

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

"THAT the matter of servicing to Woodbine Mobile Home Park be deferred to the next Session of Council pending a staff report through the Planning Advisory Committee."

MOTION CARRIED

DOG CONTROL - COUNCILLOR WALKER

Councillor Walker stated dog control in the Municipality today is totally inadequate. He stated he has called on numerous occasions with many complaints and problems, which are never addressed. He noted that the contract with Imperial Investments expires in the fall of 1988, and he suggested that another alternative be considered before that time.

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

"THAT the system of dog control be reviewed with consideration being given to leaving dog control responsibilities in the hands of the Municipality;

AND FURTHER THAT this be referred to the Executive Committee for further discussion and consideration."

Mr. Meech advised that he recently asked Mr. Kelly to prepare a report on dog control services in the County, as well as a suggestion for different options.

Councillor Walker felt the option of keeping this service within the Municipality should be given consideration again.

Councillor Wiseman advised that she recently spoke to an SPCA official who indicated that he may have a proposal for dog control, and she asked that this also be considered by the Executive Committee. Councillor Walker stated the SPCA left the Municipality without a contract very suddenly last time, although they did a good job. He stated dog control is one of the biggest problems in Halifax County now, and it should be left with the County to be properly resolved.

Councillor Snow stated the SPCA was the cause of more problems than help during their term here. He agreed there must be control within the County rather than contracting out their services.

MOTION CARRIED

CONFLICT OF INTEREST GUIDELINES - COUNCILLOR WALKER

Councillor Walker advised that he resolved this issue on his own, and the matter could be deleted from the agenda.

ADDITION OF ITEMS TO THE JUNE 21, 1988 COUNCIL SESSION

Councillor Snow - Ash Lee Jefferson School

Councillor Adams - Blasting By-law, District 8

Councillor Deveaux - Meeting with District 6 Residents Concerning  
Costs of Sewer Installation

Councillor P. Baker - Department of Transportation

ADJOURNMENT

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

"THAT this Council Session adjourn."  
MOTION CARRIED

The Council Session adjourned at 8:45 p.m.

COUNCIL SESSION

JUNE 21, 1988

PRESENT WERE: Warden MacKenzie  
Councillor Walker  
Councillor Rawding  
Councillor Fralick  
Councillor P. Baker  
Councillor C. Baker  
Councillor Deveaux  
Councillor DeRoche  
Councillor Adams  
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

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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 Snow, seconded by Councillor Fralick:

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

APPROVAL OF MINUTES

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

"THAT the minutes of the Joint Council Session of May 13, 1988 be approved as circulated."

Councillor Lichter informed that the resolution on page 7 was not moved by himself, but that Councillor Reid initiated the resolution. He asked that the minutes be amended to reflect this.

MOTION CARRIED

The minutes were approved as amended.

EMERGENCY AGENDA ITEMS

Councillor Wiseman - RCMP Communications  
- Cat By-law

Councillor McInroy - Paving Petition

Councillor DeRoche - Guardrails

Councillor C. Baker - Recreation, Harrietsfield

Councillor Fralick - RCMP, District 3

MEETING WITH OFFICIALS, RE FLOODPLAIN, LITTLE SACKVILLE RIVER

Mr. Kelly introduced Mr. John Jones of the Provincial Department of the Environment, who was in attendance to make a presentation with regard to the Sackville Floodplains.

Mr. Jones informed that in 1978 the Province entered into a five year joint Canada-Nova Scotia Flood Damage Reduction Program funded equally between the Federal and Provincial governments under a longstanding agreement. There are two subsidiary agreements respecting flood risk mapping and studies, which will expire in June, 1989.

Mr. Jones informed the program attempts to reduce damage caused by flooding in Nova Scotia and it conducts flood risk mapping to identify flood-prone areas, it undertakes measures to reduce and prevent damage, and it provides information to the public to ensure safety and restrict private and public development in flood-prone areas. This program is supervised by a Federal-Provincial Committee appointed by each of the Ministers. There is also a technical committee consisting of representatives from several federal and provincial departments. This committee oversees the detail mapping and remedies studies.

Mr. Jones referred to the 1981 Sackville Rivers study and the designation in May, 1987 of the Little Sackville River's flood risk areas, stating the success of these programs has been of assistance. He expressed appreciation to Mr. Meech, Mr. Sheppard, Ms. Spencer, Mr. Wdowiak, Mr. Gough, and other staff who worked very closely with the Federal-Provincial technical staff to produce the program and maps for the Little Sackville River.

Mr. Jones advised that his department has an audio-visual aid that can be made available to Council or any member of Council for information purposes. He stated it is useful to public awareness meetings.

Mr. Jones next reviewed the policies of the Program to be applied to designated floodway and flood risk areas. He referred to the Flood

Risk Map for the Little Sackville River, as well as other, more detailed maps available through Mr. Sheppard's office.

Mr. Jones informed that flooding has been a major expense over the years, with a total of approximately \$60 million in flood damages in Nova Scotia. He referred to some other studies and maps that are available through Mr. Kelly should any Councillors be interested. He also introduced Mr. Lee Morris as a representative of the Federal-Provincial Technical Committee and Mr. Steve Fenerty from Environment Canada.

Mr. Fenerty requested that Halifax County Council take the concept of this Program very seriously. The municipal level of government is relied upon to hold to the principle that development in the flood fringe areas should be discouraged and prohibited in the floodway.

Councillor Wiseman noted at a recent seminar there was a suggestion that all development in the floodplains should be created non-conforming with respect to planning. She asked to what extent this should apply or if there are any problems with some of the existing homes along the Little Sackville River. Mr. Jones replied that non-conforming uses would protect against further development should an existing building be destroyed; only the existing use would be permitted. Any development in the floodway should be considered non-conforming.

Councillor Wiseman asked if there would be compensation available from the Federal government for those properties designated non-conforming, where a building could not be re-built if it were destroyed. Mr. Fenerty stated the idea is to prohibit development in the floodway, and the flood fringe is an area where new development would be permitted, provided it is adequately flood-proof. Existing development is not impacted by this policy. The only adverse impact on property owners is with respect to people who own property that is not currently developed, but is in the floodway. These owners have in the past argued that they are adversely impacted by the policy because they are discouraged from building there. The Federal government has taken the position that this is the same category as property owners who are adversely affected by any aspects of zoning. There is no compensation available, but there is only a small range of existing property owners who would feel a need for this compensation.

Councillor Wiseman expressed concern that creating these non-conforming uses will require some compensation for the loss of use of their land. Mr. Lewis responded that the Federal policy is that whatever is there can remain, and if it should be destroyed, rebuilding at the same square footage may not be a problem. However, they are concerned about additions to existing structures.

