

- b) THAT MAPC continue to investigate the potential plant locations for a three or a multi-plant option in the intervening year, with a view to not requiring Dartmouth to have to treat so much of Halifax's sewage;
- c) THAT full secondary treatment be the standard for a single plant option or for any plant dumping affluent in the area that affects the Purcells Cove, Herring Cove, McNabs Island, and Portugese Cove fishing grounds;
- d) THAT the initial construction of the regional system include the force-main back to the single plant site and the treatment plant so that the Herring Cove outfall can be treated as soon as possible and that Herring Cove residents be appropriately involved in all the planning committees for the design and construction and operation of the treatment plant(s) and the proper outfalls;
- e) THAT the County of Halifax only contribute its fair share of the cost according to its proportionate use of the system;

THAT COUNTY STAFF consult with the Herring Cove residents immediately to select a possible Herring Cove plant site and to temporarily reserve the land for a possible multi-plant option in the event that the funding is not found by MAPC after one year;

AND THAT COUNCIL direct its staff to assess the available draft by-law prepared by MAPC with a view to the four metro municipalities passing a uniform, strong and enforceable by-law to control the discharge of all industrial and toxic wastes into any part of the Halifax-Dartmouth inlet."

There was some discussion concerning this resolution. Councillor MacDonald asked if the Herring Cove Ratepayers Association are in agreement with this recommendation from Mr. Ruffman.

Councillor Rawding stated nobody has talked about directing staff in consultation with MAPC or preparing and bringing back a draft by-law to control the discharge of industrial wastes and other wastes into the harbour. He felt the third part of the resolution would give this some attention, but it seems there has not been enough direction from staff on any of this. Councillor Rawding noted the City of Halifax's recommendations come directly from their staff, and he felt it would be easier for this Council if staff had been able to deal with it and make a recommendation. He noted there is little difference in the proposals. He felt the resolution shows regional cooperation and approval of the agreement in concept that time is wasting, and the MAPC report should be given full support and endorsement.

Mr. Pelham stated Mr. Ruffman appears to be more optimistic about the MAPC report than he. He stated there was a ministerial order issued in 1984 stating there would be a treatment plant at Herring Cove, at Tribune Head, in support of the fishery no later than September 5, 1985. He stated at that time the ratepayers took this with good

respect. However, there was never a reply to a letter written in support of the Ratepayers. He stated there is no regional cooperation or there would have been answers long ago, and there would not have been the fuss over the construction of the Lakeside plant when it was built. He stated the Herring Cove Ratepayers Association do not believe in MAPC, although they are willing to go along with the PPC and Mr. Ruffman's trust in regional cooperation. However, he has expressed the views of the Ratepayers Association with a one year limit on the one plant option. This only means one additional year to 17 years of empty promises. He stated the Ratepayers Association do not believe there is an end to the year or that there is a multi-plant option. However, Mr. Ruffman has done a great job as chairman of the District 5 PPC, and he is willing to support this. Mr. Pelham continued that the City of Halifax is ashamed that Halifax County is number one in sewage treatment; therefore, they have the new concept of regional cooperation. He stated there is no alternative but to try again to have these people follow the good example of the County. He stated he is willing to go the one year, but he must show the people respect by giving them one year to prepare the bad news. He stated the Ratepayers Association is more in favour of the concept that MAPC continue to investigate the potential plant location for a three plant option in the intervening year. Mr. Pelham stated if the one plant can be accomplished in the one year time frame, he would stand up and apologize; however, he felt this is not possible.

Following some discussion, Councillor C. Baker and Councillor P. Baker agreed to an amendment to the motion, which was agreed to by the Herring Cove Ratepayers Association and Mr. Ruffman. The amended motion read:

"THAT THE COUNCIL of the County of Halifax edorse the MAPC Report on the Pollution Control Program for the Region particularly that all members of MAPC strive to ensure that now raw sewage enter the Chebucto Inlet including industrial waste subject to the following:

- a) THAT for one year full funding be intensively sought from all levels of government by MAPC for a multi-plant option with the view to an immediate start on the construction of the various components at that time;
- b) THAT MAPC continue to investigate the potential plant locations for a three or multi-plant option in the intervening year, with a view to not requiring Dartmouth to have to treat so much of Halifax's sewage;
- c) THAT full secondary treatment be the standard for a single plant option or for any plant dumping effluent in the area that affects the Purcells Cove, Herring Cove, McNabs Island, and Portugese Cove fishing grounds;

- d) THAT the initial construction of the regional system include the force-main back to the single plant site and the treatment plant so that the Herring Cove outfall can be treated as soon as possible and that Herring Cove residents be appropriately involved in all the planning committees for the design and construction and operation of the treatment plant(s) and the proper outfalls;
- e) THAT the County of Halifax only contribute its fair share of the cost according to its proportionate use of the system;
- f) THAT a study be done by the Federal Department of Fisheries on the affects of the various proposed outfalls on the fisheries be it one or several outfalls;

ALSO THAT COUNTY staff consult with the Herring Cove residents immediately select a possible Herring Cove plant site and to temporarily reserve the land for a possible multi-plant option in the event that the funding is not found by MAPC after one year;

AND FURTHER THAT Council direct its staff to assess the available draft by-law prepared by MAPC with a view to the four metro municipalities passing a uniform, strong, and enforceable by-law to control the discharge of all industrial and toxic wastes into any part of the Halifax-Dartmouth inlet."

Mr. Ruffman reviewed the amendments to the motion, noting they are to satisfy the Herring Cove Ratepayers Association.

Councillor Reid asked if the three plants presently operated by Halifax County in close proximity to the metro area will be hooked into the one plant system. He asked if the County will have the ability to grow and expand within its own confines as long as the treatment is provided. It was indicated this is the case, as long as the County pays the bill. The three plants will still be emptying in the areas they presently do, with the ability to retain this. Warden MacKenzie noted Councillor Rawding had expressed hope that some day the Lakeside Plant may be used as a pumping station. The only area of Halifax County that will be serviced is the Herring Cove area.

Councillor DeRoche suggested other than resolving the existing problem at Herring Cove, Halifax County is entirely on its own, and any benefits to be derived are only those put into place and paid for by Halifax County.

