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COUNCIL SESSION

APRIL 5, 1988

PRESENT WERE: Warden MacKenzie
Councillor Walker
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 MacKay
Councillor McInroy
Councillor Eisenhauer
Deputy Warden MacDonald
Councillor Wiseman
Councillor Mont

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

SECRETARY: Glenda Hill

Warden MacKenzie called the Council Session to order at 6:10 p.m. with the Lord's Prayer

Mr. Kelly called the Roll.

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

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

APPROVAL OF MINUTES

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

"THAT the minutes of the March 1, 1988 Council Session be approved as circulated."
MOTION CARRIED

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

"THAT the minutes of the Committee of the Whole, re Storm Drainage Legislation, March 3, 1988, be approved as circulated."
MOTION CARRIED

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

"THAT the minutes of the Public Hearings, March 7, 1988,
be approved as circulated."
MOTION CARRIED

EMERGENCY AGENDA ITEMS

Councillor Walker - PAC
- Dog Control

Councillor P. Baker expressed difficulty with the wording of "emergency agenda items". He stated it is not democratic to allow the Warden to decide if a matter is an emergency or not, and he felt any item should be added to the agenda as an added item.

Councillor Lichter stated this was discussed at the Think Tank Session because several Members of Council feel items are added to the agenda which have been outstanding for some time, and there has been an opportunity to add them at a previous session.

LETTERS AND CORRESPONDENCE

Petition, Munroe Subdivision, Beechville

Mr. Kelly reviewed the petition regarding flooding problems at Munroe Subdivision, Beechville.

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

"THAT this petition be received and referred to the Executive Committee with a report from the Engineering and Works Department."
MOTION CARRIED

Department of Transportation

Mr. Kelly reviewed this letter respecting snow plowing at Acadia Lane, Sackville. The letter advised the matter of listing this road as a public road must be pursued before snow removal will be provided here.

Councillor MacKay stated the residents of this street are all older with limited resources. He felt this should be followed up on.

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

"THAT the matter of pursuing Acadia Lane in Sackville as a public road be referred to the Executive Committee with a report from the Municipal Surveyor, and that Councillor MacKay be notified of the meeting of the Executive Committee when this matter will be discussed."
MOTION CARRIED

Department of Transportation

Mr. Kelly reviewed this letter respecting petitions from residents of Boyd Hill and from residents of the road off Route 277 from Lantz to Musquodoboit.

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

"THAT this letter be received."
MOTION CARRIED

Councillor Lichter pointed out that Mr. Kelly's letter to the Minister of Transportation February 22, 1988 indicated problems with drifting snow as well as others, but this response does not address other concerns respecting the condition of the Boyd Hill Road during other times of the year. He stated this response either means that certain parts of Mr. Kelly's letter cannot be read by the Minister or he will not comment on these concerns.

Department of Transportation

Mr. Kelly reviewed this letter concerning the speed limit on Route 253 from the City limits to York Redoubt.

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

"THAT this letter be received."
MOTION CARRIED

C.R.T.C.

Mr. Kelly reviewed this letter respecting cable television service to the residents of Conrad Road Branch Extension, Hubbards. He noted the CRTC has no authority to force the St. Margaret's Bay Cable Company to provide service to this area, particularly when it is so costly to serve so few people.

Councillor Walker felt the CRTC should be criticized for their lack of control in this regard. He felt they should be protecting all residents of the area, if the area is to be serviced with cable television. He advised he will pass this response along to the residents and find out how they want to pursue this.

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

"THAT this letter be received."
MOTION CARRIED

Minister of Housing

Mr. Kelly reviewed this letter indicating that staff of the Department of Housing would be pleased to meet with County representatives to discuss problems with flooding and storm drainage in the Municipality.

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

"THAT this letter be received."
MOTION CARRIED

Councillor Lichter noted that letters in this regard were written to both the Minister of Transportation and the Minister of Housing at the same time, and there has been no response from the Minister of Transportation yet.

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

"THAT a letter of appreciation be sent to the Minister of Housing thanking him for his staff's willingness to meet with Halifax County officials;

AND THAT a copy of this letter be sent to the Minister of Transportation."
MOTION CARRIED

Elementary Trustees of Cole Harbour

Mr. Kelly reviewed this letter respecting school area rates. The letter expressed support for school area rates.

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

"THAT this letter be received."

Councillor P. Baker advised that Council earlier requested the School Board to provide further information on the school area rates, but there has been no response. He stated time is getting late, and nothing is being done about these rates. Councillor Wiseman indicated she would check into this.

Councillor Walker stated area rates can be beneficial to some areas, but there must be equality; there is presently a two level system, and the use of the rates must be clarified.

Councillor Wiseman advised that the majority of the School Board support the letter requesting that the area rates be dropped from the Education Act and that the ability be dropped from the Municipal Act. She agreed these rates has developed inequality in schools. She noted that Halifax County and Bedford and the only two municipalities that collect area rates for education.

Councillor Mont agreed that these rates can cause inequalities, but he would not support dropping the rates until another method is found to provide the services provided by these funds. He advised he had responded to the letter from the Elementary School Trustees in this fashion.

MOTION CARRIED

Eastern Shore Sunshine Club

Warden MacKenzie advised this letter is from a seniors' club in his district, expressing appreciation for the work of Peggy Allen of the Recreation Department.

Councillor Bayers and Councillor Randall also indicated that they had each received similar letters from seniors' groups in their areas.

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

"THAT this letter be received."

MOTION CARRIED

SETTING OF DATE, RE MINOR VARIANCE APPEAL

Mr. Kelly reviewed the memorandum from Mr. Gough, and he suggested that this appeal be heard at the May 3, 1988 Council Session at 7 p.m.