Councillor MacKay stated since the floodplain mapping was done, he has asked staff to consider many of the recommendations through the plan review process. He expressed no difficulty with supporting no new construction in the high risk floodplain areas; the County already has a development agreement policy for development within 100 feet of the

Little Sackville River, and much of that depends on elevations and engineering reports. Councillor MacKay asked if there is any money available from the Federal or Provincial level of government to facilitate any remedial action. He agreed that whatever is done upstream will affect something downstream, and there should be some assistance to do remedial work to protect existing development. Mr. Jones replied that in some areas, depending upon the situation, there have been certain remedial studies carried out to recommend and consider the cost benefits of certain remedial actions. Subsequently, there have been negotiated municipal, federal, and provincial agreements respecting works, although there have not been any in Nova Scotia. The most effective manner of protecting against damage is to prevent further development. Mr. Lewis added that the emphasis is on the benefit cost ratio, and one rarely finds that this ratio of any physical mitigation measure is more than one. With a favourable ratio, one can propose to the Province a remedial agreement to undertake certain physical projects. However, money is tight at the Provincial level, and it is difficult to get these projects approved.

Councillor MacKay asked if there is a disaster, does the total damage have to exceed \$1 million in order to get any remedial work paid for. Mr. Jones agreed, and he stated it is through Emergency Measures that the Province works with the people. Mr. Lewis advised that there must be \$1 million worth of damage before there would be any federal government assistance under the Disaster Assistance Program. The benefit cost analysis is not used for this purpose, but the project in total is considered.

Councillor MacKay stated there are problems with infilling along the Little Sackville River. He expressed concern about flooding being directed to the residential development, and he asked if there is any resolve to these situations. Mr. Jones replied that the Environmental Protection Act only has jurisdiction with regard to the waterway, and the Department of Environment is only making recommendations for the floodplains. Any legislation for the land areas are the responsibility of the municipality under planning regulations and other by-laws.

Deputy Warden MacDonald stated the study may be a little behind the times. There were recommendations five years ago, and since that time there has been much development and interference with the Little Sackville River. He stated the Little Sackville River should have been studied before the larger one, and there would be no problems today. Deputy Warden MacDonald inquired about the procedure if it was decided to not allow any further building on the floodplains. He stated there will have to be some regulations that will have to be enforced by all levels of government. Mr. Jones advised that the flood risk maps and the studies are planning tools provided by the Provincial and Federal governments to assist in reducing damages and to determined precise risk areas to delinient these problems. He stated there have been compiled as best as possible, but there are always some minor changes, and in a rapidly growing area, such as Sackville, there will be a need to look at this again. It is all a part of comprehensive planning.

Deputy Warden MacDonald commented on the difficulty in keeping the river open. He asked if the Department of the Environment has seen anything on Millwood Subdivision by the Department of Housing. He asked if they have a flood abatement program in affect. Mr. Jones advised that they have had meetings with the Department of Housing and municipal staff in this regard. He stated it is important that everybody assist in cleaning up and keeping the river clean. Mr. Lewis advised that Millwood School is not located in the floodplain, although the sports field beside the school is in the floodplain; there have been discussions in this regard.

There being no further discussion, Warden MacKenzie thanked the representatives for their presentation and discussion.

MUNICIPAL PLAN COMMITTEE REPORT (SUPPLEMENTARY AGENDA)

Amendments to the Municipal Development Plan and Land Use By-law, District 5

Mr. Butler, Manager, Policy Division, was in attendance to present the proposed amendments. He advised there were a total of ten submissions from the public hearing that were reviewed by the Municipal Plan Committee, six of which the MPC supported the staff recommendation.

Mr. Butler advised that first submission was from Alderman Grant, City of Halifax and Mr. Willison, President of the Spryfield/Long Lake Provincial Park Association. These gentlemen were concerned about the commercial/industrial designation in the Harrietsfield area abutting the Long Lake Provincial Park and residential areas in the City of Halifax. It was there suggestion to amend the Plan to minimize potential incapacibilities in this regard. It was staff's recommendation that amendments to the Plan should be made which would establish a 250 foot buffer zone around the C-5 land abutting the Provincial Park and the Old Sambro Road. Within this 250 foot setback area, development would only be considered through the development agreement process. He reviewed the necessary amendment as outlined in Appendix "A" of the staff report.

It was noted that only those Councillors present at the public hearing are eligible to vote on these amendments.

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

"THAT the amendments as outlined in Appendix "A" of the report of the MPC regarding the lands surrounding Long Lake Provincial Park be approved."

MOTION CARRIED

Mr. Butler reviewed the next amendment with resepect to property owned by Michael Parsons on the Ketch Harbour Road. It was the recommendation of the MPC that Mr. Parson's property be included in Appendix "C" of the Land Use By-law to allow him to expand his industrial and marine sales and service business.

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

"THAT the proposed amendments for property owned by Michael Parsons, Ketch Harbour be approved as recommended by the MPC."  
MOTION CARRIED

Mr. Butler advised that the next proposed amendment is with respect to property owned by Mr. Scallion at Portuguese Cove. He requested that his 345 acres of land be rezoned from R-6 (Rural Residential) Zone and R-1 (Single Unit Dwelling) Zone be rezoned to R-6a (Rural Mixed Residential) Zone. This would allow mobile homes on individual lots as opposed to the original proposed zoning. Staff and the MPC do not recommend approval of this rezoning due to the amount of public input that went into the proposed zoning.

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

"THAT Council approve the MPC recommendation that no amendments be made with respect to Mr. Scallion's property at Portuguese Cove."

Councillor C. Baker clarified that if the recommendation is approved, no mobile homes will be permitted.

Councillor P. Baker clarified that single family dwelling will be allowed on this property.

MOTION CARRIED

Mr. Butler advised the next submission was by RAIV Developments with regard to general lot size requirements. At present, serviced lot sizes are 10,000 square feet and 75 feet of frontage per dwelling unit, and the request was that service lot requirements be amendment to 6,000 square feet with 60 feet of frontage, so as to be consistent with other serviced plan areas. Mr. Butler advised it was staff recommendation that this amendment be incorporated into the Plan; the MPC supported this with regard to R-1 development, but in recognition of the significant proposed change, it was suggested that a separate public hearing may be held with regard to this issue only.

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

"THAT the necessary amendments be made with respect to lot sizes on R-1 lots as recommended by the MPC."

There was some discussion and clarification about holding a separate public hearing with regard to lot sizes only. Mr. Butler advised that if Council decided not to make this amendment, the 10,000 square foot lots per dwelling units would be presented to the Minister of Municipal Affairs for approval, and a separate public hearing for this issue could be held at a later date.

Councillor McInroy expressed concern that the proposed Plan calls for a 10,000 square foot requirements, but 6,000 square feet is legal now for fully serviced lots in District 5. He expressed concern that



permitting this change and then re-considering it later would be sensible, and he also stated he is not comfortable with separating a portion of the Plan from the rest for a separate public hearing.