MOTION CARRIED

ADJOURNMENT

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

"THAT this meeting of Council adjourn."
MOTION CARRIED

MINUTES & REPORTS
OF THE
SECOND YEAR MEETINGS
OF THE
FORTY - SECOND COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX

AUGUST COUNCIL SESSION

TUESDAY, AUGUST 4 AND 18, 1987

&

PUBLIC HEARINGS

AUGUST 10 AND AUGUST 17, 1987

AND

COMMITTEE OF THE WHOLE

AUGUST 19, 1987

August Council Session - 1987

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COUNCIL SESSION

AUGUST 4, 1987

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

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

SECRETARY: Jeanette MacKay

Warden MacKenzie called the Council Session to order at 6:15 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

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

"THAT Jeanette MacKay be appointed Recording Secretary."
MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT the minutes of Committee of the Whole, June 29, 1987, be approved as circulated."
MOTION CARRIED

EMERGENCY AGENDA ITEMS

Councillor DeRoche - Illiteracy
Councillor Lichter - Front Page and Profit

MEETING WITH LLOYD GILLIS, CEO, DISTRICT SCHOOL BOARD

Mr. Gillis was in attendance and circulated a report to all council members.

Mr. Gillis outlined the report. The first item was an update on School Capital Projects as follows:

Musquodoboit-Sheet Harbour Sub-System - The Sheet Harbour Elementary School new addition was officially opened in May 1987. The primary building will be maintained until December 31, 1987 in order that interested community groups may have a greater opportunity to present a proposal to the Municipality for assuming the responsibility of this building. It has been receiving a great deal of community use; unfortunately it is rather large in size and, therefore, large cost for upkeep makes it rather prohibitive to assume the responsibility unless there is an organized effort in the community to do so.

Eastern Suburban Sub-System - The Cole Harbour Junior High School contract has been awarded and construction is progressing very favourably. The Eastern Passage Elementary School - The revised application before the Province which reflects the use of the Hampton Gray School Building on the D. N. D. Property at Shearwater and improvements to one of the two remaining elementary schools within the community.

Bedford-Waverley Sub-System - Holland Road Elementary School is progressing and it is hoped the facility will be occupied in January of 1988.

Ash Lee Jefferson Elementary School - plan to increase our emphasis on the necessity for this facility once the Holland Road Elementary School has been completed and the same is true for the George P. Vanier Junior High School application outstanding.

Sackville Sub-System - Sackville Centennial Elementary School, Sackville Heights Elementary School, Sackville Heights Junior High School improvements all are dependent on changes which are being placed within that community as a result of the construction of Millwood Elementary and eventually the Millwood High School. The three projects mentioned at the end of the report for Sackville Sub System, Beaverbank Elementary School, is making very favorable progress. Millwood Elementary School financial arrangements have been completed for this facility and the contract for construction was let in late July and the tenders have been called for Phase I of the project at Millwood High School which is the site improvement aspect of this facility.

Councillor MacDonald asked Mr. Gillis if they started the Millwood Elementary School. Mr. Gillis advised that the contract was awarded the 27th of July.

Councillor Merrigan asked about the construction at Millwood High. The money was approved by the Province for the construction of the building and it is believed what they are doing is letting the contract in phases. He asked when it is supposed to be completed. Mr. Gillis advised that the Phase I project contract has just been called, and it will be awarded in August, and it is assumed that will be followed by the next phase in that project. The time frame will be late in the fall of 88 or early 89.

Mr. Gillis continued with his report advising on the System Enrollment Projections. It is anticipated that enrollments will continue to increase in the system. There is a noted increase each year in the last three years and it is anticipated that we will have 300-400 additional students in September of 1987 and according to figures from the Department of Education stats the trend is continuing into the early 1990's.

Mr. Gillis pointed out a couple of reports attached to his report intended to provide the Councillors with a bit of information. The first one is a report which was released by the Minister of Education which was prepared by the Advisory Committee on the Public School Program. The Council will have an opportunity this fall to read a good deal of debate and discussion on this particular paper. It suggests a number of changes in our High School Credit system including an increase in the number of credits, and an increase in the number of compulsory courses. The Minister instructed the committee and the Committee prepared a report; the Minister released that report in the form of a discussion paper. The District Board had input to the committee initially and is going to use a committee of the Board and staff to take the paper out to the community and to invite the community input during the fall and by late November prepare a response to the Paper from Halifax County-Bedford to the Minister. He advised that perhaps in the fall they will have an opportunity to attend a meeting some evening in their community where the subject will be discussed.

Finally, also attached to the report is a copy of the Board's objectives for 1987 which was approved by the Board in April 1987. These objectives included administration, personnel and Educational Program. At a future date Councillors may raise questions on this particular publication.

Mr. Gillis commented on the press release in the August 1, 1987 issue of the Chronicle Herald with respect to literacy. He advised that this transpired due to Eastern Shore Development Commission two years ago making application for a federal project to support a READ Project which is Rural Education and Development Project. The application went in 2½ years ago and this May, the Commission was informed that it

had been awarded money to assist within the Community to encourage residents of the community to become engaged in the educational program which would assist them towards eventual employment in the community. The project application was about 2 years after the application had been made that it was finally announced. The Director of that Program was interviewed this past week and in her interview had a number of comments to make about the subject of literacy.

Mr. Gillis could not say that her comments were misprinted but only knew that she was interviewed and the report which was produced left a very unfortunate impression of what was meant by literacy. The unfortunate thing was there was an effort to equate literacy to school achievement - the two are not inseparable but yet we appreciate that there are many citizens in our communities who have not in terms of formal education achieved what we would call a high school completion certificate but the fact that they are very highly educated individuals who are given exceptional leadership in our communities. According to UNESCO writings, an illiterate person is one that has obtained a grade 9 level of education. This has been going up each year it seems as society is becoming much more involved because of our growth and technology. It seems that there is a relationship between the increase in technical knowledge and the necessity for greater formal education in order to survive. However, there was the unfortunate extrapolation from the statement that grade 9 is equivalent to having reached a state of literacy to extrapolate from that and suggest that all people with grade 9 or less are unable to live successful lives in our communities. He advised that this is very far from the truth of how we understand our citizens in rural Halifax County and rural Nova Scotia and rural Atlantic Canada. It is true, and it is fact that there is a high percentage of our citizens residing in rural Nova Scotia who do not have certificates in terms of a formal sense beyond Grade 9. It is not a fact, however, that they are uneducated, illiterate rural Nova Scotians. It is most unfortunate that this interpretation was allowed to be published. A number of people today have been seeking out the press to try to find ways to try to correct that information. What the project is intended to do is to work closely with Social Services, the Canadian Penitentiary Service, and the Public Health, to identify high risk residents in their communities who then could be encouraged to come forward to be assisted so that the risk could be lessened.