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

"THAT an appeal of minor variance MV-68-19-87 be heard at the Council Session on May 3, 1988 at 7 p.m."

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

Application No. RA-SA-34-87-20 - Rezoning of 54 Phoenix Crescent, Lower Sackville

Mr. Kelly reviewed the report.

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

"THAT a public hearing not be held for Application No. RA-SA-34-87-20."

MOTION CARRIED

SUPPLEMENTARY AGENDAMUNICIPAL PLAN COMMITTEE REPORT, DISTRICT 5Municipal Planning Strategy and Land Use By-law

Mr. Kelly advised that the Municipal Planning Committee for District 5 will complete its review of the Plan and Land Use By-law on April 13, and it is recommended that a meeting date be scheduled for the Committee of the Whole and a tentative public hearing date be scheduled for the review of this Plan and By-law.

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

"THAT the Committee of the Whole meet on May 2, 1988 to review the Municipal Development Plan and Land Use By-law for District 5."
MOTION CARRIED

Sewer Conveyance Act

Mr. Kelly reviewed the report, advising that Council recently requested the Province to amend the Sewer Facility Conveyance Act to limit the number of hook-ups from May, 1988 to 105 within the County and 360 within the City. However, the total number of approved lots now exceeds the limit. Therefore, a letter will be sent to applications for subdivision approval in this area.

Councillor Lichter clarified that several members of the Municipal Planning Committee for District 5 are concerned about this situation. He noted the requested limits are for a three year development pattern based on the past five years. However, more lots have already been approved at the final and tentative stages than can be serviced. He suggested that staff determine where the Province stands with regard to this requested amendment, and Council can then determine if something should be done or not.

Mr. Cragg stated a firm ceiling should first be determined by the Municipality before going back to the Legislative Counsel.

Councillor Lichter informed that when this issue was first discussed a letter was written to Mayor Wallace requesting a moratorium in the City and advising that same would be done in the County. However, there was only a sarcastic reply from the Mayor in response. Therefore, the recommended amendments to the Act were forwarded to the Province.

Councillor DeRoche felt development was expedited in this area once the requested amendment to the Province was made because they wanted to be sure they would be able to develop. Thus, the number of lots which have received final and tentative approval amounts to 147, as of March 24, 1988. There may be additional lots approved by this date. He agreed with Mr. Cragg that the status of the Province with this requested amendment should be determined, and from there Council could determine if it would be practical to ask for a change in the numerics. In order to do this a firm number should be determined. Staff is not in a position to do this. There will be a problem if the Legislature amends the Act as requested because Halifax County will have to determine which properties will receive a hook-up and which will be denied.

Councillor MacKay expressed concern about the position of the County in this respect. He stated the County is looking foolish because less than three months after requesting the amendment, an increase in the number of lots is being requested, and the County does not even know what will happen in the next two and one-half years.

Councillor C. Baker felt there is no need for a limit on development because damage has already been done in the area. He stated since the damage is already done, he would like to see his community build up in order to get revenue for services. He stated he cannot favour any restrictions after the damage is done.

Councillor Lichter stated the City of Halifax will probably react against the requested limited development in the City; therefore, their number could be much greater than 360, and the County's may remain at 105. Therefore, Councillor Lichter suggested the Province now be requested to continue with the amendment, but that it read that Halifax County be given a limit of hook-up of no less than 35 percent of the limit imposed on the City of Halifax.

Councillor MacKay expressed concern about the legal implication of approving lots but not allowing these lots to hook into the sewer line. He stated 35 percent of 360 will still be short of the number of already approved lots. Mr. Cragg responded that the legal implications will not be very serious because at worst the County could only be liable for damages. He stated these lots are undeveloped which would limit the liability. Proof would have to be shown that the developer had a sale for the lot but lost it due to this moratorium. He stated to protect the County, applicants seeking approval and those who have recently received approval should be notified of the pending amendments.

Councillor MacKay stated this situation is a very poor one for the County to be in, and if the Councillor for the area does not support limiting the development, he felt the County should request the Province to withdraw the request. Mr. Cragg agreed that this could be done.

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

"THAT FURTHER to the January 19, 1988 resolution of Council concerning requested amendments to the Sewer Facility Conveyance Act, Halifax County Council requests a limit on the number of hook-ups to the Herring Cove sewer line at 35 percent of the limit imposed on the City of Halifax."

There was some discussion about the intent of the motion. It was clarified this does not mean a 65-35 split between the number of lots the Province allows to be developed, but that the County receive a minimum of 35 percent of the number of lots the City is permitted to develop according to the amendment by the Province. It was also noted that this motion is further to the motion of January 19, rather than rescinding the previous motion.

MOTION CARRIED - 1 NO

BUILDING INSPECTORS REPORT

M.R. Sherwood, St. Margaret's Bay

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

"THAT a lesser setback of 20 feet at 175 Glenwood Drive, St. Margaret's Bay be approved for applicant M.R. Sherwood."
MOTION CARRIED

Lorenda Construction, Hammonds Plains

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

"THAT approval be granted for a lesser setback of 17 feet at Lot 53 Cambridge Court, Hammonds Plains for applicant Lorenda Construction."
MOTION CARRIED

Peter Warren, Portuguese Cove

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

"THAT approval be granted for a lesser setback of 17 feet at Lot 4, G.A. Flemming Subdivision, Portuguese Cove for applicant Peter Warren."
MOTION CARRIED

Harry Tieken, Chezzetcook

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

"THAT approval be granted for a lesser setback of 17 feet for applicant Harry Tieken at Highway No. 7, Chezzetcook."
MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Tentative Agreement, Local 1083

Mr. Kelly reviewed the report respecting the tentative agreement with local 1083.