Councillor McInroy expressed concern that there may be double standard for different developments in this Plan area. He clarified that the motion is to approve the staff recommendation in this regard.

Councillor Lichter informed the intention of the MPC was to inform that the majority of the Committee were supportive of 6,000 square foot, 60 foot frontage fully serviced lots. However, because the people of the area through the public participation process, indicated that they do not want the smaller lot size. They also did not want Council to believe that the MPC is prepared without any further discussion to go ahead and change the intention of what the people have stated they want.

#### MOTION CARRIED

The second submission by RAIV Developments was with respect to lot sizes on R-2 lots. The request was similar to the previous, but staff recommended two options. One to rezone the undeveloped lands in Herring Cove from R-2 to R-1 and to consider specific requests individually. The second option, recommended by the MPC, was to reduce the standard for two unit dwellings from 10,000 square feet per dwelling unit to 6,000 square feet per dwelling unit.

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

"THAT the necessary amendments be incorporated into the Plan for the establishment of a serviced lot requirement for two unit dwellings of 6,000 square feet/60 feet of frontage per dwelling unit, as recommended by the MPC."

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

"THAT the aforementioned resolution be amended to allow development on R-2 lots with 5,000 square feet and 50 feet of frontage."

Councillor Deveaux agreed that R-2 lots should be larger than a minimum of 6,000 square feet total, but he felt it should not be increased to 6,000 square feet for each side of the duplex; this would eliminate duplex lots and the desire for two unit dwellings when people can purchase single unit dwellings with the same lot size. He continued that the R-2 zone should remain to allow for in-law suites, etc., although it will be difficult to administrate.

Councillor C. Baker commented that Mr. Austin is developing 600 units over a period of six years, and most of the pipes for the first phase are in the ground. Therefore, he felt nothing should be done to disturb his plans because the development may have to cease. He

stated there is a need for this development in Herring Cove. The first line of this development will be single unit dwellings on the first street, with duplexes behind the R-1 development.

Councillor Lichter expressed difficulty with the amendment. He stated the existing proposed Plan allows auxillary apartment units in R-2 zones that do not require the additional lot size. However, the amendment will require additional land, as well as indicate that on a 5,000 square foot lot, it will be possible to add an auxillary unit apartment up to 35 percent of the total floor area as a self-contained unit, although this would not be allowed in an R-1 zone with the larger lot. He clarified that if all the recommendations from the MPS Committee are adopted, an R-1 serviced lot will be 6,000 square feet, an R-2 serviced lot will be 5,000 square feet for each unit, but it will also mean that an R-2 lot can be 5,000 square feet and contain an auxillary unit.

Mr. Butler stated an auxillary unit is only permitted within a single unit dwelling.

Councillor DeRoche clarified that the amendment is to allow two unit dwellings on a total of 10,000 square feet as opposed to 12,000 square feet.

AMENDMENT DEFEATED

ORIGINAL MOTION CARRIED

Mr. Butler clarified that this amendment would also apply to the other zones which have the 10,000 square feet, the R-2A, the R-6, the V-R, and the V-2 zones, as well to keep standards consistent.

Mr. Butler advised the next submission was by Mr. Pelham with three separate concerns. First, Mr. Pelham expressed concern about auxillary dwelling units being allowed within two unit dwellings. He stated this will not be allowed as an auxillary unit is only allowed in a single unit dwelling, and there is no recommendation with respect to this concern.

Mr. Pelham's second concern was with regard to Policy P-55, which allows Council to consider the expansion or conversion to an alternative commercial use on Lot 1-C, Ocean View Drive. Mr. Butler advised that this matter will be dealt with later.

The third concern Mr. Pelham had was with respect to Part 17.7 of Land Use By-law and provisions in the C-2 zone, which allows the conversion of existing commercial structures to a muliptle unit dwelling consisting of four less units. It was staff's recommendation that no change be made to this provision because the conversion of such buildings would be consistent with the intent of the residential designation.

Mr. Pelham's fourth request was that Policy P-38, referring to the acquisition of public open space along identified waterways through

the 5 percent parkland dedication. It was the opinion of staff and the recommendation of MPC that this request with regard to the McIntosh Run is in keeping with the intent of the Plan and that amendments should be made to include the McIntosh Run in the document, as attached in Appendix "A".

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

"THAT the amendment to Policy P-38 of the Municipal Planning Strategy for District 5 be approved by Council as recommended by staff."

MOTION CARRIED

Mr. Butler advised that the next submission was made by Mrs. Christenson-Ruffman and contained three separate categories. First, there was a request for support for the multiple plant sewage treatment option in the Herring Cove. Staff felt the Plan adequately deals with this concern, and there is no recommendation for change.

The second request was that the Plan made reference to restrictions within floodplains and that the McIntosh Run floodplain study be addressed. Again, staff felt the Plan adequately deals with these issues, and there was no recommendation for change.

The next part of the request was that the DND Zone be amended to exclude such materials as nuclear waste, poisonous gases, and environmentally toxic waste on federally owned lands. Although the Municipality does not currently have jurisdiction on these lands, they are zoned and designated by the County which establishes the basic intent to how it is hoped the federal government deals with those lands. On this basis, this request is accommodated with an additional statement in the plan to clearly show it is the intent of Council that the federal government should not be involved with the handling of environmentally toxic wastes, poisonous gases, or nuclear waste on their facilities in the District 5 Plan area. The amendment is included in Appendix "A" of the staff report.

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

"THAT the Plan be amended so the D-1 Zone specifically excludes such materials as nuclear wastes, poisonous gas, and environmentally toxic wastes."

MOTION CARRIED

The next presentation was by Mr. Hanrahan with concern that the proposed sewage treatment plant tunnel would have an effect on area wells. He wanted a guarantee that this would not happen or that alternate water supplies would be provided. The MPC recommend that the final sentence, as shown in Appendix "A", be amended to provide stronger guarantees that if damages does occur, action would be taken to rectify the situation. It is possible that Council may wish to have something more specific. He advised the interpretation does not mean somebody without water before the tunnel was built will get water afterwards. It is intended to addresses damages that actually occur.

Councillor McInroy expressed concern about the wording of the amendment. He suggested Council may be making a commitment that should involve others, as well. Mr. Cragg responded that there is provision that enables the Municipality to structure the proposed policy as it is suggested if the MPS is adopted with this amendment included. It does not commit Council to undertake any of the suggested projects, so a Policy can be put further which suggests an intent, but it is not a commitment to follow through.

Councillor McInroy stated he would rather see something that more clearly represents what will probably be done, and Halifax County will probably not, as a single municipal unit, do as the amendment suggests.

Mr. Butler advised is was the recommendation of the Municipal Plan Committee that the amendment to the Plan be changed to read: "It shall be the intention of Council, in the event that a single sewage treatment plant is constructed in the Sandwich Point area, to request that the MAPC undertake an evaluation of the effects on area wells of the blasting associated with tunnel construction, and that provisions for alternate water supplies be guaranteed whereby damage occurs."

