

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

"THAT the Redistribution Committee report containing clarification of boundaries between Districts 8 and 9 and between 6 and 9 be approved subject to the minor change as noted by Councillor DeRoche being ratified by Council at the earliest possible opportunity."

MOTION CARRIED

Councillor McInroy indicated he would speak to Councillor DeRoche and Councillor Snow about the boundary between Districts 7 and 14. He also thanked staff for the time and work put into this report.

Councillor Bayers indicated an identification problem between Districts 9 and 10 in the Arnies Drive area. He stated service rates are different between the two districts, as well as the collection of garbage, and this is causing some difficulty. He asked that the Redistribution Committee look into the clarification of this boundary.

There was some discussion about this. Warden MacKenzie stated such submissions should have been made when the Redistribution Committee first began to meet.

Councillor McInroy felt application should be made to the Municipal Board and make representation to them later if it appears to be appropriate. Mr. Meech agreed the application should be submitted to the Municipal Board now, and any new information could be sent to the Municipal Board as an amendment to the original application.

Mr. Kelly requested that Councillors concerned make a formal presentation or submission to the Redistribution Committee.

BURNING BY-LAW

Warden MacKenzie informed that Councillor Lichter had indicated that he does not want his district to be covered under this by-law. Several other Councillors expressed the desire to be exempt from this by-law.

Mr. Turpin informed Sections 1 and 2, the Short Title and Definitions, are straight forward. He informed Section 3 refers to provisions of the Lands and Forests Act, which is now the "Forests Act". This will have to be amended to assure the appropriate sections are referred to.

Mr. Turpin continued to review each section of the proposed by-law.

Councillor Merrigan informed his fire department was only concerned with Section 4(2). The fire department was concerned that this section is quite open with respect to garbage fires. He felt this section should clearly state precautions that should be taken when burning garbage. Mr. Turpin informed at the Fire Advisory Board level it was intended that a 45 gallon drum/incinerator would be a required appliance, although this is not spelled out in this section. Councillor Reid informed that Section 4(2) was added to the by-law

because the last time it was presented to Council there were concerns that Section 4 was too tight. Mr. Turpin clarified that Councillor Merrigan is requesting a definition of precautions against the spreading of fire.

Councillor Adams also felt there should be a definition of household garbage.

Mr. Weir informed that by-laws are meant to be a general overview of a situation. It is usually left to a tribunal, court, or an administrator to determine what it is and is not under a definition. Defining examples in the by-law leaves out all that is not mentioned, which overrides the idea of having the whole section. He felt it dangerous to try to over-define anything in an legislation, as it can be left to the courts.

Councillor Deveaux informed he initiated this by-law with the intent of giving local fire chiefs more jurisdiction into household burning and fires. He expressed no objection to districts opting out of this by-law, although he felt it would do no harm to any fire department or any community to abide by this by-law. With respect to Section 4(2), Councillor Deveaux suggested "necessary" precautions may suit the purpose better than just precautions. He felt Section 6 is very important to the administration of this by-law, giving local fire chiefs a better handle on what it taking place, which is the intent of the by-law.

Councillor Fralick inquired about inshore fishermen who may want to make a fire for the purpose of heating dye. Mr. Turpin suggested that this method of dying is not used much anymore. However, if such a fire were necessary, he felt it would be necessary to obtain a burning permit. Councillor Fralick expressed objection, stating he would not want the fire chief and/or himself to be called everytime a fisherman wants to dye some gear. Mr. Turpin suggested an arrangement could be worked out between the fire chief and the fishermen concerned, such as an appropriate dying mechanism be set up and approved by the fire chief with a long range agreement for burning for the purpose of dying equipment.

Councillor Merrigan referred to Section 4(2) again, asking how this could be governed. He stated it is not necessary to obtain a permit to burn household garbage so there is no means of regulating this type of burning. He felt if this section is not amended, this by-law will not regulate any kind of burning. Mr. Weir responded that the intention is that household garbage shall not be regulated. However, the question of identifying household garbage is a problem. Mr. Weir referred to the Section 23.4 (c) of the Forests Act whereby no offense is committed where a fire is lit by a person for the disposal of household garbage if the fire is confined to a suitable container equipped with a spark arrester and is in an area where there is no brush or flammable material, and precautions are taken against the spreading of the fire. Councillor Merrigan indicated this would be more appropriate as Section 4(2) than what is presented in the proposed by-law.

Councillor MacDonald agreed that the burning of household garbage is difficult to control. He stated lot clearing and more major fires that can get out of control are more of a concern than the burning of household refuse.

Councillor Eisenhauer inquired about Section 3 of the proposed by-law in relation to the Forests Act, and the time frame when the Forests Act will apply. He asked if there are certain times during the summer months when you are allowed to burn. Mr. Turpin informed there are times during the summer months when one can burn, although a Lands and Forests permit is required. He noted the Provincial legislation will supercede this during those times and in those places that the Forests Act specifies (April 1 to October 15) and within 1,000 feet of a wooded area. Beyond those perimetres, the proposed by-law will be effective at all times.

Councillor Eisenhauer stated he does not want to cause a hardship for people who work in the woods and want to make fires for their coffee or tea. Mr. Turpin informed that Section 4(3) provides that they are able to make fires for cooking or obtaining warmth if it is made in a suitable place with suitable precautions. He suggested somebody who works in the woods all the time would find this acceptable.

Councillor Eisenhauer stated communities with volunteer fire departments may find it difficult to get in touch with the fire chief because they have other employment. He asked if there should be concern that these people will be set-up to break the law - not intentionally, but because they will not have the ability to get the permit. Mr. Turpin responded that fire departments meet on a regular basis, and most of them have members that are readily accessible in the community. Therefore, it is most often possible that an arrangement could be made to have permits available on meeting nights or through specified members available in the community. Councillor Eisenhauer suggested if this is a problem for a particular fire department, the permit should be available from the County building or from another fire department in the vicinity that can issue the permit. Mr. Turpin stated the only other alternative would be an appeal to Council if the person cannot get a permit. He stated this may be putting somebody in the position of breaking the law because it is expedient. Councillor Eisenhauer expressed difficulty with this because people should not be set up to break the law even though they know they are doing the right thing. He felt there should be some commitment that a permit will be available from some source at any given point in time.

Councillor McInroy agreed the intention sought through this by-law are most applicable in the urban areas. He stated burning in yards adjacent to neighbours who may have chemicals in their shed, etc. or major fires for land clearing, etc. can be a problem in the urban areas. He felt some reference to a container in Section 4(2) would address his concerns. He stated the fire department and residents in Cole Harbour are supportive of this by-law with some kind of reference to a container for burning household garbage and refuse. Councillor McInroy inquired about the meaning of harsh material in Section 4(2). Mr. Weir suggested from reading the Forests Act that this is meant to say brush or flammable material. Mr. Turpin agreed.