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

"THAT the tentative agreement with Local 1083 be approved as presented."
MOTION CARRIED

Burning By-law

Mr. Kelly advised that the Executive Committee recommends the Burning By-law to Council for approval.

Councillor Lichter inquired about the final revisions. Councillor DeRoche also referred to Section 3 of the By-law asking how it will be determined which districts will be exempt.

Mr. Cragg replied that Council will determine which districts this by-law will apply to prior to adopting it. He advised the latest draft includes a minor revision to the section regarding receptacles, and the Fire Advisory Board and the Executive Committee are both now satisfied with this draft.

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

"THAT the Burning By-law be adopted and that it apply to District 21."

Councillor MacKay inquired about the effective dates of the Forests Act. Mr. Turpin advised this applies from April 15 to October 15. He clarified that during this period a permit is required from the Department of Lands and Forests, as the Forests Act (Provincial legislation) overrules Municipal legislation. Councillor MacKay noted the Forests Act only applies within 1000 feet of the forest, and he expressed concern that it will not apply in Sackville. He stated there is a need for control over burning during the summer months most particularly. Mr. Cragg informed the by-law was prepared in a means that the County can only legislate during periods not dealt with by the Provincial government. He stated there would be a problem in asking the Province to give the Municipality the authority to deal in an area where they otherwise had been able to; he also felt there would be a problem in having the Province grant this authority without amending the Forests Act and the Municipal Act.

Councillor Bayers, Councillor Reid, and Councillor Lichter each indicated that they do not want their districts to be part of the Burning By-law.

There was much discussion concerning this By-law and how the Provincial Forests Act will affect this. Several expressed concern about the Department of Lands and Forests issuing permits from April 15 to October 15 with no knowledge of the area for which the permit is issued. They are also not always available to help put out the fire should it get out of control; the municipal fire departments are responsible for fire control, although the Province issues the permit.

Mr. Cragg noted the Provincial legislation does not refer to 1000 feet from an urban area, but it refers to 1000 feet from the woods. He interpreted this as meaning one could have a fire 10 feet from his backdoor in the middle of a subdivision, but not ten miles in the middle of nowhere if it is within 1000 feet of the forest. He suggested this causes some difficulty, and it does not relieve the County of the problem of burning when Provincial legislation is effective.

Mr. Turpin noted that in the western region of the County, a number of local fire chiefs are sworn in as sub-rangers and are able to issue Lands and Forests permits. The fire chief is then aware of what is going on summer and winter. However, in the eastern region of Halifax County, the Department of Lands and Forests has chosen not to swear in sub-rangers to issue permits on a local basis. He suggested this along with the by-law could achieve the needs and desire of Council.

It was suggested that the Minister and Deputy Minister of Lands and Forests and Municipal Affairs be asked to meet with the Executive Committee to determine who all these concerns can be dealt with.

Following further discussion and concerns,

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

"THAT the Burning By-law be referred back to the Fire Advisory Board for further clarification."

MOTION CARRIED 12 - YES

5 - NO

Several Members of Council indicated an interest in meeting with the Fire Advisory Board when this matter is discussed. It was noted the next meeting will be May 2, 1988 at 12:30 p.m., and further notification will be forwarded to Councillors. It was also suggested that a meeting be held with the Minister of Lands and Forests prior to the meeting of May 2, 1988. Councillor MacKay stated if the Province is not prepared to change any legislation to allow the County any authority with respect to burning from April 15 to October 15, all efforts may be worthless.

District Capital Grant, District 18

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

"THAT approval be granted for a District Capital Grant, District 18 in the amount of \$2,592 for repairs and improvements at the Lucasville Community Centre (County-owned)."

MOTION CARRIED

Office Space, Sackville

Mr. Kelly reviewed the Executive Committee report respecting this matter.

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

"THAT Halifax County Council approve a lease for 506 Sackville Drive for the purpose of establishing a satellite office."

Councillor Lichter expressed concern about the five year term of the lease. He inquired about penalties in the case that the lease must be vacated within two or three years. Mr. Cragg advised that unless there is a clause in the lease agreement to allow the County to get out of the lease, the County would be responsible for the full term of the lease agreement. Councillor Lichter stated if the lease is not renewable annually, the County should forget about this facility. He felt the County should not lock itself into a five year lease in Sackville given the present status of the County and Sackville.

Councillor Lichter also inquired about the \$18,000 per annum for leaseholds and furnishings. He asked if the facility will be furnished each year. Councillor Mont clarified that the leaseholds are estimated at a total cost of \$75,000 to be amortized over a five year period. Councillor Lichter felt \$75,000 is too much for furnishing this office. He stated this should only refer to furnishings and not leaseholds. He stated this report seems to be stacked with items hidden throughout, and he does not appreciate these reports.

Councillor Lichter next inquired about the funding. It was noted \$63,600 will come from the Water Utility. There will also be an office for the payment of taxes and other services so the general fund will pay part of the cost.

Deputy Warden MacDonald inquired about sub-letting the building should the County not require it anymore. Mr. Cragg stated it is reasonable to assume that the final lease agreement will include a clause to sublet a portion of the premises subject to the landlords permission.

Councillor Mont asked if the liability of this lease will not be passed to a new incorporated body should Sackville decide to incorporate. Mr. Cragg felt that not only lands are involved but obligations, as well. He stated he would have to verify this.

There was further discussion about the funding of this satellite office.