Councillor Walker questioned Mr. Gillis on the Capital Projects, in particular with regard to the Sir John A. MacDonald playing field. Mr. Gillis advised that the Sir John A. MacDonald playing field has been addressed in as much as the School Board money is there and has been approved. Provincial and Municipal co-operation in achieving the change is requested. The letters have gone from the School Board to the Provincial Authorities to indicate that the School Board money is there but we require co-operation and support from those other parties.

Councillor Walker also questioned that there are no schools in the Western Sub-System that appear on the Capital Project list. He wondered why there were no improvements to be made in that section. Mr. Gillis advised that the western sub-system is having its fair share of the dollars expended. Councillor Walker wanted to see the list to see that there is in fact those dollars and also suggested that the list be sent to Council to see that everyone is getting their fair share. Mr. Gillis advised he would take this under guidance with his School Board but was not sure if it was the role of the Board to distribute this list. He stated he would be happy to discuss the list with Councillor Walker.

Councillor Walker also questioned about a vocational school in Bridgewater that is supplying a bus service from Hubbards and Fox Point area to the Vocational School in Lunenburg daily. A lot of the residents on the Halifax side wonder why they can't receive the same services. He said it is extremely difficult to send kids to vocational school and parents are trying to find their own transportation for their kids. The bus system is nil in his area, and he requested information as to why. Mr. Gillis advised he would check into this matter and get back to Council.

Councillor Rawding supported Councillor Walker on the comments concerning Sir John A. He was of the opinion that the funds had already been allocated.

Mr. Gillis advised there is a great deal of work being done at this school at this time. However, with regard to the outside playing field there was money allocated from the Board to encourage a co-operative project with the community. We have written letters to municipal and provincial representatives inviting participation.

Councillor Rawding advised that when this topic was discussed in February he got the impression that it was going to be remedied and was unaware that any further assistance was required. He asked for copies of the letters Mr. Gillis referred to in order that Council can find out what type of dollars are needed in order that Council can assist in this situation.

Councillor Rawding also advised that he received a letter from the trustees of the Timberlea Elementary School System echoing a concern for the construction of a new Elementary School in District 2. He noted that with the recent development going on in District 2 that we should be addressing this situation as a capital project in the western sub-section. Mr. Gillis advised the Board will be reviewing this situation and did receive a copy of that letter.

Councillor Lichter asked permission from the Warden to discuss the emergency item at this time. It was agreed that it be discussed at this point in time.

Councillor DeRoche made comment with regard to the article in the newspaper concerning literacy in the Eastern Shore area. He stated that we are all in the same Educational system. North Preston belongs to the same sub-system as Cole Harbour and Westphal. When there is an indication of a failing of the educational system then it has to include the whole system. He seriously questioned the basis for that article, if for no other reason, there is a constant reference to 1981 census figures. Obviously, the person interviewed and the author of the article is not aware that there is a 1986 census and those figures are now available. The Warden stated he was advised that those 1986 figures are not available. Councillor DeRoche advised they are available on specific requests through Statistics Canada. On specific situations, they can break them out of the data that they have. They are not available for general publication because the general publication is more global than that.

Councillor DeRoche made reference to a statement made by Mr. Gillis with regard to literacy and what constitutes literacy. We have a great many people who are extremely successful in life who do not have much in the way of formal education. By virtue of the article it would certainly cause one to suspect that if you don't have a high school graduation certificate, possibly University graduation, that you are illiterate. My experience has been that this is not the case. The residents of Halifax County and particularly those of the Eastern Shore are entitled to an absolute apology.

Councillor Lichter questioned Mr. Gillis with regard to a quote in the article. He asked if anybody from the paper contacted him or the School Board to determine what kind of funding levels exist in those areas as compared to other parts of Halifax County. Mr. Gillis responded no to this question. Councillor Lichter indicated the reporter should have checked the facts. Councillor Lichter stated the first statement in the paper is the most irresponsible kind of journalism he has seen and wrong in the sense that a lot more than 65% or the remaining 35% read it. He stated, judging from the phone calls he received, as well as other Councillors that 95% of the people of the Eastern Shore living in Halifax County were able to read at least that sentence. Councillor Lichter agreed with Councillor DeRoche that an apology should be printed but on the front page of the paper.

Councillor Percy Baker asked Mr. Gillis if he received any communication from the Minister with regard to school area rates for Sir John A. Mr. Gillis replied that there is a conflict in the opinions of the Department of Education and the Solicitor. It was discussed at Council. Mr Lavangie's letter was shared with the Finance Committee of the Board, along with the letter from our Solicitor, which stated that the Solicitor and he Board members both feel there is very little control over the question of whether area rates can be called or not. In fact it is quite clear in the Act that the residents may convene meetings for the purpose of raising the rates. The School Board is convinced that it is not in a position to rule against an area rate meeting being held in the Community. The only authority it has is to question the purpose for which the money is approved, and it may say no, you cannot spend the money for that purpose.

Mr. Meech advised that he received a communication from the Minister of Education and did have some questions about it based on what he had been informed previously. He advised he wrote to the Minister and asked him for some more clarification in particular reference to the section where he suggested the School Board does have the authority to approve or disapprove the levying of the rates. He advised he would table it at the next Council Session to give the latest position that he received from the Minister of Education. Essentially what he has done is just basically reaffirmed his previous position except that he does suggest in the final paragraph that he would be quite prepared to have some advice or recommendations from the Council and the School Board on possible amendments to the legislation.

Councillor P. Baker felt everyone is a bit over sensitive on the literacy question and are spending too much time defaming somebody that had a job to do to the best of their ability.

Councillor C. Baker advised Mr. Gillis that he had been informed that the Junior High School in Herring Cove is overcrowded and would like to know if there is any fact to that. Mr. Gillis was not aware of any overcrowding. The reason he was asking was because two students that are residents of the Harrietsfield area were transferred to Herring Cove because of discipline problems and the question is could they stay there. Mr. Gillis advised he would check this out for him.

