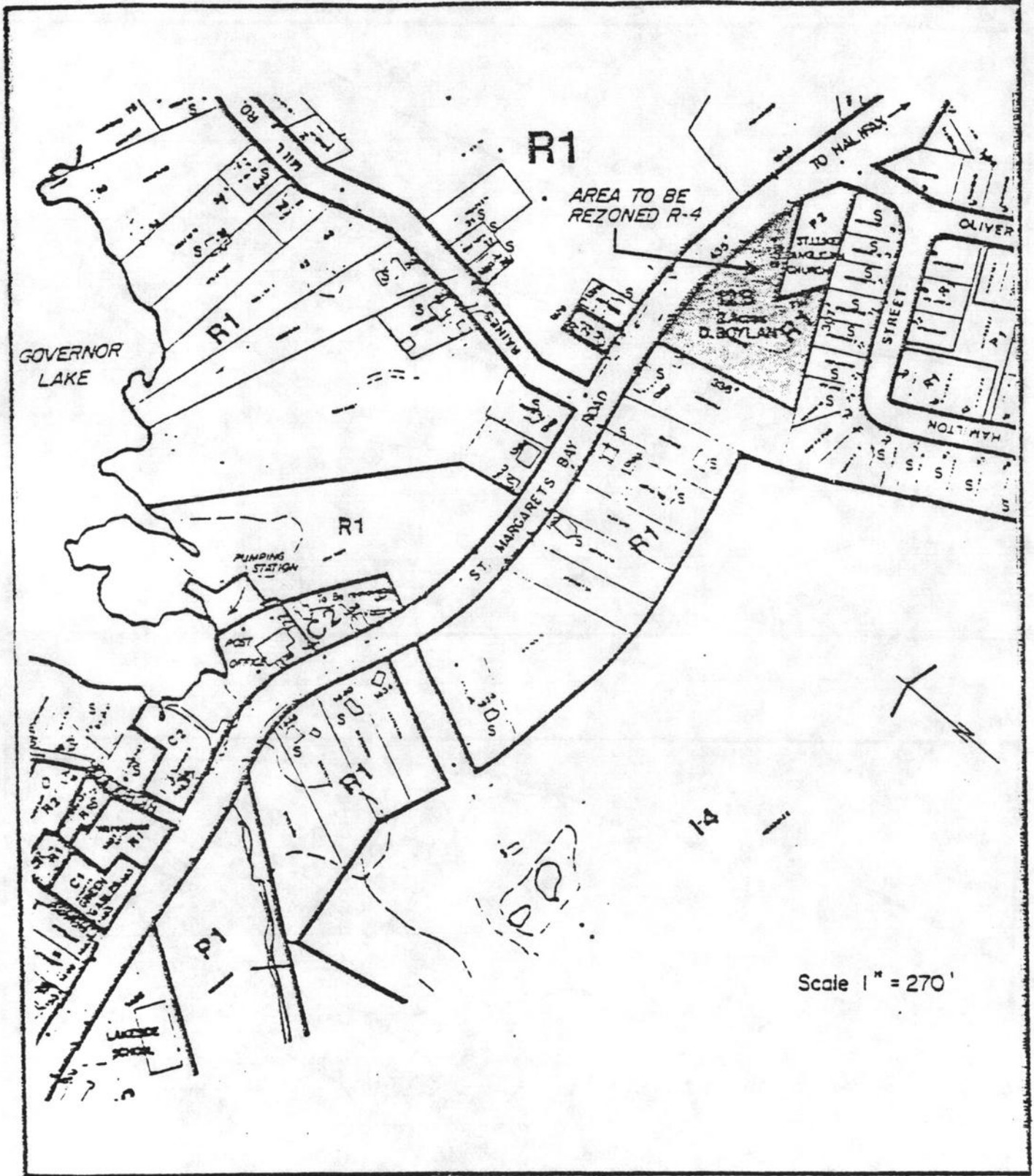
The Department of Engineering and Works has advised that adequate water and sewer services are available to accommodate the proposal.

The Halifax County-Bedford School Board has expressed no difficulty with accommodating additional students in any of the schools servicing the area.



MAP 2





COUNCIL SESSION

MAY 6, 1986

PRESENT WERE: Warden MacKenzie
Councillor Walker
Councillor Poirier
Councillor Fralick
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor MacKay
Councillor McInroy
Councillor Eisenhauer

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

SECRETARY: Glenda Higgins

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

Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Glenda Higgins be appointed as Recording Secretary."
MOTION CARRIED.

APPROVAL OF MINUTES

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

"THAT the minutes of the April 1, 1986 Regular Session of Council be approved as circulated."
MOTION CARRIED.

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

"THAT the minutes of the Public Hearing of April 7, 1986 be approved as circulated."
MOTION CARRIED.