Councillor MacKay noted that the square footage of this building for \$11.60 per square foot is a very good deal, and Mr. Brine and Mr. Brothers worked very hard to find this location and to get this deal. Councillor MacKay also noted that the common costs are estimated quite high. He stated these costs usually cover snow plowing, exterior lighting, garbage collection, etc. Under normal circumstances the County would be responsible for all costs, but the high common cost will be covering all these expenses.

Councillor MacKay also expressed concern about the cost of the furnishings, estimated at \$75,000. He suggested there is already furniture at the existing office and at the office in the Sackville Industrial Park. He also stated the existing Mainstreet Office has some furniture.

Deputy Warden MacDonald agreed that the rental of this office is a good deal, and it will be much more efficient for the Water Utility. He stated Council should support this because it will be a benefit to the people of Halifax County and Sackville; it will mean an improvement in service for the residents.

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

"THAT the aforementioned resolution be amended to approve the rental of 506 Sackville Drive for the purpose of establishing a satellite office and the leasehold improvements and that the furnishing of this office be investigated further."

Mr. Wilson noted that the existing furniture for the Engineering and Works Department will be accommodated by new staff proposed in the 1988 budget.

Councillor Walker expressed difficulty with this report when the status of Sackville is still questionable. He stated this office will not benefit his residents in any manner, although they will be paying for it.

Councillor Wiseman expressed difficulty with delaying this project. She requested a report at the next Council Session regarding the furnishings because ordering and receiving furnishings for 5,000 square feet can take some time.

Mr. Cragg advised that after checking the Municipal Boundaries and Representations Act, any real property belonging to the Municipality would be the responsibility of a newly incorporated town, but another section does not refer to real property, but to assets and liabilities. Therefore, he concluded that the responsibility for this lease would remain with the Municipality should Sackville incorporate.

Councillor Lichter next inquired about the number of staff members proposed to move to this new office. He noted a short time ago several Councillors expressed difficulty that staff of the Social Services Department were moved to Sackville without Council's permission or knowledge, and he suggested if these moves are to be made, they should be discussed with Council now. Mr. Wilson advised the Engineering Department would have to report on the exact figures, but he estimated that six members of the Water Utility Department will be moving to Sackville, as well as proposed new positions included in the budget. He advised there may be others he is not aware of it. Councillor Lichter expressed concern about the high cost of furnishings for so few staff members.

Councillor Merrigan asked if this satellite office will only serve Sackville residents. It was clarified that this office will serve all County residents. They will be able to pay their taxes here, as well as deal with the Water Utility.

Councillor DeRoche stated the main occupant of this office will be the Water Utility. There are already several Water Utility staff situated in Sackville who will also be moving to this office. He stated it is expected that the new workshop and storage area will allow more room and capability than at present. He concluded that 60 to 65 percent of the total cost is to be covered by the Water Utility, rather than the general tax rate.

AMENDMENT CARRIED - 1 NO

MOTION CARRIED AS AMDENDED - 1 NO

URBAN SERVICES COMMITTEE REPORT

Transit Cost Sharing Formula

Mr. Kelly reviewed the report and resolution of the Urban Services Committee Report concerning transit cost-sharing.

Councillor Mont felt this is not the intent of the resolution made at the Urban Services Committee meeting. He stated the Committee agreed to support the assessment basis provided that the County gets a basic level of service guaranteed throughout the serviced area. He expressed concern that this resolution does not require Metro Transit to establish an acceptable level of service. Councillor MacKay agreed the resolution should read "an acceptable and minimal level of service..."

Councillor McInroy stated the Metropolitan Authority has established a serviceable boundary for transit, and he would like to all parts of Halifax County included in that boundary committed to increasing the service on an annual basis to make it uniform throughout the entire serviced area.

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

"THAT this matter be referred back to the Urban Services Committee for clarification."

MOTION CARRIED

METROPOLITAN AUTHORITY REPORT - COUNCILLOR McINROY

This matter was deferred to the next Council Session.

RESOLUTION, SIDEWALK CONSTRUCTION AGREEMENT

Mr. Kelly advised this is an agreement from the Department of Transportation respecting sidewalk construction at Eastern Passage, Cole Harbour, and Westphal. He reviewed the areas of construction.

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

"THAT Halifax County Council approve Sidewalk Construction Agreement No. 1-M, dated March 15, 1988, concerning the construction of sidewalks in Eastern Passage, Westphal, and Cole Harbour."

Councillor McInroy expressed concern about the wording of these legal documents.

Deputy Warden MacDonald inquired about priorities for construction of sidewalks in other areas. He stated Sackville has been looking for sidewalks for sometime now, but it seems they are not given any consideration.

MOTION CARRIED

APPOINTMENT OF DELEGATES, FCM CONFERENCE 1988

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

"THAT the Warden be authorized to select the delegates to the 1988 FCM Conference."

MOTION CARRIED

SUPPLEMENTARY AGENDA

Proposed Bill, re exemption from taxes, Directors of the Atlantic Winter Fair

Councillor McInroy declared a conflict of interest.

Mr. Kelly reviewed the proposed Bill and the recent amendments. He advised that this Act provides for tax exemption for the property assessed to the Directors of the Atlantic Winter Fair with the exception of area rates.

It was moved by Councillor P. Baker, seconded by Deputy Warden MacDonald:

"THAT the proposed Bill re exemption from taxes, Directors of the Atlantic Winter Fair be approved by Municipal Council and forwarded to the Legislative Counsel for approval."

Councillor MacKay noted this Bill does not exempt area rates, and he also noted that the assessed value of the property shall not be included in the uniform assessment of the County of Halifax for the purpose of the Municipal Grants. He stated the County has been trying for years to have other exempt properties not to be exempt on the assessed roll. Mr. Wilson noted this is so that the County pays the mandatory education tax based on uniform assessment. If the general tax rate is not collected from a property, the County wants to assure it is not in the uniform assessment to pay that education tax or other purposes for which uniform assessment is used.