Councillor C. Baker advised about complaints he had received regarding vandalism at William King School. He advised they had a meeting with the Warden and Deputy Warden Mont and are waiting to hear from the RCMP whether they can station someone in Herring Cove to look after District 5.

The Warden advised Councillor C. Baker that Mr. Brine, the Property Manager has had discussions with Mr. Stewart with regard to the this and that it should be resolved.

Councillor Bayers questioned Mr. Gillis on the Clam Harbour School. He was aware that there is an action group in place that has been sending him some correspondence in the form of petitions in order to keep that school open. Councillor Bayers asked if a decision had been made and when is the decision going to be made whether it is going to be kept open or not.

Mr. Gillis advised a decision has not been made. At a public meeting in the community in May, 1986 it was indicated to the members of the community that after a three year period the enrollments would be reviewed and a further discussion would have to be held at that point. A resident group in the community appeared as a delegation before the School Board at its last meeting and the Board will receive a report from Staff during the fall. There will be subsequent discussion about whether the school will be maintained or not. It is assumed any decision relative to the closure will come in the new year, if it is going to come.

Councillor Bayers believed that one of their concerns was that they could maintain this school if there was some change made in the bussing of the children from certain areas. He hoped this will be taken into consideration and this school can be maintained.

Mr. Gillis advised that the Board is in a difficult situation and the enrollment is continuing to decline; however, no decision has been made and there will be more meetings in the community before one is reached.

Councillor Bayers and Councillor Fralick reiterated the comments regarding the illiteracy article.

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

"THAT Halifax County Council express to the Chronicle Herald that the Municipality denounce the content of the August 1, 1987 newspaper article and in conjunction with doing that to issue an apology that our readers may be able to read and appreciate on what we have done on their behalf in the wake of what has to be taken as an affront.

MOTION CARRIED.

Councillor Randall stated there was a serious misconception.

The Warden advised that he had discussions today with Laura King who was the writer of the story and has talked with the Daily News. He expects to have another interview tonight with regard to this particular item. He felt that this article was very damaging to people on the Eastern Shore.

Councillor Rawding questioned Mr. Gillis concerning area rates and the Trustees meeting. Having attended some of these meetings he takes a special interest in Education. The point is 1) trustees do not levy area rates, that Council does; they approve a budget which, if adopted by the School Board, results in the levying of a rate. However, specifically speaking, they do not approve those as rates; 2) that Council may have some input or notification of those meetings. The notice requirements at some of the Trustees meetings do their best but sometimes fall a little short; 3) the budget of \$100,000 at that particular meeting it was predominantly computer equipment, capital costs, and hardware; speaking in those terms, there is no way that the people should think that the School Board cannot help them and assist them in purchasing these items. Yet if you try to mention that the School Board is the place to go and try to work through the system, they think that you are attacking them and they think that you are trying to be anti-educational in your approach towards that school. The feeling is that if you speak out against it, you're going to keep something away from the children of the district. This is an unfortunate repercussion and one that we should be aware of.

Councillor P. Baker replied to Councillor Rawding's remarks. He stated that the Halifax County-Bedford District School Board, in the Province of Nova Scotia, levy such a rate and not all of the schools in the Halifax County-Bedford School system do - just some. If the trustees feel this strongly then it is unfair to the taxpayers in one area to be charged.

Councillor C. Baker advised he brought this to Council's attention two years ago but didn't get very far. He thinks there should be a limit on the number of rates you have to pay.

The Warden thanked Mr. Gillis for presenting his report to Council.

LETTERS AND CORRESPONDENCE

Mr. Kelly advised that letters were received from the Grace Maternity Hospital, the Canadian Paraplegic Association, the St. John Ambulance, the Canadian National Institute for the Blind, the Service for Sexual Assault Victims and the Eastern Shore Community Centre all expressing thanks for receipt of a 1987 grant from the Municipality.

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

"THAT these items of correspondence be received."
MOTION CARRIED.

Department of Transportation

Mr. Kelly advised that this letter is acknowledging receipt of Mr. Kelly's letter of July 17th with respect to reducing the speed limit on the Conrod Road to 50 km per hour.

The Minister advised that his staff will be investigating this request and will get back to him.

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

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

Board of Trustees, Herring Cove School

Mr. Kelly advised this letter is written on behalf of the Trustees concerning a matter of transporting children to the William Kings School in Herring Cove and makes reference to 10 primary school children starting school from the Village Road area. The letter expressed concern for their safety.

Councillor C. Baker advised that it has been brought to the attention of some of the property owners about an easement or short cut to the school. One solution would be to pick up the children on the Ketch Harbour Road requiring a crossing guard which would cost approximately

\$3,000 per year. These children would still have to walk on the dangerous Village Road. They also suggested a very viable solution and less expensive in the long run - an easement from the Village Road area into Lancaster Drive, off Churchill Estates. This would enable these children to get safely to their school and put the minds of the parents and community at ease.

Councillor C. Baker advised they called him, and they are in favor of another guard. He has authorized the hiring of one guard but it will cost a lot of money if they have a guard everywhere along the road where the children cross. The best solution would be the access road to the Jr. High from Village Road to Lancaster Drive.

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

"THAT this matter be referred to the Property Manager to examine the proposed easement from Village Road to Lancaster Drive."
MOTION CARRIED.

REPORT OF THE PLANNING ADVISORY COMMITTEE

Servicing - Lands of Frank Levy - Sandrick Avenue, Lower Sackville

Mr. Kelly reviewed the report of the Planning Advisory Committee respecting this matter.

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

"THAT it be recommended that the three lots on Sandrick Avenue be permitted to connect to the central sanitary sewer system."
MOTION CARRIED.

EXECUTIVE COMMITTEE REPORT

Halifax County Fire Prevention Program

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

"THAT Council approve an amount of \$2,100 for the 1987 Halifax County Fire Prevention Program."
MOTION CARRIED.

Renewal, Temporary Borrowing Resolution

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

"THAT Council approve temporary borrowing resolution #86-02 for the Cole Harbour Fire Station in the amount of \$1,500,000."
MOTION CARRIED.

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

"THAT Council approve temporary borrowing resolution #86-03 for the Eastern Passage Sewage Treatment Plant in the amount of \$3,200,000."
MOTION CARRIED.

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

"THAT Council approve a temporary borrowing resolution #86-04 for the Eastern Passage Fire Hall in the amount of \$700,000."
MOTION CARRIED.