Councillor Wiseman stated the MPC wanted to ensure that only existing water supplies that experience loss would be compensated.

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

"THAT Policy P-3A of the MPS for District 5 be amended to read: It shall be the intention of Council, in the event that a single sewage treatment plant is constructed in the Sandwich Point area, to request that MAPC undertake an evaluation of the effects on area wells of the blasting associated with tunnel construction and that MAPC ensure that provisions for alternate water supplies be made where necessary."

Mr. Meech clarified that there is no guarantee that MAPC will be doing the sewage treatment plant project; therefore, the reference to MAPC may not be the most appropriate reference in the policy. Councillor McInroy agreed, but he stated it reflects the intention of Council to direct this responsibility to the agency responsible, and this amendment is the most appropriate at this point with the knowledge that is now available.

MOTION CARRIED

Mr. Butler informed that the next submission was with respect to the provisions of the C-1 (Local Business) Zone. This zone now permits a maximum of 2,000 square feet for business uses, and it has a certain number of permitted uses. However, RAIV Developments Ltd. has requested that the maximum lot size for a business establishment be increased from 2,000 square feet to 10,000 square feet and that the range of uses permitted within this zone be expanded.

It was the recommendation of staff that there is some merit to consider larger commercial structures servicing local commercial activities in a neighbourhood shopping centre, and it should be considered by the development agreement process. It was the recommendation of staff that commercial developments, to a maximum of 5,000 square feet be considered by development agreement subject to there be no individual use within the structure any larger than the current 2,000 square feet; that no outdoor storage or display be permitted; that the design of the building and its exterior finish be compatible with the surrounding area; that provisions be established with the maintenance of the development. The MPC also added that total lot coverage of all structures is not to exceed 50 percent.

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

"THAT Policy P-58A be amended as noted in Appendix "A" of the staff report along with an additional clause (f) as discussed."  
MOTION CARRIED

Mr. Butler advised that the next request was made by Mr. LeBlanc with respect to his marine diesel repair business located on the Ketch Harbour Road. It was his request that both his properties, as shown on the attached map, be included in Appendix "C" to allow him to expand his business by right on both lots. At present, Mr. LeBlanc operates his business only on the smaller lot. It was staff's recommendation that both lots be included in Appendix "C", but the MPC recommends that only the smaller lot (LRIS 395988) be included in Appendix "C" and that the larger lot remain zoned R-6.

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

"THAT property designated with LRIS No. 395988 be included in Appendix "C" of the MPS for District 5 and LRIS property No. 395681 be left zoned R-6."

Councillor Fralick inquired about the procedure should Mr. LeBlanc want to move his business to the larger lot. Mr. Butler advised it would require a plan amendment; there is no provision to consider an expansion on another lot because Appendix "C" is for existing businesses.

Councillor DeRoche asked if Mr. LeBlanc could move to the larger lot upon a successful application for rezoning. Mr. Butler advised there is no provision for rezoning in this area. Appendix "C" was set up to recognize existing businesses, to give them some expansion capabilities, but not to give them the zone. Therefore, only a plan amendment would allow Mr. LeBlanc to move to an adjacent lot.

Councillor Mont inquired about the difference between the staff recommendation and the MPC recommendation. Mr. Butler advised it was staff's understanding that there is very little room for expansion, and the only viable alternative was to move to the adjacent property. This recommendation was to accept the two lots in terms of one for this expansion purpose.

Councillor McInroy asked if it is feasible to deal only with the front portion of the larger lot, separate and apart from the balance of the lot. Mr. Butler stated the luxury of a zone line here is not appropriate because that is not being dealt with. However, specifics with regard to zoning could only be by including a particular LRIS No. and reference lot and to stipulate it is so many feet back, etc. He stated it has never been done before, but it may be possible.

## MOTION DEFEATED

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

"THAT the larger lot (LRIS No. 395681) be included in Appendix "C" to the same depth as the first lot (LRIS No. 395988)."

Councillor Mont inquired about the effect of this on the remainder of the lot. Mr. Butler advised Mr. LeBlanc may have to consolidate the lots into one to expand his business, or he may run into lot line problems. It appears will not be able to subdivide so as to create a separate lot to the rear, but he should make his as to whether he wants to expand his business or maintain the lot for a use permitted in the R-6 zone.

There was a brief discussion concerning the size of the lot and the size of the area to be included in Appendix "C".

## MOTION CARRIED

Mr. Butler reviewed the next submission made by Mr. Edwards with respect to Lot 1-C on Ocean View Drive. He advised it is the corner lot on Ocean View Drive and Ketch Harbour Road. It was his request that a C-2 zone be placed upon that property, as opposed to the existing provisions in the Plan, whereby Policy P-54 would permit Council to consider an expansion of that business by development agreement only. It was staff's recommendation that no change be made to the Plan in light of the existing consideration being given as a result of much discussion in the community. The Plan will respond to the needs of both the residents and Mr. Edwards. However, the recommendation of the MPC was that Lot 1-C be rezoned to C-2.

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

"THAT the MPS for District 5 be amended to rezone Lot 1-C, Ocean View Drive, to C-2."

Councillor Walker inquired about the proposed zoning for the other two lots used by Mr. Edwards on Ocean View Drive. Mr. Butler advised those lots will remain zoned R-2. Only the corner lot is proposed for rezoning to C-2. Councillor Walker expressed concern about leaving the parking area as proposed.

Councillor P. Baker stated it was originally recommended by staff that this lot be zoned C-2. Councillor Lichter clarified that the PPC did originally intend that this lot be zoned commercial.

MOTION CARRIED

Mr. Butler concluded with submissions by staff with some very minor amendments. The first was to a definition of a mobile home and the other two were to correct typographical errors.

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

"THAT staff recommendations for minor amendments with respect to typographical errors and the definition of a mobile home be approved as proposed."

MOTION CARRIED

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

"THAT the Municipal Planning Strategy for District 5 be approved with the amendments as discussed."

MOTION CARRIED UNANIMOUSLY

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

"THAT the Land Use By-law for District 5 be approved with the amendments as discussed."

MOTION CARRIED UNANIMOUSLY

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

"THAT amendments to the Subdivision By-law be approved as presented to allow the implementation of the MPS and Land Use By-law for District 5."

MOTION CARRIED UNANIMOUSLY

Councillor C. Baker stated that although he does not fully agree with all parts of the plan, he expressed appreciation to all involved in the development of these documents, including the chairmen and the Planners. He stated it took four years of hard work, and he thanked all involved.

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

"THAT this Council Session recess for five minutes."

MOTION CARRIED

Warden MacKenzie called the Council Session back to order at 8:20 p.m.