AGENDA ITEMS

Councillor C. Baker - Atlantic Sanitation
- Birchlee Trailer Park

Warden MacKenzie extended a welcome to grade ten students from Sackville High School. Mr. Bob Harvey was in attendance with the group as their teacher in Canada Studies. Warden MacKenzie advised that Municipal Awareness Week is from May 12 - 17, and it was very fitting that this group of students join Council as part of their studies.

MEETING WITH DEPARTMENT OF HOUSING OFFICIALS

Councillor McInroy declared a conflict of interest.

Mr. Clint Schofield and Mr. Jim Graham made a presentation to Council with regard to the amalgamation of the two housing authorities in the County of Halifax.

Mr. Schofield advised they had already met with the Executive Committee. At the time of the meeting with the Executive Committee the proposal had been discussed with everyone involved except two parties. Since that time, the discussions have been finalized. The only change suggested at this time is based on the concern of the Executive Committee. It is with respect to the number of board members proposed. Mr. Schofield advised that at the Executive Committee meeting it was proposed that five members would be appointed from the Municipality, two from the Town of Bedford, and one each from the Provincial and the Federal governments. It has been indicated that more members would be needed. Therefore, it is now proposed that five members would be appointed by Halifax County Council, one member from the Town of Bedford, and three members from each of the Provincial and Federal governments. This would make a slightly larger authority than was discussed at the Executive Committee, but it is believed this will make a better housing authority. Some of the concerns expressed at the Executive Committee meeting were that some areas of the County would not be properly represented. Mr. Schofield advised that his department feel this proposal would be a better one. He stated he is looking for approval from Council to go ahead with this amalgamation. With the number of public housing units in the County now and the number that are planned, Mr. Schofield advised the amalgamation of the two housing authorities would become the third largest housing authority in the province in a very short time. The need to manage those units properly is there, and this is believed to be the right step to take.

Councillor Snow asked if there has been any move by the housing authority to have meetings in the evenings rather than the mornings. Mr. Schofield advised that one of the housing authorities for the County has evening meetings, and the other has meetings in the afternoon. He informed it is the Department of Housing's preference to hold meetings in the evenings so that members from the Department can more easily attend should it be necessary. He felt the amalgamation of the two authorities would make it easier to have evening meetings. The new boards would make the final decision, but it would be the recommendation of the Department of Housing to have evening meetings. He advised that 95 percent of housing authorities have evening meetings.

In response to comments from Councillor Deveaux, Mr. Schofield advised that the present system is set up so that one housing authority is appointed by a nominating committee, and the other housing authority is appointed by Council and the Province. It is proposed not to have a nominating committee with the new authority. It would also be a financial saving. Mr. Graham advised that if two authorities continue to grow at the same rate, there will be parallel organizations, each with its own manager, project manager, maintenance manager, financial personnel, etc. It would be more cost effective to have one housing authority and avoid duplication of staff. Mr. Schofield felt that tenant relations would also be improved. Eventually, there would be need for a tenant's relations officer to visit tenants and work at rectifying problems as they occur.

Councillor DeRoche asked about the term of office for board members. He presumed it would be intended to have a multiple year appointment with the appointments being staggered. Mr. Schofield advised this is the idea. Mr. Graham stated it is intended to ask for staggered appointments on a one, two, or three year term. It would be up to the people providing the names to specify the terms. There would be a staggered board so that in two or three years time the whole board would not turn over. Councillor DeRoche clarified that the board would be on the basis of one representative in relation to the subsystem concept that is in place with the School Board at present. Mr. Graham agreed this would be the case on the part of the County. Five members from the County should allow the County to spread its membership across the County. The nature of the method that provincial representatives and federal representatives get appointed to boards would appear to give geographical representation as well.

Councillor Walker stated that he is opposed to any break-up of the boards as they exist now. If there are to be broken-up, he would like to see them broken into a smaller local area for better representation. He felt there is no reason why there cannot be a number of boards with one administration. He stated he would not support the recommendation.

Councillor Reid stated that he was opposed to this proposal at the Executive Committee level. Most of this opposition arose from the fact that the local representation would be lost. However, with the new proposal to have a 12 member board, he stated he is now willing to support the proposal.

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

"THAT Halifax County Council support the Nova Scotia Department of Housing in their proposal to amalgamate the two housing authorities for the County."
MOTION CARRIED.

Councillor C. Baker thanked Mr. Schofield and the housing authority for the quick start on the senior citizen's home in Herring Cove after talking with him.

LETTERS AND CORRESPONDENCE

Halifax County - Bedford District School Board

Mr. Kelly read the letter from the District School Board advising that the Middle Sackville School had been declared surplus to the needs of the Board, and that it be turned back to the Municipality effective April 30, 1986.

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

"THAT the Municipality accept the Middle Sackville School that has been declared surplus by the Halifax County - Bedford District School Board."
MOTION CARRIED.