Request for Grants

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

"THAT approval be granted for a District 7 Parkland Grant, in the amount of \$6,900 and a General County Parkland Grant in the amount of \$6,900 for construction of new tennis courts at Humber Park."
MOTION CARRIED.

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

"THAT approval be granted for a District 15 Parkland Grant in the amount of \$7,500 and a General County Parkland Grant in the amount of \$7,500 for purchase of land at Beaver Bank to be developed as playground."
MOTION CARRIED.

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

"THAT approval be granted for a District Capital Grant, District 18 in the amount of \$6,500 for improvements to playground area, Upper Hammonds Plains."
MOTION CARRIED.

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

"THAT approval be granted for a District Capital Grant, District 18 in the amount of \$10,000 for purchase of fire vehicle, Hammonds Plains Fire Commission."
MOTION CARRIED.

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

"THAT approval be granted for a District Capital Grant, District 18 in the amount of \$3,500 and a District 18 Parkland Grant in the amount of \$3,600 for construction of play area, Haliburton Hills Subdivision."
MOTION CARRIED.

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

"THAT approval be granted for a General County Parkland Grant in the amount of \$2,400 for construction of a ball field at Goffs'." MOTION CARRIED.

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

"THAT approval be granted for a District Parkland Grant, District 15 in the amount of \$2,000 for sodding, County owned property, Beaver Bank." MOTION CARRIED.

Loan Request - Highland Park Ratepayers' Association

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

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

"THAT Council approve a loan to the Highland Park Ratepayers' Association in the amount of \$90,500 for the purpose of finalizing construction of a multi-purpose playing field and to construct a playground on Chalamont Drive, Highland Park. The loan is to be repaid over a period of fifteen (15) years with total principal and interest repayments not to exceed approximately \$12,000 per annum and the interest rate charged by the Municipality on this loan is not to exceed 10% per annum. Further, Council reserves the right to levy an area rate in default of principal and/or interest repayments.

Councillor Lichter asked why the Executive Committee put a ceiling of 10% on the interest. Councillor DeRoche advised that in Mr. Smith's letter he states that he had discussed it with Councillor Eisenhauer and Mr. Smith was of the opinion that they would be able to repay it provided that the interest rate charged by the County does not exceed 10% per annum. He is saying that if the County is charging more than 10% it would reflect on the ability to repay.

Councillor Lichter recommended that this be referred back to the Executive Committee to have them further discuss this with Councillor Eisenhauer.

Mr. Meech suggested that Council approve the loan without the interest ceiling and if Councillor Eisenhauer feels this is not acceptable then the area doesn't have to take it up. He stated that Council approve it on the same basis as any other loan request.

MOTION CARRIED AS AMENDED.

Purchase of Parkland, Beaver Bank

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

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

"THAT Council approve the purchase of the property from Richard Hartnett at a price of \$15,000 subject to confirmation of the title of the property by the Municipal Solicitor."

MOTION CARRIED.

METROPOLITAN AUTHORITY REPORT - COUNCILLOR MCINROY

This was deferred to the August 18, 1987 Session.

OCEAN VIEW MANOR BY LAWS

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

"THAT Council approve the by-laws regarding Ocean View Manor as presented and forward them to the Minister of Social Services and the Minister of Municipal Affairs for approval."

Deputy Warden Mont had a question regarding Section 3 as to whether or not that the four appointees from Council have to be Councillors.

MOTION CARRIED.

SUPPLEMENTARY AGENDA

Building Inspector's Report

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

"THAT Council approve a lesser side yard clearance of 3.3.' feet Sunnylea Road, Wellington, Applicant J. R. Allen."

MOTION CARRIED.

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

"THAT Council approve a lesser setback of 20' feet Lot A-B, Lowell Boutilier Subd., Boutilier's Point. "

MOTION CARRIED.

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

"THAT Council approve a lesser side yard clearance of 6.8, feet. Lot M2, Five Island Lake, Applicant Charles Kane."

MOTION CARRIED.

UNSM Conference

Mr. Kelly advised that information was received from the Union of Nova Scotia Municipalities office respecting the annual conference held in

Halifax September 16-18. A copy of information was circulated to members of Council with respect to the Union Conference as well as a copy of the new procedures to members of Council who will be attending the annual conference, making sure that the delegates are familiar with new procedures and thereby ensure that the elections are conducted in a smooth and orderly manner.

The Warden advised that he was authorized to appoint the delegates to the regional meeting and at that time indicated that the delegates at the regional meeting would be the delegates to the Conference. There was not a full turn out at the Regional Meeting, therefore, he asked what was the Council's pleasure with regard to the selection of delegates and alternates to the Union Conference.

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

"THAT the Warden select additional delegates in addition to those that attended the Regional Meeting along with the alternates."
MOTION CARRIED.

The Warden advised he will notify the delegates and the alternates as soon as he has an opportunity to look at the list of who attended in the past.

Councillor Merrigan suggested that they ensure that the delegates chosen will be able to attend.

Resolution - Halifax City Council, Atlantic Winter Fair Site

Mr. Kelly advised he circulated a resolution passed by Halifax City Council to the members of Council with the agenda books. Mr. Kelly read a copy of the resolution to members of Council.

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

"THAT this resolution be referred back to the Executive Committee for further study and clarification."
MOTION CARRIED.

Topsoil By-law- Councillor Adams

Councillor Adams advised that the Topsoil By-law in District 8 only covers that part which is under the Lake Major Plan. Other parts of District 8 are expressing concern and need for the By-law in their unplanned portion.

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

"THAT Council approve an amendment to By-law #40, a By-law Respecting the Regulation and Control of the Removal and Movement of Topsoil be amended to include District 8."
MOTION CARRIED.

Parking, County Property - Councillor DeRoche

Councillor DeRoche advised that the parking area he is referring to is the parking lot behind the County Building and adjacent to the Egan Building. Quite regularly it seems it has become necessary to try to find a parking space on our property and sometimes very much in vain. There are some spaces that are designed on the Egan Property for Councillors. Quite frequently he has tried to park there, and there have been no spaces; also there are none in the other parking lot. Also people are parking in driveways and this concerns him. Councillor DeRoche asked that staff look at parking and determine what policy changes might be necessary and to see that they are implemented so that parking will be available when it is sought. It is not uncommon to find that people are parked in such a way that others are denied an opportunity to park. He advised that staff look at it and see what adjustments need to be done.