Councillor Rawding felt the definition of garbage should not be left to the judgement of the courts. He felt the by-law should carry out the intentions of Halifax County Council. He expressed difficulty with the drafting of the by-law, specifically with respect to Section 4(1). He stated there is no mention in this section concerning outdoor fires, as there is in Section 5. He felt one of the other should be incorporated with each other and tightened out. He suggested Section 4(1) should refer to no outdoor fire rather than simply a fire. Councillor Rawding also expressed agreement with Councillor McInroy and Councillor Merrigan with respect to Section 4(2). He also stated the precautions in Section 4(3) should recite the necessary precautions as given, and the necessary precautions should coincide with the conditions where more than one person may be required to supervise a grass fire. He expressed difficulty defining grass as household goods, which is the only manner in which this is legal.

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

"THAT the Burning By-law be referred back to the Fire Advisory Board and that all Council Members be notified of and invited to the meeting of the Board when the By-law will be discussed."
MOTION CARRIED

AGENDA ITEMS

Councillor Randall - Speed Zone, Conrad Settlement

Councillor Randall presented two copies of a petition to Mr. Kelly. The petition was to lower the speed limit in Conrad Settlement, District 9. He reviewed the wording of the petition, requesting the speed limit be lowered to 50 kph from 70 kph. He indicated that Conrad Settlement is a growing community with predominantly young families with children.

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

"THAT a letter and the petition be sent to the Minister of Transportation requesting that his department seriously consider this request before a serious accident occurs;

ALSO THAT a copy of this letter and the petition be sent to the Hon. Tom McInnis, MLA for Halifax-Eastern Shore."

Councillor Randall indicated people presently exceed the existing speed zone, and the lower speed will also be exceeded. However, if it is lowered, the people slow down. He also indicated increased police surveillance will also be sought for this road. He stated the petition represents all of the residents in Conrad Settlement with the exception of one who could not be reached.

MOTION CARRIED

Councillor Deveaux - CN

Councillor Deveaux stated there is a problem around the Autoport area in Eastern Passage because trains are made at Autoport in the middle of the night. He stated this is close to many homes in the Hines Road area. He stated the trains blow their horns in the night which is disturbing to the residents. He questioned the necessity for the blowing of the horns at this hour in the night.

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

"THAT a letter be sent to CN authorities, with a copy to be sent to the Manager at Autoport, requesting that restraint be taken with regard to blowing the horns on the CN trains that commute to and from Autoport during the silent hours."

There was some discussion about this. Several Councillors indicated it may be necessary for the trains to blow their horns. Councillor Deveaux stated the letter should be written, and if it is necessary, CN should communicate this in a response.

MOTION CARRIED

Councillor Deveaux - Pit Bull Dogs

Councillor Deveaux informed there have been problems with pit bull dogs recently, and he had received calls regarding this.

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

"THAT the issue of problems with pit bull dogs be referred to the Executive Committee.

MOTION CARRIED

ADDITION OF ITEMS TO THE JULY 21, 1987 COUNCIL SESSION

None

ADJOURNMENT

Warden MacKenzie advised he would be away from the office until July 21, 1987.

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

"THAT this Session of Council adjourn."

MOTION CARRIED

COUNCIL SESSION

JULY 21, 1987

PRESENT WERE: Warden MacKenzie
Councillor Walker
Councillor Rawding
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Merrigan
Councillor MacKay
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman
Deputy Warden Mont

ALSO PRESENT: Ms. Valerie Spencer, Acting 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.

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

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

APPROVAL OF MINUTES

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

"THAT the minutes of the Council Session, June 16, 1987,
be approved as circulated."
MOTION CARRIED

EMERGENCY AGENDA ITEMS

Councillor P. Baker - Social Services Department
- Immigration

Councillor MacDonald - Speed Limit, Sackville Drive

Councillor Merrigan - Suburban Paving

LETTERS AND CORRESPONDENCE

Department of Transportation

Mr. Kelly reviewed this item of correspondence acknowledging receipt of Council's letter concerning traffic lights at the intersection of Highway No. 2 and Bayers Lake Industrial Park.

Councillor P. Baker commented that it is appreciated that a reply without sarcasm is received, although there are no promises.

Warden MacKenzie suggested that this matter be followed up to see that Council does get a response shortly.

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

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

Department of Transportation

Mr. Kelly reviewed this letter respecting the installation of sidewalks along the Old Sackville Road.

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

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

Councillor Merrigan inquired about the letter which was sent to the Department of Transportation on behalf of Council. He was informed it was in the agenda after the letter was sent. Councillor Merrigan stated many times a quick response is not received, and Councillors cannot recall the letter which was sent. He suggested the letter from Council be included in the agenda when the response is received.

There was some discussion concerning this. Councillor DeRoche felt the letter should be included in the agenda once it is sent to ensure that the intent of Council's motion was implied in the correspondence.

Warden MacKenzie asked if the letter could be included with the response. Mr. Kelly informed this could be done.

MOTION CARRIED

Department of Transportation

Mr. Kelly reviewed this letter, indicating that authorization has been given for the installation of flashing lights at the intersection of Trunk 2 and the Fall River Road.

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

"THAT this item of correspondence be received."

Councillor MacKay noted that it took much of Councillor Snow's efforts to have this light installed, and he suggested a letter of thanks should be sent to the Minister in appreciation of this response.

Councillor Lichter and Councillor DeRoche agreed to incorporate this into the motion, which now read:

"THAT this item of correspondence be received;

AND THAT a letter of appreciation be sent to the Minister of Transportation for this response."

MOTION CARRIED

Department of Lands and Forests

Mr. Kelly read this letter, advising that available park development funds have been fully allocated for 1987, but staff have been instructed to complete any required planning in time to include proposals for development of Hayes Garden, Herring Cove in budget proposals for 1988/89.

Councillor C. Baker informed that he had expected this response because he read that the Department of Lands and Forests had given the Town of Bedford funds for a park.

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

"THAT this item of correspondence be received."

MOTION CARRIED

Department of Housing

Mr. Kelly reviewed this correspondence. He noted that a number of senior citizens units have been constructed throughout Halifax County, totalling 1972 units in Halifax County. The letter advised that seniors units planned for the County of Halifax are not located in District 4, although careful consideration will be given to this district if additional units become available.

Councillor P. Baker stated the western section of Halifax County is getting nothing but run around from the Department of Housing.

Councillor MacKay questioned the figure of 1972 seniors units for Halifax County. He suggested this figure might be the total of the four metro municipal units, but not Halifax County alone.