Canada Post Corporation

Mr. Kelly advised this letter was received in response to Council's letter of January, 1986 with respect to the continuance of the Post Office in Meagher's Grant. The response to Council's resolution is positive in that regard.

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

"THAT this letter from the Office of the Minister Responsible for Canada Post Corporation be received."
MOTION CARRIED.

Councillor Lichter stated that one sentence in the letter has concerned him. The sentence read "A suitable candidate is being sought among area residents to fill this position." Councillor Lichter stated that for the last three months applications have been taken, and the applicants have been informed when they inquire that the decision has come from Ottawa. However, somebody from the Province since that time is promising the applicants that the successful applicant's name will be released "this week". However, "this week" has been three weeks ago, two weeks ago, one week ago, etc. Councillor Lichter further advised that he has been in contact a number of times with at least one person who cannot even name the individual who is to make the announcement. In the meantime, the retired post mistress must remain on the job. She should have retired at the end of February. The public is also up in arms about what is going on, and the longer it is dragged out, the more speculation there will be.

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

"THAT a letter of thanks be written to the Honourable Michael Coté, and that the letter include that Council would appreciate some kind of action on his part to assure that the appointment will be made soon since all applications and interviews have been underway for some period of time."

Councillor DeRoche stated that it would be more appropriate to direct the latter part of the motion to the Regional Office through whom the appointment should be made. He did not know whether this would be through the regional office in Halifax or Truro. Warden MacKenzie suggested that a copy of this letter go to the regional office. Councillor Lichter advised this would have been his intention if he had been able to finally get the highly confidential information as to who the individual is that this should be directed. However, several telephone conversations had informed Councillor Lichter that it is not permissible to tell anyone who in Canada Post is responsible for holding back on this decision. Councillor DeRoche informed that any inquiries might be addressed to Mr. Ross O'Brien, who is with the regional personnel office for Canada Post, located on Almon Street in Halifax. This is the office that handles all personnel-related matters for Canada Post.

Councillor Lichter and Councillor Reid agreed to change the motion to read:

"THAT a letter be written to the Honourable Michael Coté expressing appreciation, including that Council would appreciate some kind of action to assure that the appointment to the Meagher's Grant Post Office will be made as soon as all interviews and applications have been underway for some period of time, and that a copy of this letter go to Mr. Ross O'Brien."
MOTION CARRIED.

The Canadian Red Cross Society

Mr. Kelly advised this letter was directed to Warden MacKenzie indicating that at the recent annual meeting of the Canadian Red Cross Society a resolution was passed thanking Halifax County for supporting Red Cross over the past years.

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

"THAT this item of correspondence be received."
MOTION CARRIED.

Spartan Equities Ltd.

Mr. Kelly advised a letter dated March 6, 1986 was received from Steven K. Streach, president, Spartan Equities Ltd. indicating that his company has made application to the Nova Scotia Liquor License Board to

operate a beverage room in District 12, Halifax County. Mr. Streach advised that in order for the Liquor License Board to consider the application for a license the Board would require a plebiscite to be held in the district. Mr. Streach asked Council to request the Liquor License Board to conduct a plebiscite.

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

"THAT the Liquor License Board conduct a plebiscite in District 12."

MOTION CARRIED.

PLANNING ADVISORY COMMITTEE REPORT

Application No. RA-SA-74-85-19 to rezone a portion of the Sunnyvale Estates Subdivision - Five Point Development Limited

Mr. Kelly outlined the report from the Planning Advisory Committee advising it is their recommendation that the application be approved and that a public hearing date be set for June 23, 1986.

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

"THAT Application No. RA-SA-74-85-19 be approved and that a public hearing be held on June 23, 1986."

Councillor MacKay stated that Councillor MacDonald had a considerable amount of interest in this application. In his absence, Councillor MacKay asked if this application could be dealt with at the next Council Session and still allow sufficient time for the advertising for the June 23, 1986 public hearing. Warden MacKenzie advised that this can be dealt with at the next Council Session and still be on time for the public hearing on June 23, 1986.

Councillor MacKay did not know if Councillor MacDonald is supportive or in opposition to this application, but felt the matter should be left until Councillor MacDonald is present. Councillor DeRoche advised that Councillor MacDonald was present when this matter was discussed with the Planning Advisory Committee, and he was not supportive of the motion recommending this application to Council. Councillor MacDonald had some serious concerns, and he did present a petition at that meeting. It was suggested to him that it would be more appropriate to present the petition at the time of the public hearing.

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

"THAT Application No. RA-SA-74-85-19 be deferred to the May 20, 1986 Session of Council."

MOTION CARRIED

Application No. RA-CH/W-25-86-21 - Rezoning of a Portion of the Lands of Home East Developments Limited and the Lands of the Estate of Ella B. Shaw, Cole Harbour Road

Mr. Kelly outlined the report from the Planning Advisory Committee,

advising it is the recommendation of the Committee that this application be approved and that a public hearing be held on July 7, 1986.