#### COST OF INSTALLATION OF SEWER SERVICES - COUNCILLOR DEVEAUX

Councillor Deveaux stated this issue has been long standing. It was first presented to the Executive Committee and then the Urban Services Committee, at which time it was not recommended that Mr. Carl

Ellswanger and Mr. James Edwards be allowed to acquire the services at this time for \$20 per foot.

Councillor Deveaux informed that when these services were installed in Eastern Passage fourteen years ago, they were told by the Engineering and Works Department that it would be impossible to service them. However, it now appears that these services can be provided. He asked that Mr. Ellswanger and Mr. Edwards speak in this regard. Members of Council agreed.

Mr. Ellswanger stated he and Mr. Edwards are petitioning for sewer and water services on Faulkner Drive, Eastern Passage. He informed the service was denied when it was installed because it was physically service these homes on gravity feed without building a pumping station built. There would have to be a minimum of three homes requiring the pumping station before it would be built. Since that time, Mr. Edwards and Mr. Ellswanger have been advised it is now possible for them to have gravity feed services, and they felt the services should be delivered to their homes for the cost it was originally installed.

Mr. Edwards stated he is in the same situation, and something must be done.

Councillor Deveaux stated there does not seem to be any problem with installing these services, but the problem is that when these services were installed, these two men lived in the middle of the serviceable area, and they wanted the services. They still want the services and are now informed they can have them, although today's cost is \$36 per foot. It is not their fault that they could not be serviced originally, and he felt they should only have to pay the original price, which was \$12.95 per foot. Between the meetings with the Executive Committee and the Urban Services Committee, Mr. Ellswanger and Mr. Edwards agreed to compromise and pay up to \$20 per foot for these services to their homes. He stated this compromise will cost the Municipality approximately \$24,000. He reiterated that it was not their fault that they could not be serviced originally.

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

"THAT Halifax County Council approve the servicing of properties owned by Mr. Edwards and Mr. Ellswanger, Faulkner Drive, Eastern Passage at a cost of \$20 per foot."

There was some discussion about the cost to the Municipality. Councillor Mont stated both the Urban Services Committee and the Executive Committee were concerned about the loss to the Municipality given the services at the original cost. He stated these two gentlemen have had the use of their money since 1975, so they should have to pay today's price. If that money were invested it would be worth far more than the \$12.95 per foot today. He stated there are no concerns about servicing these home today, but they are expected to pay the same price that anybody else would pay.

Councillor Deveaux stated there are two additional lots that could be serviced, which would decrease the deficit by \$3,000 to \$4,000.



Mr. Ted Tam, Assistant Director, Engineering and Works, informed that he tried to determine the latest lot arrangement on Faulkner Drive, but there only a subdivision of Lot 2 (with a frontage of 200 feet) which does not show the lots between Cow Bay Road and Lot 2. On the other side of the road, there is only one lot which is owned by Mr. Edwards. There was no other information available about those additional lots. Those two properties were assessed with a frontage charge because they both have frontage on Cow Bay Road, so determining the amount to be charged, the frontage of Lot 2 was used (200 feet) as well as 200 feet from Mr. Edwards property. Based on 400 feet of recoverable frontage at \$20 per foot, there would be a deficit of \$27,000. With the two additional lot, and assuming those lots have approximately 70 feet of frontage, it would be estimated that the deficit would be \$24,000.

Mr. Tam suggested that a smaller size of water main would cut the costs by another \$5,000 to \$6,000, but this would have to be approved by the City of Dartmouth. The original estimates are based on a six inch water main. He also noted there is a large parcel of undeveloped land behind this, and if this were to be serviced in the future the larger water main would be required; therefore, it is proposed that the larger size of water main will be required.

Councillor MacKay inquired about the effect of existing services on the way to these services. Mr. Tam advised there is existing water and sewer on the Cow Bay Road so the extension to Faulkner Drive should not affect those services. Recently, one-half of a percent on the sanitary sewer was used so 12 inches of elevation was gained, as opposed to the normal 1 percent grade. From the main to the houses, there is a smaller main where most blockages would occur. Therefore, there is a 2 percent minimum for the laterals, and on the sewer main itself a 1 percent grade is used.

Following further discussion,

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

"THAT this matter, with all pertinent information and a staff report be referred to the Urban Services Committee for further discussion and a recommendation to Council."

MOTION CARRIED

Councillor Deveaux expressed hope that this matter will be dealt with in the near future, as it has been outstanding for sometime now.

#### LETTERS AND CORRESPONDENCE

##### Minister of Housing

Mr. Kelly read this letter respecting the appointment of five representatives to the Regional Housing Authority.

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

"THAT the previous members on the Halifax County Regional Housing Authority be re-appointed."

There was some concern expressed that these people may not wish to be re-appointed. Councillor McInroy suggested that those Board members be re-appointed subject to their consent.

Councillor Walker and Councillor Wiseman agreed to incorporate this into their motion.

MOTION CARRIED

Solicitor General

Mr. Kelly read this letter respecting policing in Hubbards.

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

THAT this letter be received."  
MOTION CARRIED

Minister of Municipal Affairs

Mr. Kelly read this letter respecting the Municipal Planning Strategy and Land Use By-law amendments for Sackville to permit C-2 uses to locate in the Sackville Industrial Park.

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

"THAT this letter be received."  
MOTION CARRIED

Minister of Municipal Affairs

Mr. Kelly advised that this letter is similar to the previous except that it is with respect to the MPS and Land Use By-law amendments to the Cole Harbour/Westphal Plan to establish a Residential A Designation and to amend the environmental services map.

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

THAT this letter be received."  
MOTION CARRIED

Minister of Transportation and Communications

Mr. Kelly reviewed this letter respecting sidewalk construction in Sackville for 1988. The letter reviewed requests the County has made for 1988.

Deputy Warden MacDonald informed that Connolly Road was approved for sidewalk construction in 1987, but it was not done because the road was being re-aligned. He stated it appears the Department of Transportation has approved nothing for 1988.

Councillor Wiseman stated she is discouraged by this letter. There has been a priority list in Sackville which has contained most of those streets listed for the past four or five years. She stated the request for sidewalks at First Lake Drive from Sackville Arena to Crimson Drive is important because traffic along that street moves very quickly. Students walk along that street on a daily basis. She advised that she was informed she should face political reality because Sackville has received many schools and a new sportsplex recently. She stated Sackville has a right to more and for consideration for the safety requirements for students and people in Sackville. She advised that she received another request from the residents of Glendale Manor, which was supported by the MLA and the MP for the area, and it is only short. Councillor Wiseman stated that she is not comfortable that the Minister has chosen to ignore Sackville's requests this late in the season. There would have to be an early start on construction of any of these sidewalks in order to avoid students walking back and forth to school.

Councillor MacKay also expressed surprise at the response from the Minister. He advised that the Minister recently advised that Sackville was not eligible for re-construction, but he is now saying it is on the priority list for Sackville. He stated in 1982 sidewalks were promised for the Old Sackville Road in three phases; the first phase was completed, but there has been no sign of the other two phases. Councillor MacKay suggested the review of the requests, as indicated in the letter, may be coincidental with the announcement of an election.