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

"THAT a letter be written to the Minister of Housing asking for identification of the 1972 seniors units in Halifax County;

ALSO THAT the Minister of Housing be reminded of the commitment made in the Council Chambers by the Department of Housing with respect to senior citizens housing in Districts 3 and 4."

Councillor Fralick felt District 3 should be added to the resolution because there were supposed to be units in this area, as well. He stated there are 164 members in the seniors club in his district, and he felt seniors units would be well accomodated.

Councillor Walker stated anywhere in the wester subsection of the County has this problem. He stated Hubbards is the only area in the western subsection that qualifies under the Department of Housing's criteria, and Hubbards has a senior citizens complex. He stated several studies have been requested, but there is no response. He stated there is a need to change the criteria before anything can be done. Councillor Walker continued that seniors do not want to move to another community for these services; they want to stay where they have been all their lives.

Councillor P. Baker stated there was a feasibility study done in District 4, and he was told District 4 met the required criteria. He stated District 4 has the requirements and all the services, and the site has been selected, and the people have been notified of this. Therefore, something is wrong somewhere, and this should be investigated.

MOTION CARRIED

Department of Transportation

Mr. Kelly advised this letter is in response to Council's letter concerning the old elm trees at the intersection of the Beaverbank Connector and the Old Sackville Road. The letter advised the removal of the trees were necessary to make way for the reconstruction of that intersection and the placement of the requested sidewalks.

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

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

Minister of Employment and Immigration

Mr. Kelly reviewed this letter with respect to the training program for young people supported by Halifax County. The letter reviewed available programs, suggested that all interested municipalities communicate with their local Canada Employment Centre to obtain additional information on the programs which may be available.

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

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

Municipality of East Hants

Mr. Kelly reviewed the memorandum from Mr. Neville Glover, Clerk and CAO at East Hants, as well as a resolution for presentation at the Annual Meeting of the UNSM in September.

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

"THAT the resolution from the Municipality of East Hants concerning costs of providing municipal services be endorsed by Halifax County Council;

AND FURTHER THAT Halifax County Council support this resolution being sent to the UNSM Annual Meeting in September."

Councillor DeRoche also asked that this resolution be directed to the County's voting delegates at the Annual Meeting. Warden MacKenzie advised that these delegates have not yet been selected, but he would forward this resolution to them when they are chosen.

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

Municipal Development Plan and Zoning By-law for Districts 15, 18 and 19

Mr. Kelly reviewed the report.

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

"THAT the Committee of the Whole meeting to discuss the Municipal Development Plan and Land Use By-law for Districts 15, 18, and 19 be changed from July 22, 1987 at 7 p.m. to August 19, 1987 and that the public hearing date of September 14, 1987 be confirmed subject to the recommendations from the Committee of the Whole Session."
MOTION CARRIED

Deputy Warden Mont reminded that a meeting will still be held on July 22, 1987 to continue the discussion on the Halifax Harbour Study by MAPC.

SUPPLEMENTARY PLANNING ADVISORY COMMITTEE REPORT

Application No. P 525-87-01 - Wallace and Valerie Boutlier, Undersized Lot

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

"THAT Application No. P 525-87-01 be approved by Municipal Council and that a public hearing be held respecting this application on August 18, 1987."
MOTION CARRIED

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

"THAT fees for the public hearing advertising costs for all undersized lot applications be waived."

Councillor DeRoche expressed objection to this resolution. He felt it would not be fair to waiver the fee for undersized lot public hearings because they are only for areas that are not covered by a plan. Areas that are under a plan, must continue to pay for their public hearings, which does not seem fair.

Councillor Lichter stated there are inequities in the system; the cost of a public hearing and paying Councillors remuneration and mileage is absorbed by all the County, although only parts of the County are zoned. He advised the rationale behind this recommendation is that undersized lot applications are dealt with at a Council Session with a savings of \$1,500 to \$2,000 because Councillors do not have to make a special trip or hold an individual meeting for them. Therefore, it was felt Council could endorse the exemption of this fee, which would amount to a maximum of \$500. He stated this could have been done years ago when there were no plans, and it is nobody's fault that it did not come then. He stated it has come up now, and it does have some merit, so it was felt this can save a substantial amount. He advised the exemption will amount to a maximum of \$5,000 because there is a total of approximately ten applications per year.

MOTION CARRIED

Application No. RA-EP/CB-05-87-06 - Rezoning of the Lands of Donald Williams, Flandrum Hill Subdivision

Mr. Kelly reviewed this report.

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

"THAT Application No. RA-EP/CB-05-87-06 be approved and that a public hearing be held on August 17, 1987 at 7 p.m."
MOTION CARRIED

CHIEF BUILDING INSPECTOR'S REPORT

M. Foley, Middle Sackville

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

"THAT approval be granted for a lesser setback of 26 feet at 165 Lakeview Avenue, Middle Sackville for applicant Michael Foley."

MOTION CARRIED

REPORT OF THE DEVELOPMENT OFFICER

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

"THAT the report of the Development Officer be received."

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Former Harbourview School

Mr. Kelly reviewed the report.

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

"THAT the Municipality enter into a ten (10) year lease agreement with the option to renew at the rate of \$1 per year with St. Andrews Church, Spry Harbour for the former Harbourview School."

MOTION CARRIED

Funding Emergencies, EMO

Mr. Kelly reviewed the report and the recommendation of the Executive Committee with respect to this matter.

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

"THAT Council authorize the Chief Administrative Officer, or a delegate in his absence, to authorize a municipal department or employee to expend funds when necessary in the event of an emergency situation with the provision that a meeting of the Emergency Measures Committee be held at the earliest opportunity."

Councillor DeRoche felt there should be a limit to the amount that can be expended. He also stated that an emergency cannot be declared until a meeting of the Emergency Measures Committee because it is that body that declares the emergency.

Councillor MacKay stated it would be very difficult to determine what amount of money may be required in an emergency situation, depending on the type of emergency. He stated he would support the motion on this basis.

Mr. Cragg indicated no difficulty with the wording of the resolution, although he stated he could not comment on the wording of Federal and/or Provincial legislation with respect to this matter. He stated there is no special legislation to deal with this Provincially.

Deputy Warden Mont stated he cannot agree with Councillor DeRoche's argument because a specific figure cannot be pinpointed. He informed that the motion intends that a meeting of the Emergency Measures Committee will be called as soon as possible, but an expenditure may be necessary before this meeting can be held.

Councillor Wiseman stated she was of the understanding that an emergency cannot be declared by anyone other than the Warden. Therefore, she felt the expenditure of emergency funds would also be the Warden's responsibility in association with the declaration of the emergency.