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

"THAT Application No. RA-CH/W-25-86-21 be approved and that a public hearing be held on July 7, 1986 at 7 p.m."
MOTION CARRIED.

Application No. RA-CH/W-20-86-17 - Amend the Cole Harbour/Westphal Land Use By-law, 95 Circassion Drive, Cole Harbour

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

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

"THAT Application No. RA-CH/W-20-86-17 be approved and that a public hearing be held with respect to this application on June 23, 1986 at 7 p.m."
MOTION CARRIED.

Application No. RA-CH/W-10-86-21 - Rezoning of Lots "A" and "HM", located at and directly behind 1161 Cole Harbour Road, and rezoning of Lot "A", 1153 Cole Harbour Road

Mr. Kelly identified the application, stating the recommendation of the Planning Advisory Committee to Council that this application be approved and that a date for a public hearing be established for July 7, 1986.

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

"THAT Application No. RA-CH/W-10-86-21 be approved and that a public hearing be held on July 7, 1986 at 7 p.m."
MOTION CARRIED.

Application No. F 226-86-05 - Undersized Lot Legislation - Proposed Subdivision of Lots A and B of the John and Mary Power Subdivision, Herring Cove

Mr. Kelly outlined the report and the recommendation from the Planning Advisory Committee.

It was moved by Councillor C. Baker, seconded by Councillor Eisenhauer:

"THAT Application No. F 226-86-05 be approved and that a public hearing be held on May 20, 1986 at 7 p.m."
MOTION CARRIED.

Application No. P 164-86-03 - Undersized Lot Legislation - Proposed
Subdivision of Lot B-1 of the Lands of Harold P. Connor, Mosher's
Island, Glen Margaret

Mr. Kelly identified the application and advised it is the recommendation of the Planning Advisory Committee to Council that staff's recommendation be accepted and that staff be authorized to advertise the proposed undersized lot application once the necessary survey has been completed.

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

"THAT staff's recommendation with respect to Application No. P 164-86-03 be accepted and that staff be empowered to advertise the proposed undersized lot application once the necessary survey has been completed."
MOTION CARRIED.

BUILDING INSPECTOR'S REPORT

Philip Greaves, Porter's Lake

Mr. Kelly outlined the report from the Assistant Chief Building Inspector.

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

"THAT a lesser side yard clearance of six feet be approved at 8 James Roy Drive, Porter's Lake."
MOTION CARRIED.

Charles Collins, Head St. Margaret's Bay

Mr. Kelly advised approval is recommended for a lesser setback of 21 feet at 156 Viewmount Drive, Head St. Margaret's Bay. The application is Charles Collins.

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

"THAT approval be granted for a lesser setback of 21 feet at 156 Viewmount Drive, Head St. Margaret's Bay."
MOTION CARRIED.

Cathy MacRae, Lake Fletcher

Mr. Kelly outlined the report from Mr. Slaunwhite.

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

"THAT a lesser side yard clearance of four feet be granted to Cathy MacRae for property located on the Main Road, Lake Fletcher."
MOTION CARRIED.

Dan O'Toole, Cove Road, Prospect

Mr. Kelly advised approval is recommended for a lesser side yard clearance of three feet at Cove Road, Prospect. The application is Dan O'Toole.

It was moved by Councillor C. Baker, seconded by Councillor DeRoche:

"THAT approval be granted for a lesser side yard clearance of three feet for Dan O'Toole, Cove Road, Prospect."
MOTION CARRIED.

EXECUTIVE COMMITTEE REPORT

Request for District Capital Grant, District 11

Mr. Kelly advised that the Executive Committee recommended approval of a District Capital Grant, District 11 in the amount of \$3,000 for the Port Dufferin - Three Harbours Volunteer Fire Department for the purpose of obtaining stacking chairs.

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

"THAT Council approve a District Capital Grant, District 11 in the amount of \$3,000 for the Port Dufferin - Three Harbours Volunteer Fire Department."
MOTION CARRIED.

Request for Parkland Fund Grant, District 3

Mr. Kelly outlined the report from the Executive Committee.

It was moved by Councillor Fralick, seconded by Councillor C. Baker:

"THAT approval be granted for a Parkland Fund Grant, District 3 in the amount of \$1,500 for the purpose of carrying out improvements to the Tantallon Junior High School ballfield."
MOTION CARRIED.

Withdrawal from Vehicle Reserve Fund

Mr. Kelly read the report from the Executive Committee.

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

"THAT approval be granted for withdrawal of funds in the amount of \$13,000 from the Vehicle Reserve Fund for the purpose of replacing a vehicle for the Engineering and Works Department."
MOTION CARRIED.

Renewal of Temporary Borrowing Resolutions

Mr. Kelly advised there are two temporary borrowing resolutions to be renewed. The first is No. 86-02 sewer, Astral Drive in the amount of \$30,000.