The Warden advised that there has been changes in the Executive Committee meeting time and that staff may not be aware of the change.

ADDITION OF ITEMS TO THE AUGUST 18, 1987 COUNCIL SESSION

Update on Springfield Lake Project - Councillor MacDonald
Vocational School Busing - Councillor Walker

Councillor Walker suggested that the items that are added to the next agenda be at the beginning of the agenda just after letters and correspondence instead of the end in order that these are the first items that are dealt with.

Councillor Snow asked the Warden why there was a political function in District 14 of a start up program at Litton and the Industrial Commission wasn't involved. Councillor Snow felt that Council should be informed of these things.

The Warden advised that he received an invitation to attend the start-up program of Litton and understood that they do not normally have this kind of function. He asked the Chairman of the Industrial Commission and others because of another meeting conflict and called Mr. Denny and he in turn contacted the company. They said that this was the way it was going to be and had not much to say regarding this. He was disturbed himself at the time that he was out at the site and thought the Council members and Industrial Commission members should have been able to attend. He advised that there will be a major function when the building is complete and the official opening does take place; however, it is not normal with the Company to have a sod turning or a start up program.

ADJOURNMENT

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

"THAT the Council meeting adjourn."
MOTION CARRIED.

COUNCIL SESSION

AUGUST 18, 1987

PRESENT WERE: Warden MacKenzie
Councillor Rawding
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor MacKay
Councillor McInroy
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman
Deputy Warden Mont

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.

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

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

APPROVAL OF MINUTES

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

"THAT the minutes of the Council Session, July 7, 1987, be approved as circulated."
MOTION CARRIED

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

"THAT the minutes of the Public Hearings, July 13, 1987, be approved as circulated."
MOTION CARRIED

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

"THAT the minutes of the Council Session, July 21, 1987,
be approved as circulated."

MOTION CARRIED

EMERGENCY AGENDA ITEMS

Councillor P. Baker - Department of Transportation

Councillor DeRoche - Safety, Highway No. 7

Councillor Lichter - Paper

LETTERS AND CORRESPONDENCE

Dartmouth General Hospital, Nova Scotia Firefighters School,
Antigonish-Eastern Shore Tourist Association, Cobequid Multi-Service
Centre, Symphony Nova Scotia

Mr. Kelly advised these letters all concern 1987 grants to organizations.

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

"THAT these six items of correspondence be received."

MOTION CARRIED

Shore Road, Eastern Passage

Mr. Kelly advised this item of correspondence is written on behalf of the residents of Shore Road, Eastern Passage, outlining the need for sidewalks along an area of Shore Road. He noted the letter specifically makes reference to a section of that road from St. Andrew's Church to Oceanlea Drive.

Councillor Deveaux stated he is fully aware of this situation, as well as the MLA for the area. He stated this has been a burning issue for more than a year now. He advised he received correspondence from residents last year, and they were responded to, advising everything that could be done would be done. The final decision with respect to funding for sidewalks is left with the Province, and all funds for 1987 have been expended. He advised he and the MLA have agreed that sidewalks along this area should be constructed in the coming year, although it will probably be too costly to do the entire road in one year.

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

"THAT this item of correspondence be received, and that a response be sent to Flora Christie, the author of this letter."

MOTION CARRIED

SUPPLEMENTARY AGENDA

Planning Advisory Committee Report

Application No. DA-SA-28-85-19 - Development Agreement, Century Parks Limited

Mr. Kelly reviewed the report from the Planning Advisory Committee respecting this matter.

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

"THAT Appendix "A" and Appendix "B" of the Century Park Development Agreement be amended as per Schedule "A" of the staff report."
MOTION CARRIED

Chief Building Inspector's Report

Donald Anderson, East Chezzetcook

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

"THAT approval be granted for a lesser side yard clearance of 7.2 feet, Lot 2, Donald Anderson Subdivision, East Chezzetcook."
MOTION CARRIED

Shorewood Custom Woodworking Ltd., Goodwood

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

"THAT approval be granted for a lesser setback of 22 feet, Lot 3, Main Road, Goodwood for Shorewood Custom Woodworking Ltd."
MOTION CARRIED

Executive Committee Report

Report, Social Services

Councillor P. Baker began the discussion. He noted there are apparent offenders of the Social Services system, which are going before the courts. He asked the status of such cases, and how this system works. Mr. Mason informed from January 1 to July 31, 1987 there were 37 referrals, and of those 37 referrals, 24 have had their benefits terminated. He informed the referrals mostly come from within the Department when social workers are apprehensive about a case. Mr. Mason informed the 24 terminated cases has caused a savings of over \$12,000 per month. Mr. Mason informed when cases are clearly blatant, and when the system was obviously abused, they are referred to the courts for financial recovery. Mr. Mason stated the County is entitled to receive those funds back if they were received illegally.

He noted some of these cases are referred to the Municipal Solicitor and others are referred to the Crown Prosecutor, which involves much work and is very time consuming. Councillor P. Baker stated there will always be some degree of abuse of the system, but those who require social assistance always take the hard end of the stick from those who do not require assistance. He stated there is always two sides to every story. Councillor P. Baker expressed disagreement with the release of names of those who receive social assistance. He stated this is not done as it used to be in the past; however, there is a regular report published as to how much assistance is given district by district throughout the Municipality. He expressed objection to the publication of this report, stating it should not be made available. Mr. Mason responded that it was his understanding that there was direction from Council to provide this information privately. Mr. Meech agreed, stating this practice was changed and the report was not to reflect general assistance costs district by district, but it should reflect an analysis of the caseload in terms of disabilities, able-bodied unemployed, etc. Council later asked that the district by district be provided to members of Council in their mailboxes. Councillor P. Baker indicated he would not have supported this, if he had known about it. He stated the district by district information is not pertinent, and it reflects back on the Councillor and his district.

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

"THAT the practice of publishing information about general social assistance district by district be revoked."

Councillor P. Baker stated this information could be made available to Councillors if they go to the Social Services Department and request it.

Councillor C. Baker informed it was he who asked that this information be supplied to Councillors again. He stated he is not ashamed of the amount of general assistance in his district, and this information should be published. He stated his district helps to pay for social assistance for all areas, and he should be aware of where this money is going.