There was much discussion concerning this matter. Deputy Warden Mont suggested if it is a problem to delegate this authority to staff, it could be changed to the Warden. Mr. Cragg objected, stating the Warden does not have the power to expend these funds. He stated the County has a by-law to deal with emergencies, which states that the County must appoint an emergency planning officer, who is Mr. Gough at the present time. Mr. Gough is responsible for carrying out the policies of the organization and Council, and he is authorized to expend funds as and when it is deemed appropriate. He stated the resolution in question refers to the Chief Administrative Officer or his delegate, and it is assumed the delegate is the Emergency Measures Organization Officer. He stated the Chief Administrative Officer and Mr. Gough will certainly be accountable for the expenditure of any funds.

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

"THAT the matter of funding emergencies be referred back to the Executive Committee for review with the Municipal Solicitor."

Councillor DeRoche suggested the Executive Committee seek guidance and advice from a Mr. Osborne. He stated there may be new legislation before the House that will impact the entire operation of Emergency Measure, and Mr. Osborne would be familiar with this.

MOTION CARRIED

Royal Bank of Canada Banking Services and Charges

Mr. Kelly reviewed this report.

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

"THAT the Municipality accept the Royal Bank proposal to renew the existing agreement with the Royal Bank for a further period of two years in accordance with the service fees outlined in the report."

Councillor Fralick asked why this agreement is proposed for two years, rather than three as it was in the past. Mr. Kelly informed this was the recommendation of the Director of Finance. Councillor Fralick expressed no objection this this, but he felt a one year agreement would be better.

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

"THAT the aforementioned resolutions be amended to an agreement for one year in accordance with the service fees outlined in the report."

Councillor Reid advised it was noted at the Executive Committee meeting that these rates are guaranteed for two years, and they are lower than they have been recently.

Councillor Fralick felt the rates may get even more competitive, and he felt the amendment should proceed.

AMENDMENT DEFEATED

ORIGINAL MOTION CARRIED

Requests for Grants

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

"THAT approval be granted for a District Capital Grant, District 2 in the amount of \$3,500 for the Lakeside Fire Department."
MOTION CARRIED

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

"THAT approval be granted for a District Capital Grant, Districts 8, 9, 11, 12, and 13 in the amount of \$1,000 each and a District Capital Grant, District 10 in the amount of \$2,000 for improvements to the Eastern Shore Recreation Centre."
MOTION CARRIED

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

"THAT approval be granted for a District Parkland Grant, District 14 in the amount of \$3,106.25 for improvements to the Lockview Road playground, Fall River."
MOTION CARRIED

RESOLUTION, RE SIDEWALK CONSTRUCTION - AGREEMENT 1-K

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

"THAT the agreement with the Minister of Transportation for sidewalk construction on Caldwell Road, Hugh Allen Drive, and Colby Drive be endorsed."

Councillor Walker clarified that this cost will be from the area rate. He felt this should be included with the approval.

MOTION CARRIED

METROPOLITAN AUTHORITY REPORT - COUNCILLOR McINROY

This matter was deferred in the absence of Councillor McInroy.

EMERGENCY AGENDA ITEMS

Councillor P. Baker - Social Services Department

Councillor P. Baker stated he has been advised that there is a proposal to have a number of municipal employees from the Social Services Department transferred to offices at the Cobequid Multi-Service Centre in Sackville because there is more space there. He asked for clarification, noting this is to take place the first part of August.

Ms. Spencer informed that Mr. Mason had advised her there is additional staff coming to the Social Services Department, and there is a space problem here. In conjunction with Mr. Meech, there has been a re-organization. She stated she could prepare a report on the actual numbers and individuals involved.

Councillor P. Baker felt all Councillors should have been informed about, and he stated he would expect a report at the next Session of Council. He also expressed hope that the move will not take place until there are some answers.

Ms. Spencer advised the information would be made available to all Councillors with respect to this.

Councillor Deveaux felt the extra expenses involved with this move should also be made available, including additional mileage for social service workers. Warden MacKenzie stated he would ask that Mr. Mason have this information available to Councillors for discussion at the next Council Session.

Councillor Walker stated that nothing should be done until Council has given approval to proceed with this re-organization.

Ms. Spencer stated she would try to stop this if it has not already been done.

Councillor P. Baker indicated that long distance calls is another concern that should be taken into consideration as this may cause the number of long distance calls to increase. Councillor Lichter noted that the Municipal offices have been instructed to accept all collect calls from within the County.

Councillor P. Baker - Immigration

Councillor DeRoche declared a conflict of interest.

Councillor P. Baker noted that several political parties have expressed opposition to the refugees being here, and he expressed agreement. He stated these refugees did not get here for nothing because it cost them many dollars to get on the boat that brought them here. He felt Halifax County and other local governments should take immediate action to have these immigrants removed from the country without any noise. He stated if they can legally, he would be more than willing to help accomodate them, but they must not think they can buy their way here.

It was moved by Councillor P. Baker, seconded by Councillor Merrigan:

"THAT the Minister of Immigration be called upon by telegram to take immediate action to have the refugees expelled from Canada without delay."

Deputy Warden Mont stated he could partially agree with Councillor P. Baker. He expressed concern about how they got here, while there are others waiting to get into Canada legally. However, we are a system of law, and we have to abide by that. It will be up to the courts and the Minister to determine if these people are refugees and whether or not they should be allowed to stay. He stated it is understanding that people are upset by this, and he urged a speedy process and that those who are not refugees be sent back. He felt the Federal government should be urged to hurry this process, although he stated he would not support the motion.

Councillor Merrigan stated these people were smuggled into the country, and he questioned if they have any rights. He stated it must be determined if they broke the law in getting here. He was of the opinion they have broken the law, and those who want to come here legally are being made to wait. He stated we are requesting people to break our laws by allowing this to happen.

Councillor Deveaux indicated he would support the motion. He stated we are supposed to help fellow man and be good Christians, but the line must be drawn somewhere. He stated nobody knows where this will end if it is allowed to continue now. He stated the argument was made that it was impossible to see the boat due to fog, but he felt this is unrealistic because radar has been around for a long time, and this is no excuse.

Councillor MacKay expressed agreement with Deputy Warden Mont. He stated there is a due process of law, and we must abide by that. He stated he can understand people wanting to come here to enjoy the highest quality of life there is, and he stated it is understanding that they will take whatever measures they can to get here. He also agreed that it may be the ones with the most money that can do this. He felt the immigration laws should be reviewed to better deal with a situation such as this. He stated he would not support the motion.