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

"THAT temporary borrowing resolution No. 86-02 sewer, Astral Drive in the amount of \$30,000 be renewed."

Councillor DeRoche asked why a temporary borrowing resolution is being renewed in the amount of \$30,000. He wondered if this is a residue from a previous borrowing that is being formalized. He felt a temporary borrowing resolution was not necessary for such a small sum of money. Mr. Meech informed this is a technical requirement for ministerial approval for the County to make the capital expenditure. There is a remaining balance of approximately \$30,000 that must be funded over a short period of time.

Councillor MacKay stated he understood the temporary borrowing resolution in this amount is for technical reasons so that funding could be obtained through the Municipal Finance Corporation. Mr. Meech agreed the County is technically required to have ministerial approval for capital expenditures that require long-term funding over a period of one year. Temporary borrowing resolutions are issued for a maximum period of one year, and they then have to be renewed. In this instance, there is a balance of funding required for these two projects.

MOTION CARRIED.

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

"THAT approval be granted for the renewal of a temporary borrowing resolution for Waverley water in the amount of \$215,000."
MOTION CARRIED.

STREET LIGHTING REPORT

Mr. Kelly advised copies of the street lighting report were sent to Members of Council with the agendas, and a summary report with certain attachments was also circulated.

Mr. Meech advised that the most recent information is specific recommendations from each of the Urban and Rural Services Committee. The recommendation from the Urban Services Committee suggests that street lighting be an expenditure financed through the general tax rate. The recommendation from the Rural Services Committee suggests that street lighting be financed through a common area rate - assessed to those specific areas that are receiving the service. He further advised that the report done by the special committee was also attached. The membership of that special committee was comprised of Councillor Mont, Councillor Adams, and Mr. Wilson, Director of Finance.

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

"THAT the recommendation of the Rural Services Committee that areas presently receiving the services and any other areas that want to have a common rate do so."

Councillor MacKay asked what the impact will be on areas that are presently have the service and pay the respective area rate. Mr. Meech advised the impact will be 4.2 cents.

Councillor MacKay clarified that this is with keeping the existing lights, and there would be areas included that would be desirous of getting additional lights that may or may not change the proposed general area rate for street lighting. In Sackville all existing areas are lit with the applicable standards. Therefore, the only additional cost would be when new areas develop with street lights. There is much new development in Sackville, and there is additional costs being added each year for the new areas. However, some communities are not lit to this standard, and there would be additional costs in lighting these areas to standard should they so desire. Councillor MacKay felt they would want to be lit to standard because if they are paying the area rate, they will want the service. He asked if there is any way to estimate what the cost might be in some of those areas.

Mr. Wilson informed if a new area comes in, the assessment of that area would also come in to cover the additional costs. He questioned, however, if the assessment would be enough to cover the additional costs. He stated the area rates vary considerably from 2.6 cents to 12.1 cents. Therefore, if the assessment would not cover the additional cost there may or may not be a very slight increase in this rate.

Councillor MacKay commented on District 3 asking if the general area rate would apply to all of the district, although the entire district is not lighted; One thousand lights at \$100 - he asked if this is for the County in total. Mr. Wilson informed if there is a common area rate and new areas are added in any district, only the sections within a certain radius of those lights would be added to the total assessment; it would not be the entire area. This could cause problems because in some districts lights are not on every street, but the area rate applies to the entire district. If this recommendation is carried, some areas now paying for the entire district may want to stop this, which will reduce the assessment.

Mr. Meech stated that it is assumed there are certain areas now where there are no street lights that may decide to have street lights. Therefore, 1,000 lights will be for areas that decide to have street lights, but presently do not have any. The assessment from these joining districts would then be included in the assessment base. Mr. Meech further pointed out that Councillors should be considering 4.2 cents - not 3.8 cents.

Councillor MacKay stated there will be additional costs even if some areas without street lighting opt not to become part of the program; there will be additional costs for infilling. Mr. Wilson stated if an

area does not have a street lighting rate now and they decide to put street lights in, the assessment will have to be added to the \$1,572,000. Councillor MacKay again commented on parts of a district paying the rate but not receiving the service. Therefore, additional lights would be added to these districts with no increase in assessment creating an additional cost. The cost would be higher than 4.2 cents.