Councillor DeRoche clarified that if this Act is adopted the County will have the right to adopt a by-law to exempt the Atlantic Winter Fair property from taxation. He asked if this will also allow Halifax County to limit the amount of exemption. He expressed concern that a commercial enterprise may be built here that would not normally be exempt, as well as the possibility of a new race track. Mr. Wilson informed the by-law will have to be adopted after approval of this Provincial legislation.

Mr. Cragg also advised that the legislation is discretionary, and he felt this concern could be dealt with as an initial by-law or as the situation arises. He stated this could also be possible if the Directors of the Atlantic Winter Fair purchased other lands elsewhere.

MOTION CARRIED

EMERGENCY AGENDA ITEMS

Councillor Walker - P.A.C.

Councillor Walker advised that this matter can be deferred to the next Session of Council.

Councillor Walker - Dog Control

Councillor Walker advised he has been having some difficulty with dog control in his area over the past few weeks. He stated responses to his calls to Animal Control have been inadequate, and he cannot get in touch with the dog catcher. Councillor Walker stated he is of the understanding that other Councillors are experiencing the same difficulty. He stated that people do not know the dog control vehicles because they are not marked, and the residents do not recognize him to say if he was in the area or not.

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

"THAT Mr. Mont come before the Executive Committee to answer questions and address concerns about dog control."

Councillor Adams agreed that the dog control service has deteriorated over the past five weeks. He stated there have been several calls about vicious dogs, and there is either an answering machine or a busy signal. He stated he was prepared to bring this matter up at the Executive Committee.

MOTION CARRIED

ADDITION OF ITEMS TO THE APRIL 19, 1988 COUNCIL SESSION

Councillor P. Baker - Atlantic Winter Fair/Exhibition Park, Harness
Racing

Councillor Lichter - Blasting By-law, District 13

ADJOURNMENT

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

"THAT this Session of Council adjourn."

MOTION CARRIED

COUNCIL SESSION

APRIL 19, 1988

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 Snow
Councillor Merrigan
Councillor MacKay
Councillor McInroy
Councillor Eisenhauer
Deputy Warden MacDonald
Councillor Wiseman
Councillor Mont

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

SECRETARY: Glenda Hill

Warden MacKenzie called the Council Session to order at 6:10 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

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

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

APPROVAL OF MINUTES

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

"THAT the minutes of the March 15, 1988 Council Session be approved as circulated."
MOTION CARRIED

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

"THAT the minutes of the Public Hearing, March 21, 1988, be approved as circulated."

MOTION CARRIED

EMERGENCY AGENDA ITEMS

None.

REZONING APPLICATION NO. RA-24-33-87-09

Warden MacKenzie advised that a decision regarding this matter was deferred following the public hearing pending further information from the Department of the Environment. He introduced Dr. Waugh of the Department of the Environment and asked that he respond to Council's questions regarding this issue.

It was clarified that Dr. Waugh is from the Provincial Department of the Environment.

Councillor Mont advised he is in possession of a letter to the Planner, Mr. Morgan, from Don Gray of the Department of the Environment. He noted that this letter reads that the request for a buffer zone was initiated when all of Lot X1P, which abutts the Little Salmon River, was included for rezoning. He read that "since this lot is no longer considered for rezoning, a buffer zone is not needed as the remainder of the shore line abutts Cole Harbour, which is under federal jurisdiction." Councillor Mont interpreted the letter to mean that when the entire parcel of land was considered for rezoning, the provincial Department of the Environment had some concerns about the buffer zone, but once it was determined that the parcel along the river would not be rezoned, the Provincial Department of the Environment is not interested, but the Federal Department of the Environment should be involved.

Dr. Waugh felt Mr. Gray should respond to this. He advised his area of expertise is in the area of pesticides and their effect on the environment. He stated it would be a solicitor's decision to determine if the Provincial department would have any jurisdiction over any environmental threat to Cole Harbour.

Councillor DeRoche felt there should be some communication with the federal Department of the Environment, particularly with respect to wildlife conservation and protection.

Councillor MacKay asked what monitoring, if any, the Provincial Department of the Environment would be doing for this garden centre upon approval of this application. Dr. Waugh advised that the provincial Department of the Environment continually monitors all types of operations, whether they be large scale forestry operations or smaller operations, such as greenhouses. Dr. Waugh stated there

are regulations now out for public review and comment, and this is an area that will be affected by these regulations. The Nova Scotia Greenhouse Growers Association will be commenting on these regulations. He stated it is very important to put the use of pesticides in the proper context. He advised he recently visited the Atlantic Gardens operation in Sackville and requested information on the types and amount of pesticides used. He stated considering the amount of space they occupy, the amount of pesticides purchased in 1987 for greenhouse use was less than 30 pounds for this 40,000 square foot greenhouse operation. He suggested at a smaller operation, such as that proposed for Lawrencetown, only about two pounds of pesticide would be used per year. He stated these figures are based upon information supplied for Atlantic Gardens, and he stated they are supported by application rates. Dr. Waugh stated this is a holding facility, as opposed to a production facility, where the use of pesticides is not going to be very intense.

Dr. Waugh continued that 50 to 60 percent of the commercial preparations is actual pesticide. The rest is made up of other materials that help to make the pesticide work. When large quantities are broken down for use, the amount of pesticide is very minimal.