Councillor Lichter expressed surprise that this issue would come up at Council. He stated nobody knows anything about what is going on. He stated we do not know if these people are legal or not, and he agreed that this should be left to the law and the Immigration Department. He stated we cannot put them under the pressure that this motion proposed to put them under as these people may or may not have paid to come here. Councillor Lichter stated he is not offended that the law must take its course, although he waited his time to come to Canada legally. He stated Members of Council should carefully consider this motion before it is dealt with. He stated this is a matter of federal jurisdiction, and they should make a just decision without any political pressures.

Councillor Rawding expressed agreement with Councillor Lichter. He felt the entire issue has been blown out of proportion with too much time and efforts being spend on the topic. He felt these immigrants are not bad because of the manner in which they got here, and those who brought them here are facing charges. He stated there is a shortage of funds for coastal surveillance and Canadians fishing rights are violated every day. Councillor Rawding concluded that the claims must be processed according to legal process, and we have elected our people to do this. He expressed difficulty with the resolution.

Following further discussion, Warden MacKenzie called for the question on the motion.

MOTION DEFEATED

Councillor MacDonald - Speed Limit, Sackville Drive

Warden MacKenzie noted there has been a request to have the speed limit lowered along Sackville Drive several times now, and he suggested this should be referred to staff for review and a report.

Councillor MacDonald agreed this request has been sent to the Department of Transportation on a number of occasions, and he noted the Business Improvement District Committee in Sackville is now making efforts to have this limit reduced from 70 kph to 50 kph. He agreed that staff should study this.

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

"THAT the matter of a reduced speed limit for Sackville Drive be referred to staff for review and a report to Council."

MOTION CARRIED

Councillor Merrigan - Suburban Paving

Councillor Merrigan expressed hope that the resolution with respect to emergency funding will be decided upon before next spring, because at that time there will be an emergency with the roads in his district. He stated there have been requests put forth for a number of years to have roads in Beaverbank paved, and there has been no response.

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

"THAT the Minister of Transportation be asked why Beaverbank has been neglected for paving for so long."

Councillor Rawding informed at a recent meeting of the Urban Services Committee it was noted there are approximately 80 roads in the County that require paving, and only 8 received paving in 1986. He advised a letter was written to this effect, but there has not been any response to date.

MOTION CARRIED

ADDITION OF ITEMS TO THE AUGUST 4, 1987 COUNCIL SESSION

Councillor MacKay - Illegal Basement Apartments

Councillor Adams - Top Soil By-law, District 8

Councillor DeRoche - Parking, County-owned Property

ADJOURNMENT

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

"THAT this Session of Council adjourn."

MOTION CARRIED

SPECIAL COUNCIL SESSION
RE HALIFAX HARBOUR, MAPC

JULY 13, 1987

PRESENT WERE: Councillor Walker
Councillor Rawding
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor McInroy
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman
Deputy Warden Mont

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer
Mr. E.T. Wdowiak, Director of Engineering and Works

SECRETARY: Glenda Higgins

Deputy Warden Mont called the meeting to order at 5:40 p.m.

Mr. Meech called the Roll.

Deputy Warden Mont informed this special meeting of Council was called to receive a presentation by MAPC on the recently completed report on sewage treatment for the Metropolitan area. He introduced Mr. Brian Smith from the Metropolitan Authority, who began by informing that the Metropolitan Area Planning Commission has completed Phase III of the Halifax Inlet Study. There was substantial technical advice from people on the Regional Pollution Control Advisory Group, with representation from the County by Mr. Wdowiak and Mr. Tam from the County's Engineering and Works Department. They worked very much on the preparation of the sewer discharge by-law, which is a recommendation of the MAPC report. Mr. Smith advised that Municipal Council are being asked for their comments on the conclusion that primary treatment should be the long range objective of the region in cleaning up the sewer discharge problem in Halifax Harbour. Mr. Smith introduced Jim Axell, CBCL Limited who gave the presentation on the study.

Mr. Axell informed he is General Manager at CBCL Limited, who were the prime consultants in conducting this study. He informed this study involved three other sub-consultants, including UMA Engineering Limited, Gorne Storey Limited, Toronto, who did some of the outfall extension evaluations, and ASA Consulting Limited were responsible for the mathematical model work. Mr. Axell also introduced Mr. Steve Hurlbick, President of ASA Limited, and Mr. Michael Murphy, Senior Engineering responsible for the overall work on this project.

The presentation commenced with a slide show showing the study area, including the regional development boundary. Mr. Murphy noted several areas outside the boundary were included in the study. He continued with the slide presentation, noting oxygen levels in Halifax Harbour are not a problem, although there are some localized depressions at the outfalls and at Bedford Basin. Bacteria levels are elevated throughout the Harbour. He stated these levels will increase with increased development, and it is estimated by the year 2001 there will be approximately 40 million gallons per day of raw sewage discharge, and associated with that there will be 20 to 25 metric tons of solids which will result in further deterioration of Harbour water quality. Mr. Murphy continued with the slide presentation, showing examples of problems with Harbour water quality.

Mr. Murphy advised this phase of the study, Phase III, was to develop conceptual designs and cost estimates for various servicing schemes and to evaluate the impact of implementation of those schemes on the receiving water quality, using the numerical model which was developed under the first two phases of this study. He stated the six outfall areas identified included Dartmouth Cove, Tufts Cove, Duffus Street, Peninsula Centre, Peninsula South, and Herring Cove. He reviewed the tributary areas to the proposed outfall groupings. With regard to primary treatment, there is a preliminary treatment process which involves screening and removal of inorganic grip, followed by primary clarification, which would have the greatest benefit in terms of solids reduction. The final step is affluent disinfection which would substantially reduce bacteria levels. He showed an example of a primary treatment plant in Charlottetown, PEI., comparing this facility to one that would be required under this study. He stated preliminary treatment was considered to be nothing more than mechanically-raked screens, which would remove significant quantities of aesthetically displeasing materials, but the reduction in terms of water quality tracers are much lower than primary treatment.

Mr. Murphy stated outfall improvements involves nothing more than extending existing outfalls to try and better disperse the material in the inlet. It would involve extending outfalls into deeper waters, installation of defusers on the ends of the pipes, which would result in an initial delution of 50 parts sea water to 1 part sewage with no load reduction.

Mr. Murphy next reviewed the servicing schemes considered for this study. He noted a number of examples were considered whereby one or more of the outfall groupings would be joined.