Councillor DeRoche asked for clarification of the difference between the recommendation of the Rural Services Committee and the Urban Services Committee. Mr. Wilson informed that Urban Services was that street lighting costs be included in the general tax rate with all districts participating and all assessment covered. Rural Services' recommendation was that only areas receiving street lighting service would pay a common rate. He stated presently 79.4 percent of the assessment is paying a street lighting rate. Councillor DeRoche clarified that those districts not now serviced with street lights would have to come under the total assessment aspect to get street lights. Mr. Wilson agreed. Councillor DeRoche commented that the more heavily populated areas of the County would be burying the larger portion of the street lighting costs and reducing the costs to the less populated areas of the County. Mr. Wilson agreed and stated that if the urban areas went on a common rate alone, they would pay 3.5 cents; if all the rural areas went on a common rate, they would pay 5.4 cents; if there is a combined rate (as per the motion), it would be 4.2 cents. Councillor DeRoche asked how the districts without street lighting could achieve this service under the concept of different common rates. Mr. Wilson advised if a district wanted the service, it would join the common rate, adding to the assessment. This would add to the cost of street lighting, but the assessment would also go up, which would mean a very little if any increase in the common rate for that district. Mr. Wilson reminded Councillors that the motion on the floor is for one common rate for anybody with street lighting services. This rate would be 4.2 cents. If an area wished to have street lights, they would be added to the common rate and the cost of street lights would be added to the cost for the common rate. However, the assessment would also be added. The motion does not refer in any manner to districts wishing to opt out of street lighting services; it refers to districts joining those serviced.

Councillor DeRoche asked if there has been any expression of interest from districts not receiving this service to be added to the serviced area. Mr. Wilson advised that each Councillor would have to advise of this. Councillor DeRoche stated if the Municipality is looking at the total County assessment, the serviced areas should be looked at on this basis.

Councillor Eisenhower informed that he did not support the motion as it now stands. He advised he is in support of the recommendation of the Urban Services Committee. He stated that he now has control over the number of lights he can put in his district. By supporting this motion, Councillor Eisenhauer expressed concern about losing control over costs and the administration of lights in a district. He stated he would support a motion committing the entire Municipality to a general rate.

Councillor Eisenhauer stated he would agree to restrain at ten lights per year if there is a commitment to have a general rate across the County. The Municipality could then work towards servicing areas without street lights. Warden MacKenzie clarified that Councillor Eisenhauer would like to see street lighting financed by a general rate across the entire Municipality, not showing as an area rate on the tax bills.

Councillor Lichter stated he would support the motion. The Rural Services Committee reached this recommendation because members of that committee believed that some districts presently without street lights have no desire to pay a rate for lights they do not want. Councillor Lichter stated he was very surprised to read in the Urban Services Committee minutes that taxing people for street lights through the general tax rate would prevent people from asking questions. He stated he would not hide the cost of street lighting in a general rate. However, street lighting is going to be paid for, it must be shown on the tax bill so the people will know what they are paying for.

Councillor McInroy expressed opposition to the motion. He stated there are weaknesses as pointed out by others, but also doubling the taxes in Cole Harbour for street lights would not benefit anybody. There is already a considerable increase of 11.5 cents. He agreed with the shortfalls of this motion as pointed out by previous speakers.

Councillor Deveaux clarified that District 1, 10, and 13 are not included because they presently have no street lights. He then stated that 1.2 cents with respect to the area rate is not his major concern. However, there are others areas in which he felt he would lose if this motion were carried. He stated he is presently in the process of upgrading the street lighting in his district, and if this motion were passed, it would probably take away much of this ability.

Councillor Reid stated that residents of some areas do not want street lights, and they should not have to pay for them. They also feel they should not have to pay for this service in other areas of the County. The motion is in favour of paying for the service as it is used.

With respect to a district presently without a street lighting program and wanting to join one, Councillor Merrigan asked how the number of lights could be regulated. With this motion it is not known what it will cost if the three districts presently without street lights opt to get this service. He felt there should be a formula governing how many lights would be allowed in new areas. There should be a maximum limited to 4.2 cents times the assessment of the district requesting the lights. From there, this district can obtain street lights as do other Councillors. Councillor Merrigan stated if such a restriction were included in the motion, he would be in favour of it.

Councillor Bayers expressed support for the motion on a common area rate because he does not have any street lights. He did agree with Councillor Merrigan that there should be a formula to determine how many street lights a new area could have. He stated he could not

support the general area rate because it would be forcing street lights on people who really do not want them; even if they did not accept street lights, they would still have to pay in the general tax rate. Councillor Bayers advised that his residents have shown interest in obtaining street lights. However, it is not affordable to District 10 because they do not get their share of operating grants. He felt that based on assessment, District 10 should be getting an operating grant of approximately \$5,993. He advised he cannot get this operating grant because he did not have street lights when the operating grants were distributed. There is \$324,000 coming from the general fund of the Municipality to make up the shortfall of the operating grants. A portion of this money comes from the taxpayers in District 10. He stated if a formula were established entitling him to an operating grant based on the assessment of District 10, it would be affordable to the residents of District 10 to have an area rate and put in their own lights. Based on this, Councillor Bayers stated he would support the common area rate because his district has asked for street lighting. However, there should be a formula to limit the number of lights to newcomers to the system. He requested other Members of Council to support the motion in order to give residents of District 10 the opportunity to receive their portion of the operating grant.