Mr. Mason clarified that the names of people receiving assistance will never be published; this would cause many difficulties for the Department especially from the Federal and Provincial governments. However, information concerning any district can be made available to any Councillor upon request. Councillor C. Baker concluded that he is supportive of the position of the ERO, and it has proven to be very successful and beneficial.

Councillor Deveaux stated he would support the motion. There are many people abusing the system, but there are many others abusing the income tax and unemployment systems, and people do not question this. He stated those receiving social assistance are most often the victim of criticism, which is not fair. He inquired about the percentage of recipients who may be abusing or beating the system. Mr. Mason stated

it is difficult to pinpoint the numbers, but relative to the large caseload, the numbers are small. Councillor Deveaux stated if those who abuse the system can be stopped, it is beneficial to the County. However, he agreed there are two sides to every story, and in most cases, recipients of Social Services are entitled to that assistance. He stated there is never any question about those beating the unemployment and income tax systems, which are abuse moreso than the social assistance system.

Warden MacKenzie objected to Councillor Deveaux's statement, stating the people involved in the income tax and unemployment systems are involved in their own investigations, and this topic of discussion is about Halifax County's social assistance caseload.

Councillor P. Baker stated he does not see how the publication of the district by district report can help to control abuse of the system. Social Services staff will control abuse of the system as part of their job. He concluded that if he knows of abuse of the system, he will not report it because he has suffered from reporting such an incident in the past.

Councillor Merrigan asked if the district by district report reflects costs for nursing home costs, as well as other social assistance expenditures. Mr. Mason replied the report only reflects costs for the general assistance program, such as food, clothing, shelter, etc. It does not include the costs for those in nursing homes.

Councillor Merrigan next inquired about the procedure for determining if somebody is abusing the system or if he is or is not eligible for social assistance. He stated he has never received a call from the ERO, and he felt the district Councillor should be involved in more of these decisions. He stated the district Councillor may be able to provide information that may be difficult to find elsewhere. Mr. Mason informed the ERO position was supported with the intent to lessen abuse in the system. The question of where referrals would come from was pertinent, and it has been determined they mostly come from staff who are apprehensive about somebody on their caseload. He stated it is difficult for the caseworker to follow up on these, so they are referred to the ERO. Mr. Mason felt the ERO does have a procedure for reviewing these cases when they are referred to him. Warden MacKenzie noted it would be difficult to follow specific guidelines for this type of investigation as each and every case is unique.

MOTION DEFEATED

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

"THAT the report from the Department of Social Services be received."

MOTION CARRIED

Councillor P. Baker expressed appreciation to Mr. Mason and his staff for the excellent job they do in their department. He stated the

staff in that department is always very helpful, and he thanked Mr. Mason for their assistance.

Request for Loan, Bay Road Volunteer Fire Department

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

"THAT Council approve a loan in the amount of \$80,000 to the Bay Road Volunteer Fire Department for the purpose of carrying out renovations and an extension to the existing firehall;

ALSO THAT this loan be advanced over a period of ten years, principal and interest, with Council reserving the right to levy and area rate in default of principal and/or interest repayment."

MOTION CARRIED

Item, Redistribution Committee

Mr. Kelly advised there was a matter raised at a previous Council Session referred to the Redistribution Committee. He advised that the Committee have reviewed the matter and recommend no change to the previous district boundaries.

Councillor McInroy informed the Committee met on three different occasions to deal with a particular objection raised by Councillor DeRoche. He felt there should be an adjustment to the boundary between Districts 7 and 14. A number of alternatives were considered, and Councillor Snow discussed them with the Commissioners of the Village of Waverley, who would be the most affected, and the final conclusion was that there be no change to the district boundary. A small transfer of funds will be necessary so homes provided with fire protection from Cole Harbour/Westphal will be paying to that department. Councillor McInroy informed the submission of the report to the Municipal Board was postponed pending the outcome of this matter. He was of the understanding that Council did approve the report as it was finally presented, but that this matter also be given consideration. He informed the report will now be forwarded to the Municipal Board. Members of Council agreed.

VOCATIONAL SCHOOL BUSING - COUNCILLOR WALKER

This matter was deferred due to the absence of Councillor Walker.

SPRINGFIELD LAKE UPDATE - COUNCILLOR MacDONALD

Councillor MacDonald informed the information he was looking for has been made available to him.

METROPOLITAN AUTHORITY REPORT - COUNCILLOR McINROY

Councillor McInroy informed he had circulated his report to Members of Council last week.

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

"THAT the Metropolitan Authority Report by Councillor McInroy be received."

MOTION CARRIED

EMERGENCY AGENDA ITEMSCouncillor P. Baker - Department of Transportation

Councillor P. Baker advised he has been approached by a number of his residents, particularly from the White's Lake area, about requesting the Department of Transportation for a flashing light at the junction of the Prospect Bay and Terence Bay Roads. He stated this is a very dangerous intersection, and it has been an on-going matter for some time. He stated whenever anything such as this is requested from the Department of Transportation, there is always a funding problem; therefore, the residents have agreed to pay for this flashing light if permission is granted from the Department of Transportation to have it installed.

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

"THAT a letter be sent to the Minister of Transportation, as well as the MLA, Jerry Lawrence, requesting a flashing light at the intersection of the Prospect Bay and Terence Bay Roads;

ALSO THAT a copy of this letter be given to Councillor P. Baker."

MOTION CARRIED

Councillor DeRoche - Safety, Highway No. 7

Councillor DeRoche informed in March, 1987 a resolution was supported by Council requesting the Minister of Transportation to undertake a study of the safety factors at Highway No. 7, from the City of Dartmouth boundary to Little Salmon River. He noted a letter of acknowledgement has been received from the Minister of Transportation indicating that a study would be undertaken and Halifax County further advised. He informed a resident of this area was in receipt of a letter from the Minister of Transportation dated June 22, 1987. This letter also indicated that a study has been undertaken, and the results are anticipated in the near future to be conveyed to Halifax County Council. Councillor DeRoche continued that the residents of the area have been attempting to have stop lights installed along this stretch of highway. He stated there have been several deaths and many serious accidents in that area. He stated this situation has gone beyond belief, and it is no longer acceptable to the residents of the area.