With respect to the cost analysis, Mr. Murphy advised the consolidation of more and more outfalls would increase capital costs, as well as the annual O & M costs associated with the consolidation. An equivalent annual cost is the total of the debt retirement, based on a 20 year amortization period and a 10 percent interest rate, as well as the annual O & M cost. Preliminary treatment would involve the same types of costs. He noted the multiple plant schemes from a capital point-of-view appeared to be more advantageous initially. The single regional plant would cost approximately \$156 million. He stated the equivalent annual would favour a three or more plant option. The annual cost per capital is approximately \$100. He noted 2/3 of this total cost is for tunnels and interceptors; the remainder is in plant and pumping of land. However, with a three-outfall, the situation is reversed because of the higher cost components involved in pumping, plant, and land, and a lower cost in pipework and tunnels. He noted a similar situation is evident with respect to annual O & M costs. He noted plants will require future expansion and upkeep, which will result in other costs. The impact of funding from other governments was shown. It was suggested there will be a need to expand to secondary treatment, and allowance was made in the systems. Mr. Murphy continued to review the projected costs in the long and short terms. He stated any decision on which system will be used will be contingent on the availability of funding and land issues with regard to acceptability of treatment plant sites. He stated this will require regional cooperation. If the three plant option is selected, it is recommended the land be acquired initially for all three plants. It is also suggested that additional flow-gauging and sampling be done to optimize the plant design. There will be additional consideration of sludge disposal and that activity continue with the development of industrial waste by-laws, so more exotic materials of industrial origin can be accommodated. He noted they cannot be accommodated in a conventional, municipal facility.

Mr. Smith informed that the other municipal units have heard the presentation and passed resolutions endorsing the primary treatment concept, and Dartmouth expressed a preference for a single treatment plant. The Town of Bedford have also endorsed the primary treatment without any preference for any option, although they would eventually like to see the Mill Cove Treatment Plant considered as a regional pollution control strategy. He noted MAPC is meeting on July 17, and it appears all responses will be available at that time. He noted MAPC feel primary treatment is required, and they would like to move forward with that. However, they first require endorsement of Councils.

Questions from Council

Councillor C. Baker asked if the property at Sandwich Point is federally owned. Mr. Murphy informed there are large federal landholdings in that area. However, it is difficult to state if this land could be acquired at a cheap rate. He noted the cost of purchasing the land was included in the cost estimates based on the assessed land values in the area. He stated negotiations may make it possible to get this land for little or nothing.

Councillor C. Baker asked for an opinion on one treatment plant at Sandwich Point or one at Herring Cove and Sandwich Point. Mr. Murphy stated a treatment plant at Herring Cove and Sandwich Point was not an option that was considered. He stated the economics would suggest that pumping to a common facility at Sandwich Point would be most advantageous. Councillor C. Baker clarified that affluent in Herring Cove would have to be pumped to Sandwich Point for treatment. Mr. Murphy informed that which is currently discharging at Tribune Head would be redirected with a pumping station at Herring Cove to the plant at Sandwich Point, where it would be discharged.

Councillor P. Baker asked if there is any plans to Timberlea/Lakeside Plant hooked into the described system. Mr. Murphy replied this was not considered as part of the study. Mr. Smith stated many of the broader aspects were not part of the terms of reference for the study. He stated much of the information from the 1977 MAPC study was directed to this phase and a more limited range of options. He stated in the future the question of ownership and operation of any regional plant is important. However, for this study the 40 untreated outfalls, including Herring Cove, were studied, and how best to manage this problem.

Councillor P. Baker remarked that Lakeside is not far from the City of Halifax, and he is not pleased with the discharge from the Timberlea/Lakeside Plant going into Shad Bay. He questioned the discharge from the Ragged Lake and Bayers Lake Industrial Parks. Mr. Smith informed sewage from these parks is now directed to the Duffus Street outfall, and it is treated. Councillor P. Baker stated treatment should be considered for Timberlea and Lakeside, rather than spreading it throughout the shorelines.

Councillor Lichter noted during the presentation that landfilling of sludge would have to take place, and there would be a large increase in the amount of sludge produced. He asked if there was any attempt made during the MAPC study to get in contact with the present landfill site to determine if it would be a possibility there; if not, he asked if the costs have included landfilling charges. Mr. Murphy responded that it was agreed that the cost of de-watering, disposal, and landfill would probably be as expensive as any other alternative. In terms of capital costs to construct the facilities and the operating costs, it was felt this would be covered. He stated there was no detailed communication with the Metropolitan Authority in terms of the acceptability of this in the long term. It was felt the sludge disposal alternative would be covered from an economic point-of-view if this alternative was considered. He stated the sludge volume is expected to be in the area of 8 to 12 percent of the refuse volume. He stated the figures projected do include the de-watering plant and the landfilling.

Councillor Rawding expressed agreement with Councillor P. Baker about the situation at Timberlea/Lakeside. He stated at the present time this system does not treat detergents, phosphates, or other toxics going through the system based on tertiary water treatment. He noted this study was to address untreated waste, but it is hoped that the treatment plant in Timberlea/Lakeside can be turned into a pumping

station for the remittance of a regional system. He stated cooperation is needed in this regard, and he would favour this type of an approach to this problem. He reiterated that treated materials should be incorporated into the regional scheme to effectively deal with the entire problem.

Councillor MacDonald further inquired about the possibility of sludge and landfilling. Mr. Murphy stated approximately 30 percent of the total sludge generated in the country is applied directly on land. He stated this can cause problems with significant public opposition. He stated a large percentage of the total volume is incinerated, but this is uneconomical in smaller scale. He stated the process referred to by Councillor MacDonald is a composting operation, which is done successfully in some areas; however, it is another treatment step which will add dollars to the overall process. He stated the marketability of the end product would have to be considered. He informed the example used from Prince Edward Island actually discharges onto the land, storing it in lagoons temporarily and applying it to agricultural land. It is approximately 25 percent solids.

Following further discussion, Councillor Eisenhower expressed concern that federal funding will not be provided, and nothing will become of this study, as happened with the 1977 MAPC study. He also inquired about the Industrial Waste By-law. Mr. Smith informed the Industrial Waste By-law is essential to get a handle on hazardous materials not normally treated in a municipal sewage treatment plant. He stated there have been materials that have caused problems at the Mill Cove Treatment Plant. There has been an accommodation reached with the industry with pre-treatment. He stated the by-law is critical for this. Without this the hazardous wastes we are concerned about are not picked up, although they are monitored more effectively. With respect to funding, Mr. Smith informed efforts should be made for the single treatment plant, and if that is not achievable, something less will have to be considered. He stated the comment about leaving the report at a standstill is very valid, and it is important to make some progress.