Dr. Waugh stated if the two pounds were dumped into Cole Harbour, it would not even approach the drinking water standards for pesticides. This is the worst possible case assumption that this location is to be a growing facility rather than a holding facility; a holding facility would not use this much pesticide.

Councillor Wiseman inquired about the use of malathion for greenhouse operations. Dr. Waugh informed this is often used in greenhouse operations; it is a fully registered insecticide by Agriculture Canada in conjunction with Health & Welfare Canada and Environment Canada. He stated it is important to recognize that pesticides that are used have already gone through a very elaborate testing process; however, problems can still arise. In this situation the quantities are so small that people probably buy more in one afternoon than is used for the operation all year. He stated the malathion will only be used occasionally on an as-needed basis.

Councillor Mont inquired about the dumping of pesticides in Cole Harbour, as earlier referred to by Dr. Waugh. He suggested if there was an accident, the pesticide would enter the harbour in one spot, and he inquired about the impact on the area immediately surrounding that. Dr. Waugh advised the impact would be very mild given the small quantities used.

Councillor Snow inquired about studies concerning the residue from watering the plants. Dr. Waugh informed he is not aware of any such studies, although it is likely some were done. He stated sanitation in a greenhouse is a critical factor in disease control. He stated most fungicides are considerably less toxic than salt and aspirin. Councillor Snow referred to Hardwick's nursery, where many pesticides and fungicides were used that drained into a pool from which his animals drank from. Dr. Waugh stated he is only aware of situations whereby products have been improperly used, and the concept of improper use goes with every human activity.

Councillor Randall advised the County is in receipt of a letter from the Department of the Environment indicating that a monitoring program could be developed for this proposed site. He asked what this monitoring program would consist of. Dr. Waugh informed he would be prepared to recommend to his superiors that a monitoring program be set up. He suggested this program would include looking for soil residues in the greenhouse, requiring the operator to provide a monthly statement of pesticide useage, requiring the operator to allow for unannounced site inspections of the area to look at the storage and use of these products, checking Cole Harbour and the Little Salmon River, etc.

Councillor Randall asked if this program would be done as a matter of course or only upon request. Dr. Waugh advised in this situation it may be appropriate to make representation so the desire of Council is clear.

Councillor Merrigan asked since this proposed greenhouse will not be served by central water and sewer, if the Department of the Environment will require the operator to have a certain filter system or a certain disposal field. Dr. Waugh advised this is the first time their department has been involved in a greenhouse operation so there are no specifications in this regard. He reiterated that the amount of pesticides that will be used here is so small in relation to other pesticide useages that it will not be a problem. He added that once the material is sprayed it begins to decompose and break down. He stated he would be appauled at any operation where pesticides are used and there is pipe running directly into a watercourse.

Councillor Rawding noted if this rezoning is approved, it will be continuous, and he asked if there is an escalation in useage of pesticides or the introduction of other chemicals, how long would it take for Cole Harbour to be polluted. Dr. Waugh stated it is not anticipated that this will ever happen, considering the types of pesticides used for greenhouse operations. He clarified that it is his opinion professionally that this operation will not pollute Cole Harbour in any way from the use of pesticides; he added that monitoring this situation will also protect against this.

Councillor Lichter asked if chemicals used in this operation will break down fast enough to accommodate two pounds per year. Dr. Waugh advised this is fair. With respect to aresnic, Dr. Waugh stated aresnic is an inorganic compound which is elemental, but these products are very complex with many different chemical linkages. They are subject to breaking part, although aresnic is not.

Councillor Lichter clarified that the chemicals this operation will be permitted to sell will be no different from those that Canadian Tire and other stores can sell. Dr. Waugh agreed, stating if Atlantic Gardens goes into selling commercial or restricted pesticides, they will have to be a licensed vendor and will have to conform to all such requirements.

Councillor Lichter next asked if the domestic chemicals break down into harmless particles or if they can still be harmful. Dr. Waugh responded that each pesticide would have to be considered individually. Depending on the product, there will be intermediaries that are toxic, as the original compound was. However, the general rule is that as the compound is broken down it becomes less and less toxic. Eventually, they break down into the elementals.

Councillor Reid noted there are various stores where high concentrations of herbicides can be purchased, and he asked if these concentrations of herbicides are governed by the Provincial Department of the Environment with respect to who can sell these products. Dr. Waugh informed that the classification scheme also applies to herbicides. Councillor Reid clarified that the regulations include guidelines for the sale of these goods. Dr. Waugh agreed, stating there are very stringent storage requirements for these products, and a garden centre would have to follow these very stringent requirements if they were to sell the commercial products.

Councillor Wiseman asked under what circumstances a herbicide would be used in a retail garden centre. Dr. Waugh advised it is hoped it would not be used at all, as it would wipe out their whole operation.

Mr. William Thurston of the Provincial Department of Health next addressed Council concerning this matter.

Councillor Merrigan asked if there are any requirements for drainage for the construction of a greenhouse. Mr. Thurston advised that the Department of Health would have no jurisdiction with regard to the construction of the greenhouse. Their jurisdiction is with regard to the on-site sewage disposal system. Mr. Thurston advised that domestic sewage drains are controlled by his department, although storm water drains are not.

Councillor Snow added that cleanliness in greenhouses is important and proper drainage is necessary in order to clean the greenhouse properly.

Deputy Warden MacDonald asked if there are certain requirements depending on the proposed type of business. Mr. Thurston advised there are restrictions concerning what goes into the septic tank; domestic sewage is all that is recommended for the on-site sewage disposal systems. He stated it is not recommended that roof drains or site foundation drains be connected to the septic tank.