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

"THAT a letter be written to the Minister of Transportation in response to the correspondence dated June 9, 1988;

THAT Sackville Drive is not on a priority list because it was not eligible for cost sharing for a re-construction program;

THAT the section of the Old Sackville Road referred to was promised for sidewalk construction in 1982 but there is no mention of completion of this project; and

THAT Sackville hopes to be favourably considered due to the high traffic volume, the hazards that exists, and the high pedestrian counts that exist on those respective streets."

Councillor Merrigan stated there is one sidewalk area in Beavercreek that was promised in 1983 and has not yet been looked after. He stated the problem in Sackville is political and something must be done about it. He asked that the motion include a question as to what is going to be done in Sackville/Beavercreek in 1988, and if they do not know, when they will know. He expressed concern about the lack of cooperation there has been with the Minister of Transportation.

Deputy Warden MacDonald informed that the money for sidewalk construction along Sackville Drive came from the Department of Development, and it should not infringe on other sidewalk construction under the Department of Transportation.

MOTION CARRIED

Warden MacKenzie advised that he recently spoke to Premier Buchanan about a meeting with the Minister of Transportation, and he had advised that this should be arranged in the near future.

Minister of Municipal Affairs

Mr. Kelly reviewed this letter concerning the proclamation of a civic holiday for the County of Halifax.

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

"THAT the Municipal Solicitor draft a special Act for the next sitting of the Legislature and that information concerning civic holidays in adjoining municipalities be taken into consideration."

MOTION CARRIED

Minister of the Environment

Mr. Kelly reviewed this letter concerning Council's request for a chemical analysis of the Benere Brook.

It was moved by Councillor Deveaux:

"THAT this item of correspondence be received."

MOTION CARRIED

Minister of Lands and Forests

Mr. Kelly reviewed this letter concerning the CNR abandoned rail line.

Councillor Reid advised he was of the understanding that CN has offered the entire abandoned railway line from Dartmouth to Upper Musquodoboit to the Provincial Department of Lands and Forests. He noted that Halifax County Council has requested the Provincial government to refuse taking over the line from Gibraltar Rock to Upper Musquodoboit (approximately 24 miles). However, CN has refused all contacts in the past to allow the residents in that area to purchase the land. At present, the total line is offered to the Province.

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

"THAT this letter be received."

MOTION CARRIED

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

"THAT a letter be written to the Provincial Department of Lands and Forests requesting that Halifax County's previous resolution to them, that the portion of railway line between Gibraltar Rock and Upper Musquodoboit be turned back to the abutting land owners) be upheld and honoured."

Councillor Lichter added that the original motion of Council came about as a result of public meeting which the Councillors held in this regard.

It was clarified that Gibraltar Rock is inside of District 10 about two miles below Meagher's Grant.

Councillor Bayers stated it was his understanding that the Province would take over the complete line from Dartmouth through District 12, and they would negotiate with the abutting land owners from there. He stated there are some section of land District 10 that should go back to the abutting land owners, while other areas should be taken over by the Province.

MOTION CARRIED

#### Solicitor General

Mr. Kelly reviewed this item of correspondence concerning a petition signed by the residents of Hubbards respecting RCMP patrol in that area.

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

"THAT this letter be received."

MOTION CARRIED

#### Minister of Transportation and Communication

Mr. Kelly reviewed this correspondence respecting the 70 km/hr speed zone in the Preston area.

Councillor Adams expressed appreciation for this response, noting the Department has taken immediate action. He advised that the Day Care Centre has also expressed appreciation. Also, the RCMP have been patrolling the area more frequently.

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

"THAT this letter be received."

MOTION CARRIED

#### Bowater Mersey Paper Company Limited

Mr. Kelly advised this letter is with respect to the use of the Bowater Mersey Paper Company Limited property for recreation purposes.

Councillor Walker advised that representatives of Bowater did meet with the community on April 14, with approximately 400 people in attendance. The concerns of Bowater as expressed in the letter are also the concerns of the residents of St. Margaret's Bay. He stated the people do not want to see these problems anymore than Bowater. There is now an organization called the Friends of the Forests of St. Margaret's Bay which has been taken active interest in the environment, and that matter is now in hand, although the residents are not totally happy with Bowater Mersey and their efforts, but over a period of time, they should be able to work with them.

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

"THAT this letter be received;

ALSO THAT a letter be written to the representatives of Bowater Mersey Paper Company Limited advising that cutting off the residents of St. Margaret's Bay from those wood lands would create further difficulties

MOTION CARRIED

#### Emergency Measures Organization

Mr. Kelly advised that Mr. Gough, EMO Co-ordinator, has requested Council to hear a presentation from EMO, Nova Scotia concerning Emergency Number 911.

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

THAT a meeting with EMO, Nova Scotia and Halifax County Council be arranged by the Municipal Clerk."

MOTION CARRIED

#### Task Force on Litter Abatement

Mr. Kelly reviewed this memorandum concerning presentations to the task force on litter abatement.

Warden MacKenzie advised that his office has informed that a presentation on litter abatement will be made by this municipality.

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

"THAT Halifax County Council make a presentation to the Task Force on Litter Abatement."

Councillor Wiseman stated it is time Halifax County was counted in this issue. FCM recently emphasized that the only way to deal with the amount of waste in the future is to stop it at the beginning and to recycle more.

MOTION CARRIED

There was some discussion about who would make the presentation to the Task Force. It was agreed that Councillor Adams, Councillor Bayers, and Councillor Snow would work on a presentation to be presented to the Task Force, and Councillor Wiseman offered her resources to the group, should they need her.

SUPPLEMENTARY CORRESPONDENCE

Minister of Education

Mr. Kelly reviewed this correspondence concerning a proposed addition to the George P. Vanier School.

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

"THAT this letter be received."  
MOTION CARRIED

W. Dale Eisenhower, Rezoning Application No. RA-TLB-32-87-02

Mr. Kelly reviewed this letter questioning the procedures on voting at the above-noted public hearing.

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

"THAT this letter be received."  
MOTION CARRIED

Councillor MacKay asked if the points outlined in this correspondence would be grounds for appeal of this rezoning decision to the Municipal Board. Mr. Cragg responded that it is difficult to determine what the Municipal Board deems to be. He stated he does not know what Council could do in this respect, and he questioned the relevancy of this correspondence.

DATE FOR APPEAL RE MINOR VARIANCE

Mr. Kelly advised of an appeal of a minor variance decision by Mr. Gough, and he suggested that this public hearing be held on July 19, 1988 at 7 p.m.

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

"THAT the appeal of minor variance No. MV-7-02-88 be held on July 19, 1988 at 7 p.m."  
MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

File No. F-317-88-04 - Undersized Lot Legislation - Lands of Arthur Zinck, West Dover

Mr. Kelly reviewed the report of the PAC.