Randy Ball of the Herring Cove Ratepayers Association stated since he has lived in Herring Cove (18 years) he has always heard of the lack of sewage treatment. He stated there has been some progress with another study, but the question is how long will this study sit on the table before anything is done. He expressed concern about the one plant option, stating a number of years ago the City of Halifax dumped on Herring Cove, and the one plant option also goes into Herring Cove. He informed the outfall has already destroyed some of the inshore fishery along Tribune Head, and channeling all of the sewage to Sandwich Point, which will move into this area again. He agreed this will solve the problem for Bedford Basin, Dartmouth, and the Halifax waterfront, but it only moves the problem to another area (Herring Cove), where there are a number of fishermen affected by this. He stated the Ratepayers Association met approximately one month ago knowing that this issue would be forthcoming. At that meeting, it was recommended that the people of Herring Cove have some say into the type and location of this plant if it will be in Herring Cove, and that the County have some kind

of control over it. It was also recommended that primary and secondary treatment be implemented. The Ratepayers Association were in favour of a series of treatment plants. He expressed agreement that the three plant option may be more feasible in terms of cost-sharing, but there are questions left open about the one plant option, such as who will have control over it, is it long term in that it will eventually lie with the County alone, etc. He felt the solution to the problem will not necessarily be to build one plant, and then end up dumping on a small part of the population. He felt there should be a small area with a path of least resistance developed with a treatment facility. It should not be placed where the most people will be involved, such as Herring Cove. He advised it is the hope of the Ratepayers Association that a series of plants will be endorsed by County Council, rather than a single plant.

Councillor P. Baker expressed agreement with Mr. Ball, stating the people should have the right to have input into the planning of the treatment plants, and he suggested there will be support for this.

Councillor C. Baker added that there is over \$250,000 in fishermen's earnings lost each year due to the pollution at Herring Cove. Mr. Ball agreed, stating one in particular with a berth at Tribune Head lost all his fishing here because of the sewage outfall. Now the berths are closer to the Sandwich Point area, and one treatment plant will adversely affect this. He stated the question of the affect of one treatment plant on the inshore fishery has never been answered.

There was some discussion about whether or not this meeting should be deferred to another time or continued. It was noted a public hearing was scheduled for 7 p.m. Councillor C. Baker stated the matter should not be rushed, as this issue is important to the residents of his district and all of Halifax County.

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

"THAT another special meeting of Council be held on Wednesday, July 22, 1987 at 7 p.m. to continue discussion about the Halifax Harbour Study by MAPC."
MOTION CARRIED

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

"THAT this special meeting of Council adjourn."
MOTION CARRIED

PUBLIC HEARING

JULY 13, 1987

PRESENT WERE: Councillor Walker
Councillor Rawding
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor MacKay
Councillor McInroy
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman
Deputy Warden Mont

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor
Ms. J. MacKinnon, Planner

SECRETARY: Glenda Higgins

Deputy Warden Mont called the public hearing to order at 7 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

Deputy Warden Mont reviewed the proceedings for the public hearings.

PH-CH/W-11-87 - TO ALLOW CONSIDERATION OF RESIDENTIAL DEVELOPMENT
WITHIN THE WATERSHED DESIGNATION ON LOTS WHICH HAVE AN AREA OF LESS
THAN 80,000 SQUARE FEET BY AMENDMENT TO THE LAND USE BY-LAW

Ms. MacKinnon reviewed the staff report respecting this application, advising the recommended amendments will address the specific request with regard to Mr. Riley's property, as well as permit consideration of similar requests by other private landowners within the watershed. In the long term, it is suggested that an approach to the problem is required which is not constrained by Plan Area boundaries, but can address the watershed in its entirety. Mr. MacKinnon stated the issue of land use within the Lake Major Watershed has been the focus of much discussion in the past. The Lake Major Watershed Management Study (2) recommends the establishment of a Lake Major Watershed Advisory

Committee comprised of representatives from the Departments of Health and Environment, the Department of Lands and Forests, Halifax County Municipality, and the City of Dartmouth with a mandate to oversee the use of lands within the watershed. However, this committee was never established. This application brings this issue and the need for such a committee to the fore once again.

Questions from Council

Councillor DeRoche asked if the plan amendment as proposed is adopted, could the land within the Cole Harbour/Westphal plan that does fall within the watershed designation be developed. He noted these lots would have to be a minimum of 20,000 square feet and subject to approval from the Departments of Health and Environment. Ms. MacKinnon responded that development of these lots would be possible, but the lot sizes would have to be determined by the Departments of Health and Environment. She noted no development can take place here now.

Speakers in Favour of this Application

None

Speakers in Opposition of this Application

None

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

"THAT the amendments to the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-law, attached to the staff report as Appendices "A" and "B" be approved by Municipal Council."

MOTION CARRIED UNANIMOUSLY

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

THAT Council investigate the establishment of a Lake Major Watershed Advisory Committee as outlined in the Lake Major Watershed Management Study and the Municipal Development Plan for North Preston, Lake Major, Lake Loon/Cherry Brook, and East Preston."

MOTION CARRIED UNANIMOUSLY

APPLICATION NO. DA-SA-01-87-16 - DEVELOPMENT AGREEMENT FOR THE CONSTRUCTION OF A SINGLE UNIT DWELLING ON LOT 42R, RIVERSIDE ESTATES SUBDIVISION

Ms. MacKinnon reviewed the staff report respecting this application, noting this development agreement is required as a result of Policy P-87 of the Sackville Planning Strategy which permits construction of new uses witin 100 feet of the Little Sackville River subject to a development agreement. She noted the general objective to this agreement is to protect proposed development from flooding and to

prevent siltation and erosion along the Little Sackville River. An appropriate method for development has been determined based on the physical and topographic features of the lot and the proximity of the proposed building to the Little Sackville River. The agreement requires the plans with respect to a wide variety of matters, including floor elevations, general landscaping, and environmental protection measures, which must be prepared and approved prior to the actual signing of the agreement. She noted this is referred to in Clauses 5 and 6 of the agreement.

Questions from Council

None

Speakers in Favour of this Development Agreement

None

Speakers in Opposition to this Development Agreement

None

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

"THAT the Development Agreement between the Municipality of the County of Halifax and Hardwick Properties Limited, for the construction of a single unit dwelling on Lot 42R of the Riverside Estates Subdivision, located on Abbeydale Court, Lower Sackville be approved by Municipal Council."
MOTION CARRIED UNANIMOUSLY

APPLICATION NO. RA-24-10-87-04 (ZONING ERROR) - REZONING OF R.J. SETTLERS GROCERY AND TAKE OUT FROM R-2 TO C-1

Ms. MacKinnon advised in 1974 an area along Highway 333 was zoned R-2 (Two Unit Dwelling) Zone at the request of area residents. Included in that area was a commercial establishment known as The Bay Take Out Restaurant, which had operated from the late 1960's. Since that time, a number of commercial operations have been run from the property. The present owner of the property now wishes to expand the operation and cannot, due to its non-conforming status. Mrs. MacKinnon stated as this property has been used for commercial purposes for a number of years, including a period before any residential zoning was in effect, it is recommended that the property be zoned to C-1 (Local Commercial) Zone to bring it into a conforming status.