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

"THAT the Minister of Transportation be requested to provide the results of the study undertaken by his Department with respect to the safety aspect of the area of Highway No. 7 from the City of Dartmouth boundary and Little Salmon River;

ALSO THAT Halifax County Council be provided with a copy of the study with the recommendations that have been made as a result of the study and indicate what resolution will be undertaken to effectively curtail this problem;

ALSO THAT a copy of this letter be sent to those MLA's to which the original letter was directed."

MOTION CARRIED

Councillor Lichter - Paper

Councillor Lichter noted at the last Session of Council, Halifax County Council demanded that the Halifax Herald extent an apology to the people of the Eastern Shore on the front page of the newspaper. He stated he has not seen it, and the residents of the Eastern Shore have not seen it. He stated this matter will be brought up again and again until this apology is issued.

Warden MacKenzie asked if a letter was sent to the Halifax Herald. Mr. Kelly indicated it had. Warden MacKenzie felt the Halifax Herald should at least respond to the County's correspondence, and he agreed some action should have been taken by now.

Councillor Lichter stated the Halifax Herald has received a number of letters from people along the Eastern Shore, as well as from other areas. He stated if there is not a reply or satisfaction, Mr. Kelly should automatically write to the Halifax Herald every week or copy the letter and sent it to them - similar to the newspaper - the same material over and over again.

Deputy Warden Mont - Chameau Crescent, Forest Hills

Deputy Warden Mont advised there is a situation in this area involving the Department of Housing and Montebello Estates, whereby there is an application before the Planning Department requesting a variation of the PUD agreement for the area. He expressed much concern with respect to this variation and the current proposal from Montebello Estates. He requested guidance from the Municipal Solicitor as to how the County can safeguard the residents. He asked if a notice of intention to hold a public hearing can be given tonight to preclude the developer from getting building permits should he decide to withdraw this application. He felt there are two possibilities: one to give notice that the County intends to hold a public hearing to consider an amendment to the PUD agreement to implement the type of development that the Department of Housing proposed in 1983 (a combination of parkland, single unit dwellings, and townhouses), or that Council hold a public hearing to consider a variance requested by

Montebello Estates. The problem with the second option, is if a public hearing is announced, the developer may withdraw the application.

Mr. Cragg informed there is an application now on record to amend the PUD agreement, and there is provision in the by-law for the holding of a mandatory public hearing, with three exceptions: where it is very minor; where it will cause undue hardship; or have a delirious affect on the development of the area. Mr. Cragg felt it would be an expression of bad faith on behalf of the Municipality if the County were to bring forth an application to amend the same land for which there is already an application, solely to preclude the developer from securing permits to carry out a development which is not felt to be appropriate or in keeping with the PUD agreement, passed in 1983. Mr. Cragg continued that it would not be appropriate for Halifax County initiate its own application. However, if the developer were to withdraw his present application, there is concern that a developer may apply for permits which are felt to be allowable by virtue of the 1978 agreement and it not being referenced in 1983 agreement. He felt the Municipality would have the right to refuse those permits until convinced otherwise. If the County cannot be convinced otherwise by staff and the developer, the initiative would then be with the developer to challenge this in court.

Deputy Warden Mont asked if there is any way to given notice of intention to amend with two options: 1) the option as suggested by the developer which is currently before the County; and 2) the option suggested by the Department of Housing in 1983. Mr. Cragg suggested this would not be permissable because there is already an application on record. Any effort to place before the public something other than what the applicant wishes for his lands, may be taken to be an act of bad faith by the Municipality. He stated the County is governed by the Planning Act when dealing with amendments and procedures for amendments.

Deputy Warden Mont clarified that Mr. Cragg's recommendation would be to move for a public hearing on the application on record, and should the developer withdraw his application and apply for something else, that Halifax County not issue the permits until there is more investigation into the matter. Mr. Cragg stated this application should be treated as something more than a minor variation, and if this is correct the Municipality would be within its rights to call for a public hearing. If the applicant withdrew the application, the Municipality would owe a duty to its citizens to ensure that the proposal is acceptable and within the guidelines of the PUD agreement. He felt nobody could force Halifax County to issue any permits, with the exception of a court.

Councillor DeRoche informed the developer in question publically stated that if there was to be a difficulty with respect to proceeding with this present plan, he would withdraw his application and proceed on the basis of his rights as he determined them under the 1977 PUD agreement. Councillor DeRoche understood the Department of Housing presented Halifax County Council with another approach in 1983 and

prior to the public hearing, the Department of Housing amended the application to delete the lands now in question. However, having presented County staff with a proposal at that point in time and having asked that the application be amended with the understanding that there would be something further in that regard in the future, and having asked Council to have these lands exempted from the application of the MDP for the area, Councillor DeRoche felt what applies is the 1983 agreement. He continued that staff seem to be similarly inclined. He expressed concern about the possibility of the applicant now coming before staff to seek permits on the basis of the 1977 PUD agreement and obtaining those permits. He asked if there is a manner in which Halifax County Council can proceed legitimately and correctly in restraining or offsetting the issuance of those permits so as to allow for a full examination of the total issue; thereby, availing the County of the opportunity to see that justice is done. Mr. Cragg responded that justice must not only be done but be seen to be done. He felt Council cannot instruct staff to issue or not to issue permits simply because Council does not like a particular development. He felt staff would be expected to examine the two agreements in detail to determine if the 1983 agreement is affective with regard to these lands. He stated it will not help the developer to withdraw his application and apply for permits based on the assumption that the 1983 agreement does not apply. He felt staff should be made aware of and cautioned about the issuance of permits. Councillor DeRoche clarified that senior staff will ensure that this matter is view diligently and correctly. He felt this matter will resolve itself satisfactorily. He stated he would allow due course to take place.

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

"THAT the application for a variance of the PUD agreement in the area of Chameau Crescent be set down for a public hearing at a date to be determined."

Councillor Deveaux indicated he is not opposed to a public hearing, but he stated we cannot blame the developer as he purchased this land in good faith; there was a lack of communication between the Department of Housing and the developer during the purchase. He stated the developer is only doing what anyone in the same position would do, and he felt there should be some recourse with the Department of Housing. He stated he will not support the motion at this point in time. He suggested a site visit to this property would be helpful.

Deputy Warden Mont agreed the developer cannot be blamed for purchasing the land, and there most definately should have been communication from the Department of Housing with the County when they sold it for a completely different use than the County was lead to believe. He stated he will definately follow this up with the appropriate Provincial officials, but at this point in time he only wants to protect the residents of the area as best as he can.