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

"THAT the proposed subdivision of Lots Z-1CA-A and Z-1CA-B of the lands of Arthur Zinck be granted final approval and that the public hearing be held on July 5, 1988 at 7 p.m."

MOTION CARRIED

SUPPLEMENTARY PLANNING ADVISORY COMMITTEE REPORT

File No. PA-SA-05-88 - Woodbine Mobile Home Park

Mr. Kelly read the report of the PAC respecting this matter.

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

"THAT Woodbine Mobile Home Park not be considered for hooking into the Sackville system;

AND FURTHER THAT the Board of Health be requested to look at central sewer system servicing for the area or areas of Beaverbank;

AND FURTHER THAT the Departments of Health and the Environment be recommended that Mr. Havill be instructed to design and construct a proper sewage treatment plant for the Woodbine Mobile Home Park."

Councillor Merrigan stated this subject is very confusing, and he expressed concern that the facts are not all straight. He advised there is an existing system present that was approved by the Departments of Environment and Health under a joint certificate. The Health Department has informed that the watercourse dries up in the summer months, and for a sewage treatment plant to work requires a 30:1 dilution. Councillor Merrigan expressed concern how any system will work there if the brook dries up. He felt this system is being recommended to cover the mistake of allowing that park to be built there and for allowing the sewage treatment plant to malfunction for five years now.

He stated there are no facts that determine if a sewage treatment plant will work there. He referred to a letter dated April 25, whereby it states during the dry season the sewage treatment plant may be the only source of flow in the stream, and he stated this is not safe.

Councillor Merrigan stated it was learned from a public meeting in the community that there are other locations with problems, and he stated the County of Halifax should study this situation further because the Department of the Environment are not doing their job. He stated he would like to have Halifax County staff involved in this situation to determine if there is a better solution because the suggested solution is not safe.



Councillor Mont suggested the solution for Beaverbank may be the same that has been determine for North Preston, Middle Musquodoboit, Springfield Lake, etc. - a new treatment plant to clear up this problem. He suggested money may be another question, but this may be a solution.

Councillor MacKay stated it is technically feasible to hook into the Sackville system, and Health and Enviornment have stated this is the best solution, but there are some inherent problems with the solution. He referred to the letter from the Department of Health Councillor Merrigan referred to earlier. He felt the letter refers to the existing plant when it reads it is technically feasible to design a new sewage treatment plant to meet the design requirements of Woodbine Trailer Court, and this can be achieved after considerable expense and commitment. Councillor MacKay stated that expense and commitment should be on the part of the owner for this private enterprise. The letter further read that the park owner probably does not have the expertise that the Municipality does. Therefore, he suggested the Departments of Health and Environment, the Municipality, and any other body body that is involved should take a strong stand that this should not have been allowed to exist to this point in time to the deplorable condition that it is reported to be in. He stated if the two levels of government cannot force a park owner with 626 mobiles there (of which 26 are illegal) to maintain a properly function system, there is something wrong with the system.

Councillor MacKay stated if there are 40 percent of the septic systems malfunctioning, the solution should not be addressed in a bandaid solution; the entire issue must be considered. He stated it would not be right to have Woodbine hook into the Sackville system with the whole other area wanting to hook in, although there is no capacity to do this, the cost is not feasible, etc. He stated the entire area must be looked at.

Councillor MacKay suggested that municipal staff should also be involved, and he asked that Councillor Wiseman agree to incorporate this into the motion. Councillor Wiseman agreed.

The final resolution read:

"THAT Woodbine Mobile Home Park not be considered for hooking into the Sackville system;

AND FURTHER THAT the Board of Health and Halifax County Engineering staff be requested to look at central sewer system servicing for the area or areas of Beaverbank;

AND FURTHER THAT the Departments of Health and the Environment be recommended that Mr. Stanley Havill, Woodbine Mobile Home Park owner, be instructed to design and construct a proper sewage treatment plant for Woodbine Mobile Home Park."

Councillor Lichter expressed difficulty with the idea that the more the various levels of government are involved, the more happy Mr. Havill will be because he will not have to solve the problem at Woodbine Mobile Home Park. He stated if the Board of Health had been allowed to do what it wanted from the beginning, there would be a plant there this summer, but the issue of hooking into Sackville has delayed the resolution of this problem. He expressed concern that this will be delayed again now. There are two issues: the Woodbine Mobile Home Park issue, which must be solved; and the servicing of the Beaverbank area. He stated the servicing project will take much time, and it will cost much money, but the Woodbine Mobile Home Park situation must be solved properly, by the owner.

With respect to the low river bed, Councillor Lichter stated the Shubenacadie is often referred to as dry, but that does not mean there is no water in it; it simply means there is not much flow in it. He stated there are a number of sewage treatment plant and water treatment plants located along that river, and the water is potable.

Councillor Merrigan stated the Board of Health were doing nothing about the problem until he brought it to their attention. He stated the Board of Health and the Department of the Environment were going to allow a makeshift plant there. Also, he advised that he meet with the Department of the Environment with Engineering staff and Mr. Meech only to learn that there is a dual standard. They would not allow a sewage treatment plant there by the County, but because they allowed a malfunctioning sewage treatment plant in the past, they will allow something else now. Councillor Merrigan stated a sewage treatment plant in Woodbine would never work properly, and there due to this major problem and that of up to 40 percent of other malfunctioning systems in this area, so a location for a sewage treatment plant in the community should be investigated. It could service Woodbine now and later be expanded to service the other problem areas.

Deputy Warden MacDonald agreed that the only resolution to this problem is to built a plant at Woodbine. He stated there is a question of capacity for Sackville, and Beaverbank should have sewer and water, as well, but this capacity problem would have to be solved before Beaverbank could be allowed to hook into the system.

Councillor Lichter stated Councillor Merrigan was not on Council when the Board of Health got water for the people of Woodbine Mobile Home Park.

MOTION CARRIED

File No. RA-SA-19-87-16 - Florence Development Limited Appeal, Sackville

Mr. Kelly reviewed the report of the PAC.

Councillor Rawding asked of the Municipal Solicitor if there are any further appeal rights in this regard. He noted that the decision of the Municipal Board is contrary to staff's recommendation, as well as Council's decision. He commented on the interpretation of the Plan, noting the Plan in question will be undergoing the plan review process in the near future, and if this is how the Board interprets the Plan, they should be more carefully written in the future.

Mr. Cragg responded that there is an avenue of appeal to the Nova Scotia Supreme Court, but it has not been granted to any unsuccessful municipal unit in the past. He felt that the Supreme Court has determined that unless there can be shown a misreading of the law, some error in law, or some gross misunderstanding of the facts, they will not allow such an appeal. Mr. Cragg pointed out that this appeal was of phase two of a two phase development; the first phase secured R-2 zoning, and the Board felt phase two is a logical extension of phase one.