Questions from Council

None

Speakers in Favour of this Application

None

Speakers in Opposition to this Application

None

It was moved by Councillor P. Baker, seconded by Councillor Merrigan:

"THAT B.J. Settlers Grocery and Take Out, Civic Number 3706 Highway 333, Shad Bay, be rezoned from R-2 (Two Unit Dwelling) Zone to C-2 (Local Commercial) Zone, District 4 as per Appendix "A" of the staff report."
MOTION CARRIED UNANIMOUSLY

APPLICATION NO. RA-CH/W-11-87-07 (ZONING ERROR) - REZONING OF 43-45 ROSS ROAD, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE

Ms. MacKinnon reviewed the circumstances behind this application, noting the property owner has supplied proof that a two unit dwelling has been located on this lot since 1976, making it non-conforming.

Questions from Council

None

Speakers in Favour of this Application

Mrs. Bhatnagar, 11 Banbury Close, Halifax advised she and her husband are the owners of the property in question, and they are in favour of this rezoning because they have not been able to rent or even sell this property with the existing zoning.

Questions from Council

Councillor DeRoche asked when Mr. and Mrs. Bhatnagar purchased the property in question. Mrs. Bhatnagar advised they purchased this property approximately 12 years ago, and at that time it was listed as an R-2 property.

Speakers in Opposition to this Application

None

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

"THAT property owned by R.J. Bhatnagar, located at 43-45 Ross Road, Cole Harbour, be rezoned from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone, District 7 as per Appendix "B" of the staff report."
MOTION CARRIED UNANIMOUSLY

APPLICATION NO. RA-CH/W-12-87-21 (ZONING ERROR) - REZONING OF A PORTION OF BLOCK D-6 FROM P-2 TO R-1 AND A PORTION OF 131 COLBY DRIVE FROM R-1/R-2 to P-2

Mrs. MacKinnon advised in 1982, the R-1 and P-2 Zones for the two properties in question were inadvertently reversed. In addition, the zoning did not properly follow the actual property lines. She recommended that the appropriate changes be made in order to make the zoning consistent with both the actual uses and configuration of the properties.

Questions from Council

Councillor DeRoche asked for clarification of the request. Mrs. MacKinnon advised 143 Colby Drive and a portion of Block D-6, located off Colby Drive is to be rezoned to R-1 (Single Unit Dwelling) Zone and a portion of the Colby Drive Bible Chapel, 131 Colby Drive, is to be rezoned to P-2 (Community Facility) Zone.

Speakers in Favour of this Application

None

Speakers in Opposition to this Application

None

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

"THAT 143 Colby Drive and a portion of Block D-6, located off of Colby Drive, Cole Harbour be rezoned from P-2 (Community Facility) Zone to R-1 (Single Unit Dwelling) Zone, and a portion of the Colby Drive Bible Chapel, 131 Colby Drive be rezoned from R-1 (Single Unit Dwelling) Zone and R-2 (Two Unit Dwelling) Zone to P-2 (Community Facility) Zone as per Appendix "C" of the staff report."
MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

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

"THAT this public hearing adjourn."
MOTION CARRIED

M E M O R A N D U M

TO: Warden MacKenzie and Members of Council
FROM: Joan MacKinnon, Senior Planner, Policy Division
RE: PUBLIC HEARINGS
DATE: July 13, 1987

1. File No. PA-CH/W-11-87 - To allow consideration of residential development within the Watershed Designation on lots which have an area of less than 80,000 square feet, by amendment to the land use by-law. This Public Hearing requires two motions:
 - i Amendment to the Municipal Planning Strategy (Majority Vote of the Whole Council).
 - ii Amendment to the Land Use By-law (Majority Vote of the Whole Council).
2. Application No. DA-SA-01-87-16 - Development Agreement for the construction of a single unit dwelling on Lot 42R, Riverside Estates Subdivision (Majority Vote of the Councillors present).

The following three Public Hearings are dealt with in one staff report (Zoning Errors):

3. Application No. RA-24-10-87-04 - Rezoning of R.J. Settlers Grocery and Take Out from R-2 to C-1.
4. Application No. RA-CH/W-11-87-07 - Rezoning of 43-45 Ross Road from R-1 to R-2 (Majority Vote of the Whole Council).
5. Application No. RA-CH/W-12-87-21 - REzoning of a portion of Block D-6 from P-2 to R-1 and a portion of 131 Colby Drive from R-1/R-2 to P-2 (Majority Vote of the Whole Council).

STAFF REPORT

TO: Planning Advisory Committee

PROPOSED AMENDMENTS TO THE COLE
HARBOUR MUNICIPAL PLANNING STRATEGY
AND LAND USE BY-LAW - RESIDENTIAL
DEVELOPMENT IN THE WATERSHED
DESIGNATION.

FROM: Dept. of Planning & Development

DATE: May 4, 1987

FILE NO: PA-CH/W-1-87



 DIRECTOR, PLANNING AND DEVELOPMENT
RECOMMENDATION:

THAT THE AMENDMENTS TO THE COLE HARBOUR/WESTPHAL MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW, ATTACHED TO THIS REPORT AS APPENDICES "A" AND "B", BE APPROVED BY MUNICIPAL COUNCIL.

THAT COUNCIL INVESTIGATE THE ESTABLISHMENT OF A LAKE MAJOR WATERSHED ADVISORY COMMITTEE AS OUTLINED IN THE LAKE MAJOR WATERSHED MANAGEMENT STUDY AND THE MUNICIPAL DEVELOPMENT PLAN FOR NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON.

The Municipal Planning Strategy for Cole Harbour/Westphal establishes a Watershed Designation within its portion of the Lake Major Watershed (Map 1, p.6). Residential development is permitted subject to a minimum lot area of 80,000 square feet. There are no provisions within the Watershed Designation which would allow consideration of smaller lot residential development through the rezoning process. The Department of Planning and Development has received a subdivision application from Mr. George Riley for a parcel of land within this designation, which fronts on Montague Mines Road (Map 2, p.7). Mr. Riley has requested that the planning strategy be amended to allow subdivision on smaller lots.

Watershed lands located on the other side of the road from this parcel are included within the Lake Major-Prestons Plan Area, and are designated Residential and zoned R-2 (Residential) Zone, which allows residential development at the 20,000 square foot minimum, subject to increased setbacks from Lake Major (Map 3, p.8). The difference in approach between Plan Areas has created a situation where lands within the provincially designated