Councillor MacKay advised that when this matter was discussed in January, 1985, he felt street lighting should be covered by a general rate. This would not be to cover anything, but it would be to see that everybody receives the same service and pays the same rate. However, with the proposal as put forth does not have a safeguard to protect the system. Councillor MacKay informed if he had a long stretch of highway with a minimal number of homes on it, and if he were paying the rate, he would want the service as with everybody. However, this motion does not protect against this. He agreed with Councillor Merrigan that there should be some type of mechanism to safeguard this policy. Councillor MacKay went on to say that this matter should be deferred because Councillor MacDonald, Deputy Warden Wiseman, and Councillor Mont were not in attendance, and they probably contribute 30 percent of the street lighting costs.

Councillor McInroy expressed surprise at comments from Councillors opposing a general rate because they do not want to pay for a service they do not want. However, these Councillors turn to Cole Harbour to double their rates in order to subsidize services in other areas. He stated there is no difference between this and the opposition being expressed with regard to this motion. Councillor McInroy felt the matter should be left as it now stands.

Councillor DeRoche pointed out that there is presently no advantage for the majority of urbanized districts to go with a common rate. This would mean an increase on the present area rates for urban areas. Councillor DeRoche agreed with Councillor MacKay that this matter should be deferred until the three absent Urban Service Committee members are present. He stated they have not received information as contained in the updated report because it was only circulated prior to the beginning of this Council Session. This additional information contains two new rates, and it would only be fair to involve these Councillors in the final decision of a common rate or individual area rates.

Councillor Walker stated he has no difficulty with either a general or a common rate. However, he expressed difficulty in understanding urban Councillor's opposition to the recommendation of the Rural Services Committee because when garbage rates went on a common rate, some rural areas experienced a substantial increase. He felt the urban areas should recall this now that the rural areas want some help in obtaining street lights.

Councillor Lichter stated that the rural services made a recommendation on November 1, 1984 with respect to street lighting. It was a recommendation that did not receive much response because it seemed fair to have street lighting grants divided per light. This matter was never discussed by the Urban Services Committee, and the recommendation was abandoned. He spoke with respect to as forthcoming motion of deferral, stating that Councillors could go on deferring the matter until the right combination of Councillors are present to make a decision favourable to one group of Councillors. He stated that both the Urban Services Committee and the Rural Services Committee brought in a recommendation, and each should be discussed under the same circumstances. He stated he would not put any kind of street lighting rate into the general tax rate to cover it from the public.

Councillor Bayers stated he still has problems with the operating grants. He stated he would look after his own street lights with an area rate if he were to receive his fair share of the operating grants based on the assessment per district. He agreed some districts will lose because they are presently receiving more than they should be based on assessment.

Councillor MacKay felt that if operating grants were divided according to assessment, the urban areas would soon receive more than rural areas because they are developing quite quickly. He stated he did appreciate the decrease in the garbage rate, and he would support increasing his rate slightly from 3.9 cents to 4.2 cents if the necessary safeguards were incorporated into this motion. After further comments,

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

"THAT the matter of street lighting be deferred until the next Session of Council."

MOTION DEFEATED.

Councillor Poirier stated that the three absent members are away on County business, and she felt it very unfair that this important issue be decided upon while these people are away on County business.

Council Members voted on the original motion.

MOTION DEFEATED.

Councillor Poirier gave notice of reconsideration.

Councillor Deveaux asked if a vote of reconsideration requires a majority decision of Council or an unanimous vote. Mr. Cragg advised only a majority vote of Council is required.

Councillor Lichter stated that the approval of the 1986 tax rate will be dealt with later in the evening. Therefore, any notice of reconsideration on the street lighting issue will be totally useless because it will then not be included in the 1986 tax rates. It only makes sense to assure that everybody will have enough time to read all the minutes and digest all information provided. In order to do this, the street lighting rates should remain as they are for 1986, and work from the next Council Session to decide what will be done in 1987. Mr. Wilson agreed with Councillor Lichter.

Councillor Poirier advised she was confused as to which motion was being reconsidered. She withdrew her notice of reconsideration.

Councillor Walker gave notice of reconsideration on the original motion.

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

"THAT the operating grants for street lighting be divided amongst all 21 districts based on assessment."

Councillor Bayers informed if this policy is adopted based on assessment, some districts will lose and some will gain. The area rates and budget could then be approved, and it would be affordable for District 10 to put in their own street lights because they would get a share of the operating grants. He further advised he cannot support the budget if there is \$324,000 coming from the general fund and going into the operating grants in order to maintain them as they now stand. Councillor Bayers stated if he cannot achieve getting the operating grants which he and his residents feel is their share, he will resign from Council because he cannot represent what the people want.