Deputy Warden MacDonald asked if the proposed system for this site would be capable of handling the sewage from this site without going into Cole Harbour. Mr. Thurston advised this operation will have to qualify for every clearance distance as stipulated in the on-site sewage disposal regulations. He clarified that this criteria is to prevent domestic sewage from entering the harbour without being purified by the septic system. However, if there is something in the

system that should not be there, hopefully it would have to go through the same separation distances before it would enter the harbour. Deputy Warden MacDonald noted that the County has no control over what will go into the septic systems. Mr. Thurston advised their jurisdiction starts once the pipe exits the building. He suggested the building inspector could advise the operator not to connect any internal draining systems to their domestic sewage pipe.

Councillor Lichter inquired about the clearance distances from any body of water. Mr. Thurston advised that clearance of 100 feet or more could be requested for this property upon recommendation, but it would depend on the conditions of the site. He noted this site has not be evaluated yet.

Councillor DeRoche asked if there has been any assessment on this property yet. Mr. Thurston advised there has not been an on-site assessment yet. Councillor DeRoche inquired about the possibility of this property not qualifying for a septic system. Mr. Thurston advised there is a very good chance that this property will qualify for a septic system.

Warden MacKenzie thanked Dr. Waugh and Mr. Thurston for their representation and for answering questions from Members of Council.

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

"THAT the rezoning of the lands of Burton Patterson, Lot X1B-P and a portion of the remainder of Lot X1B, located off the south side of the Lawrencetown Public Road east of the Little Salmon River, District 9, from R-1 (Single Family Dwelling) Zone to C-1 (Local Business) Zone be approved by Municipal Council."

Councillor Randall stated the democratic process has been well served by the public hearing and this exercise. He stated that the Department of the Environment, the Department of Health, and the Department of Transportation have all responded favourably to this rezoning request. He stated it has been his indication from the residents of Lawrencetown that the majority favour this particular business establishing at the site in question. Councillor Randall stated due consideration has been given to the concerns of those opposed to this rezoning in an attempt to make a fair decision. He stated if there had been any indication from any government agencies that this development would pose a threat to the environment or health or that it would cause traffic problems, he would not have supported it. He stated after listening to several presentations by the applicant, he has every reason to believe that Atlantic Gardens is a good corporate citizen and that the Godfrey's approach this development in a very responsible manner. He noted that Mrs. Godfrey has explained her operation very carefully to the residents of Lawrencetown. He felt this business will complement the community aesthetically, will provide some additional employment, expand the tax base, and will do no harm to the environment. He asked that Council support this resolution.

Councillor DeRoche stated Councillor Randall's statements are not completely accurate, and he felt the motion is somewhat premature. He stated that Department of the Environment has not assessed this property, and the Provincial Department has indicated that this authority lies with the Federal government due to the close proximity of the body of water.

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

"THAT a decision regarding this rezoning application be deferred pending consultation with the federal Department of the Environment."

MOTION DEFEATED

Councillor P. Baker stated he has heard the pros and cons of this development, and at the public hearing he had decided to oppose the application. However, after hearing the expertise of Dr. Waugh and Mr. Thurston he stated he will support the application.

Councillor DeRoche stated he is well aware of the expertise of the Godfrey's, and he stated he expects they will use this expertise at this proposed outlet. However, he stated there are a number of greenhouse operations moving into the Cole Harbour/Westphal/Lawrencetown area, and there is a possibility that this may not be successful, and they may be obligated to sell to recupe their money. Councillor DeRoche stated the C-1 zone may prove to be more harmful than this proposed operation. On this basis he asked that Council not support the motion.

Councillor Mont stated he has the same concerns as Councillor DeRoche. He felt the proposed operation of the garden centre here will not pose a threat to the area, but there are no answers as to other uses that the proposed zone for this property will allow. He asked if the motion could be amended to reflect approval of this rezoning with certain restrictions. He noted that the applicant's lawyer, Mr. Cooper, had informed that his clients would be willing to agree to this. Mr. Cragg indicated that Council's only authority is to deal with the rezoning request per say. There is no Land Use By-law or Plan in place for this area, and the County can only amend the existing by-law. However, he suggested Council may be able to agree with the applicant that certain things can or cannot be done on this property. However, there is no authority to request the applicant to agree with Council on these conditions. Any voluntary contract with the applicant in this respect may be binding. Councillor Mont noted the applicant is willing to agree to this, and he asked if this could be incorporated into the motion. Mr. Cragg responded that it could be put into the motion, as long as it is understood that it does not add or subtract from the main motion which is to rezone the property. He also clarified that Council would not have the authority to approve this rezoning contingent on the signing of the contract.

Councillor Mont advised he is in receipt of a petition opposing this application, and he asked if it could be submitted at this point. Warden MacKenzie advised that the public hearing portion of this application is closed, and if any petitions in opposition are

received, any materials in support of the application must also be received.

Deputy Warden MacDonald asked if Council can take any precautions to have this property zoned with a special zone when the Municipal Plan for the area is adopted. Mr. Cragg advised the proposed Plan could provide for specified land uses on any particular parcel of land within the planned area regardless of the existing zone. However, assuming the applicant develops the land as proposed, at the very worst this property would become non-conforming which would not solve the problem. He stated this can be dealt with when the plan is adopted. He stated the Plan could also provide that any expansion of the use can only be done by development agreement.

Councillor Lichter stated the same argument that once this property is rezoned the land can be developed with any of the permitted uses has been used over and over again. He stated this argument is appreciated, but he felt the foresight with respect to this application is not appropriate. He asked Councillor DeRoche how long it will take to build the garden centre and how long it will take Atlantic Gardens to go bankrupt. Councillor DeRoche stated it would take four to five months to construct this development, and knowing the extent of Atlantic Garden's existing properties, it would take some time for them to go bankrupt. Councillor Lichter stated it will be some time before it is determined that Atlantic Gardens cannot operate a valuable garden centre here, and by that time the Lawrencetown plan will be in affect, and it will be able to address any parcel of land by development agreement. He stated this will be the solution to this question.