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

"THAT Lots 9 to 22 inclusive of Florence Place Subdivision be rezoned from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone with great reluctance under the direct instruction of the Municipal Board."

MOTION CARRIED

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

"THAT an advertisement be submitted to the newspaper indicated that the aforementioned rezoning was approved under the direction of the Municipal Board overturning Council's decision."

MOTION CARRIED

#### CHIEF BUILDING INSPECTORS REPORT

##### Terry Doyle, Boutlier's Point

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

"THAT approval be granted for a lesser setback of 20 feet at Lot 3B, Christie Subdivision, Boutlier's Point for application Terry Doyle."

MOTION CARRIED

##### Duncan McMillan, 664 Ketch Harbour Road, Portuguese Cove

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

"THAT approval be granted for a lesser setback of 21 feet at 664 Ketch Harbour Road, Portuguese Cove for applicant, Duncan McMillan."

MOTION CARRIED

Dan Sutherland, 17 Lake Road, Hatchet Lake

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

"THAT approval be granted for a lesser side yard clearance of 7.5 feet at 17 Lake Road, Hatchet Lake for applicant, Dan Sutherland."  
MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Derelict Vehicle Report

Mr. Kelly reviewed the report of the Executive Committee.

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

"THAT the derelict vehicle program be approved as proposed by the Provincial Department of the Environment."  
MOTION CARRIED

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

"THAT a letter be written to the Minister of the Environment expressing appreciation for the reinstatement of the derelict vehicle program."  
MOTION CARRIED

Renovations - George P. Vanier School, Fall River

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

"THAT approval be granted for the Municipality to transfer title to the George P. Vanier School property to Her Majesty the Queen by deed for the period that renovations are being carried out to the school, and that upon completion of the renovations that the property will be deeded back to the Municipality."  
MOTION CARRIED

Approval of Grants

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

"THAT the following grants be approved by Council:

a District Capital Grant, District 5 in the amount of \$3,500 for the Harrietsfield Fire Department;

a District Capital Grant, District 10 in the amount of \$1,000 for improvements to the Little Harbour Ballfield;

a District Capital Grant, District 9 in the amount of \$600 for fencing playground area at Atlantic View School;

a District Capital Grant, District 9 in the amount of \$1,000 for landscaping and playground equipment at Lower East Chezzetcook, County-owned property; and

a District Capital Grant, District 15 in the amount of \$7,500 for land improvements at Danny Drive and Green Forest Subidivision, County-owned property."

MOTION CARRIED

#### 1988 Grants to Organizations

Mr. Kelly reviewed the report.

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

"THAT Council approve 1988 grants to organizations totalling \$206,000 as indicated in the Executive Committee report."

Several Members of Council expressed concern that various organizations were not given a grant. Councillor Wiseman asked that the Sackville Fight Against Drugs be given consideration if the second part of the Executive Committee recommendation is approved.

Councillor Deveaux asked that the two VON organizations be given a grant, and Councillor P. Baker asked for support for the District 4 Communities Against Drugs organization.

Warden MacKenzie commented that the Executive Committee have a difficult time dealing with these grants, and the amount allowed to be granted it limited by Provincial legislation.

MOTION CARRIED

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

"THAT Council approve an increase in grants to organizations for 1988 of approximately \$17,000 for a total of \$223,000, which will represent 1 percent of the 1988 general tax levy - the maximum permitted."

MOTION CARRIED

Councillor Wiseman asked under what criteria the additional grants will be allocated. Mr. Kelly advised that Mr. Wilson has a list of requests, which is considered and decided upon by the Executive Committee.

There was some discussion about other requests that Councillors asked to be considered.

#### SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

##### New Positions, 1988

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

"THAT the new staff positions for 1988 be approved by Council."

Councillor MacKay clarified that these positions were budgeted for, although the Executive Committee were asked to investigate the additional positions further. Mr. Meech advised these positions were all incorporated into the budget, and the Executive Committee has agreed to recommend each of them for approval. Councillor MacKay clarified that department by department these positions are for the priority areas.

MOTION CARRIED

Requests for Grants

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

"THAT Council approve the following grants:

a District Capital Grant, District 2 in the amount of \$5,202.10 for the Lakeside Volunteer Fire Department

a District Capital Grant, District 11 in the amount of \$3,660.32 for the Spry Harbour Athletic Field;

a District Capital Grant, District 17 in the amount of \$5,000 for the installation of fences and walkways;

a District Parkland Grant, District 20 in the amount of \$675 for Sycamore Lane Playground project; and

a District Parkland Grant, District 20 in the amount of \$925.26 for construction of walkways on Glendale Avenue."

MOTION CARRIED

DIRECTOR OF DEVELOPMENT REPORT

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

"THAT the report of the Director of Development be received."  
MOTION CARRIED

METROPOLITAN AUTHORITY REPORT - COUNCILLOR McINROY

Councillor McInroy asked that this matter be deferred to the next Session of Council.

WATER UTILITY - COUNCILLOR DeROCHE

Councillor DeRoche asked that this matter be removed from the agenda because it is still being discussed at the Urban Services Committee level.

NEGOTIATIONS RE DISTRICT BOARD AGREEMENT - COUNCILLOR WISEMAN

Councillor Wiseman advised that she would bring this issue back to Council at a later date when further information is available.

WOODBINE MOBILE HOME PARK - COUNCILLOR MERRIGAN

Councillor Merrigan advised that this issue was dealt with under the Planning Advisory Committee report.

ASHLEE JEFFERSON SCHOOL - COUNCILLOR SNOW

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

"THAT a letter be written to the Department of Education requesting a status update on the extension to Ashlee Jefferson School."

MOTION CARRIED

BLASTING BY-LAW, DISTRICT 8 - COUNCILLOR ADAMS

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

"THAT District 8 be included in By-law No. 42, the By-law Respecting Blasting and Dangerous Materials."

MOTION CARRIED

TRANSPORTATION - COUNCILLOR P. BAKER

Councillor P. Baker asked that this matter be deferred to the next Session of Council.

There was some discussion about the Union of Nova Scotia Municipalities Regional meeting. Warden MacKenzie advised that he was not aware he should have appointed delegates to this meeting, and headvised that this would be done by June 22, 1988. It was noted that the meeting is June 23, 1988 at 6 p.m.

Warden MacKenzie asked how many Executive Committee members would be meeting in Cole Harbour for the presentation on the Job Finding Session by the Social Services Department. Several Councillors and Members of the Committee expressed difficulty with the time of the meeting. There were a number of other functions arranged for that time, and it would be difficult for many to attend. Mr. Mason informed that they would like to accommodate as many members as possible, and he would be willing to change this meeting time in order to get more members in attendance.

Members of Council agreed that this meeting should be re-scheduled to a more convenient time.