Councillor Eisenhower expressed support for Councillor Bayer's intent. However, he felt it too quick to determine a funding formula this evening because there are too many things to be considered. He stated that assessment is not the best method because District 14 will then receive the majority of the operating grants. In every service provided by the County, it is determined what the residents want and what they are willing to pay for, and when the services are installed, the costs are included in the budget figures for the next year. He felt Council is moving too quickly by trying to set an area rate in advance of people deciding whether or not they want them. He saw no harm in debating this at the next Council Session, and it should not provide any delay in the provision of street lights in various areas as agreement comes forth. Next year the costs will be known, and the area rates can be established. Councillor Eisenhower stated that Council will be collecting the money in advance if area rates are set tonight, and there is no need to do this.

Councillor Walker asked if there is \$324,000 coming from the general fund to subsidize areas serviced by street lights. Mr. Meech advised \$324,000 is related to the entire operating grants - not specifically street lighting. This money is also related to grants in lieu of taxes, fire fighting, etc. Mr. Meech further commented that allocating the operating grants based on the percentage of assessment is not equitable in the sense that the district with the higher assessment may have the greater ability to pay. Warden MacKenzie pointed out if this were done some areas with street lights now would have to remove some of the lights because in losing some of their operating grants they would not be able to afford to keep all the street lights.

Mr. Wilson drew Councillor's attention to 33-10 in the budget books, stating that the total amount of grants given are transferred to the areas is \$314,400. However, more is given out in operating grants for the same type of service for which the operating grant is received from the province. The province has also reduced their operating grant by \$37,180; therefore, the figure should read \$351,580.

MOTION DEFEATED.

APPOINTMENT OF DELEGATES TO THE U.N.S.M. REGIONAL MEETING

Mr. Kelly advised the Union of Nova Scotia Municipalities regional meeting will be held in the near future. It is hosted by one of the four local municipalities. Each Municipality is entitled to five voting delegates to the regional meeting, the purpose of this meeting being to examine and report on resolutions to be placed at the annual Union of Nova Scotia Municipalities conference in the fall.

Warden MacKenzie advised the date and location of the meeting have not yet been determined.

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

"THAT the Warden be empowered to name the delegates to the Union of Nova Scotia Municipalities regional meeting."
MOTION CARRIED.

SOCIAL SERVICES DIALOGUE, 1986

Mr. Kelly outlined the report as per correspondence from the UNSM office. He advised the dialogue is to be held in Truro on July 31 and August 1, it has been past practice to appoint one Councillor to attend the dialogue. It is desired to have this appointment made at the UNSM regional meeting.

Councillor Deveaux clarified there would be one appointment from each Council.

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

"THAT Councillor Deveaux attend the Social Services Dialogue, 1986."
MOTION CARRIED.

ACADIA SCHOOL - COUNCILLOR MacKAY

Councillor MacKay advised that some time ago there was a request presented to Council to acquire land in the area of the Old Sackville Road and Sackville Cross Road. This request was to acquire and hold this land until such time as the province was in a position to construct a new primary to grade nine school. After various studies on a couple of parcels of land, the province gave two recommendations. A third parcel of land became available, and the County asked the province to reconsider this particular parcel. They did and decided it was not suitable for a school site because there would be an overhead crosswalk required over Highway 101 to service the Sackville Manor Trailer Court, Scott Edward Drive, Brian Drive, and Walker Service Road. However, these students do not and will not attend Acadia School because they are bused to Hillside Park School. Another reason this site was rejected was because fencing would be required around the school site. Since this report, representatives of the area have talked with the Minister of Education, the Minister of Government Services, and the Minister of Transportation, stating the reasons given for not accepting this site are not legitimate concerns. Councillor MacKay continued that after this dialogue, the Honourable Tom McInnis stated that this site would be considered for a school site if the County were in a position to acquire the necessary land. Also, the Honourable Maxine Cochrane stated that with the pedway not being required, she would give her consent to this approval of this site. Therefore,

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

"THAT the County be empowered to negotiate with four different land owners to negotiate and put under option the necessary land required for a primary to grade nine school, and that the necessary reports come to Council for consideration as to whether or not County Council would acquire it or not."

Councillor MacKay distributed maps of four parcels of land. He outlined the map as presented and asked the County Council negotiate with the owners of the Harpel land, and the two MacDonald parcels. He stated these parcels will comprise approximately ten acres. In the meantime, this land could be put under option with what the owners want for the land, bring the report back to Council. In the meantime, the property could be protected for a short period of time through an option, the report could be obtained from the Province, and from the School Board with regard to the projected population in this school. He felt his should all be done within the next month.

Councillor Lichter asked what the cost was of the two options which were not materialized. Councillor MacKay advised the land that could have been considered was approximately \$1 per square foot; there is 43,250 square feet in one acre. Councillor Lichter asked what the net cost of taking out the option would be. Councillor MacKay understood this did not cost anything; for the sum of \$1 an option was entered into for a short period of time. He advised this is what he is again proposing, suggesting that Mr. Brine, Property Manager, or Mr. Cragg, Municipal Solicitor, could negotiate with the land owners to take under an option for three months for a nominal sum of \$1 per parcel.