MOTION CARRIED - 2 NO

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

"THAT Halifax County Council request the Department of the Environment to develop a monitoring program for the parcel of land rezoned to C-1 (Local Business) Zone (application no., RA-24-33-87-09) and that the monitoring program be carried out on an on-going basis."

MOTION CARRIED

Councillor Wiseman asked that Members of Council and people in the gallery refrain from smoking with children in the gallery.

Warden MacKenzie introduced a group of cubs and their leaders from the First Hatchett Lake Cub Group. Councillor P. Baker addressed this group telling them the history of the County emblem and presenting them each with a County pin.

Following this presentation, Council agreed to break for five minutes.

Warden MacKenzie called the meeting back to order at 8:10 p.m.

PLANNING ADVISORY COMMITTEE REPORT

Application No. DA-TLB-08-87-02 Development Agreement - Derrick and Cindy Redden, 1949 St. Margaret's Bay Road, Timberlea

Mr. Kelly reviewed the report and recommendation concerning this application.

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

"THAT Application No. DA-TLB-08-87-02 be approved and that a public hearing be held on May 9, 1988 at 7 p.m."

MOTION CARRIED

Application No. DA-SA-03-88-19 - Development Agreement - Century Parks Limited

Mr. Kelly reviewed this report, noting that Council can amend this development agreement without a public hearing provided that the amendment does not result in the reduction of any required minimum park standard.

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

"THAT Halifax County Council approve an amendment to Appendix "A" of the Century Parks Development Agreement to realign lots 46-47, as per the staff report."

MOTION CARRIED

Application No. RA-CH/W-24-87-07 - Rezoning of a Portion of the Lands Located to the West of the Montague Mines Road and Loon Lake Road Intersection

Mr. Kelly reviewed the report and recommendation of the Planning Advisory Committee concerning this applicaiton.

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

"THAT a public hearing be held for Application No. RA-CH/W-24-87-07 on May 9, 1988 at 7 p.m."

MOTION CARRIED

SUPPLEMENTARY PLANNING ADVISORY COMMITTEE REPORT

Municipal Planning Strategy and Land Use By-law for Planning Districts 1 and 3

Mr. Kelly reviewed this report.

It was clarified that the changes contained in this report can be made to the Municipal Development Plan and Land Use By-law for Districts 1 and 3 prior to the advertisement being placed in the newspaper.

Therefore, when the public views it, they see it the way Council intends to deal with it.

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

"THAT six matters contained in the Planning Advisory Committee report respecting this matter be approved as per the amendments contained in the staff report."

MOTION CARRIED

Planning Districts 1 and 3 - Subdivision By-law

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

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

"THAT the amendments to the Subdivision By-law, contained in the staff report, be approved and that the public hearing be held on May 30, 1988 following discussion of the proposed Municipal Planning Strategy and Land Use By-law for Planning Districts 1 and 3."

MOTION CARRIED

File No. P-36-88-03 - Undersized Lot Legislation - Lands of Barry Boutlier

Mr. Kelly reviewed this report from the Planning Advisory Committee, as well as a memorandum from the Director of Planning and Development, requesting that this be deferred to the next Council Session in order that staff may investigate alternatives for this applicant, as it may not be eligible under the Undersized Lot Legislation.

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

"THAT a decision concerning File No. P-36-88-03 be deferred to the next Council Session in order that staff can investigate further alternatives for this applicant."

MOTION CARRIED

Planning Districts 15/18/19 Plan Amendment - Application No. PA-15-02-88

Mr. Kelly reviewed the report concerning this issue.

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

"THAT the area shown in the Generalized Future Land Use Map (Appendix A of the staff report) be included within the District 15/18/19 Plan area;

ALSO THAT the proposed zoning of the lands of Piercey Investments Ltd., falling within this area be changed from MU-1 (Mixed Use 1) to R-1 (Single Unit Dwelling) Zone."

Councillor Rawding noted at the public hearing, Mrs. Fornier had requested that approximately 40 acres of Crown land between Maple Lake and Upper Sheldrake Lake be retained as a resource area and developed as a natural park. Councillor Lichter advised that after reading Mrs. Fornier's letter, the Planning Advisory Committee decided there was no rezoning request on file, and it was felt no adjustment could be made. It was suggested that Council could support Mrs. Fornier's proposal by writing to the Department of Lands and Forests.

MOTION CARRIED UNANIMOUSLY

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

"THAT Halifax County Council write a letter of support concerning the request for designation of Crown lands between Maple Lake and Upper Sheldrake Lake to be used as a natural resource for the community and the abutting community of Timberlea/Lakeside/Beechville."

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Accident Insurance, Fire Departments

Mr. Kelly reviewed this report and the recommendation of the Executive Committee.

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

"THAT Council approve funding towards the cost of accident insurance to provide Level IV benefits for all County fire departments."

Deputy Warden MacDonald asked if this funding will come from the general fund. Mr. Meech advised this will amount to approximately \$40,000, and there is provision in the 1988 budget to provide for this.

Councillor DeRoche noted that Mr. Turpin's report only recommends \$1,000 to each County Fire Department toward the cost of volunteer accident insurance. He asked why the figure is now projected at \$40,000. It was clarified that the Executive Committee recommended that the full cost of Level IV insurance be paid for each fire department, rather than just \$1,000 towards this cost.

MOTION CARRIED