

Councillor McInroy felt the Province cannot oppose Halifax County dumping into the Ocean through a manhole in Halifax County. He felt this is one matter that could be dicussed with the Minister.

Councillor Bayers inquired about the time delay involved in delaying the lagooning project. He expressed concern that a meeting with the Minister of the Enviornment may take a long time to arrange, and it will only cause further problems for the County. Councillor McInroy stated if nothing is done by the expiration of the November deadline in dumping, Halifax County can dump through a manhole in Halifax County into the Atlantic Ocean.

AMENDMENT CARRIED

MOTION CARRIED AS AMENDED - 1 NO

Warden MacKenzie - Expropriation, North Preston

Mr. Wdowiak advised the tender is about to be awarded for the water treatment, water reservoir, sewage treatment, and pumping station at North Preston. Successful negotiation has taken place for the acqusi-tion of all required lands with the exeption of the sewage treatment plant location, the difficulty there being that intially owners were unknown. After a title search by Mr. Cragg's office, it was deter-mined that several people may have claims against this property. Therefore, the only resolution is to expropriate. There is more than one acre involved.

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

"THAT Halifax County Municipality move to expropriate Lot 3, sew-age treatment plant site, which is owned or claimed by the Central Mortgage and Housing Corporation, James Willis, Pauline Willis, Allison Willis, and Nova Scotia Ungranted Lands on a plan of survey drawn on April 22, 1988."

MOTION CARRIED.

Councillor MacKay asked if the named individuals have been contacted. Mr. Cragg advised that several of the individuals can be located, al-though realistically the land is situated where it may not be worth very much. Contact has been made by staff with some of the named claimants, and it is believed expropriation can be completed.

Mr. Wdowiak added that one of the claimants has retained a solicitor to represent him, and he was advised that this project is for the benefit of the community so a successful Quit Claim can be given to the individual claiming the land. Subsequently, the solicitor has advised that the land clarification process through the Department of Lands and Forests is not proceeding quickly enough, so the claimant will oppose the County's acquisition of the lands, which will delay the project. Therefore, it was felt the only way to proceed is through the expropriation route. Mr. Wdowiak advised that those with claims of ownership of this land have not been advised of their rights under the Expropriation Act, but they will be so advised when exprop-riation procedures begin.

SUPPLEMENTARY AGENDA - BUILDING INSPECTOR'S REPORTMichael and Linda Warden, White's Lake

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

"THAT a lesser setback of two feet be granted for property owned by Michael and Linda Warden, Prospect Road, White's Lake."

MOTION CARRIED

ADVANCE POLL - 1988 MUNICIPAL ELECTIONS ACT

Mr. Kelly advised that the Municipal Elections Act now requires two advance polls, one to be held on Tuesday, October 11, and he recommended that the second advance poll be held on Saturday, October 8 from 12 noon to 8 p.m.

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

"THAT Halifax County Council approve of a second advance poll for the 1988 Municipal Election to be held on Saturday, October 8, 1988 from 12 noon to 8 p.m."

MOTION CARRIED

EMERGENCY AGENDA ITEMSWarden MacKenzie - Sackville Municipal Planning Strategy and Land Use By-law

Ms. Spencer, Director of Planning and Development was in attendance to present this matter. She reviewed the staff report as presented to Council with regard to amendments to the Plan and By-law for Sackville regarding general commercial and office development in the Sackville Industrial Park.

With regard to rescinding Council's original motion of April 25, 1988 as recommended, Councillor MacKay asked when the original amendment was submitted to the Minister of Municipal Affairs. He suggested if nothing is heard from the Minister within 60 days the amendment is deemed to be approved. Ms. Spencer advised that the amendments have been with the Minister for some time, but 60 day time period does not begin until he sent an official notice of acknowledgement of the proposed amendments. She advised that the 60 day period has not yet expired, as there is some delay in getting this letter of acknowledgement.

Councillor MacKay next expressed concern about deleting any permitted uses by rescinding the original motion. Ms. Spencer advised that the second amendments clearly permitted all uses. She stated this was carefully reviewed with Mr. Butler, Manager of the Policy Division, to be absolutely certain that nothing in the first amendments will be

deleted when the original motion is amendment. The second set of amendments is word-for-word with the removal of the condition included in the original set of amendments.

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

"THAT Halifax County Council rescind its motion of April 25, 1988 respecting amendments permitting commercial and office developments in the Sackville Industrial Park."
MOTION CARRIED

LETTERS AND CORRESPONDENCE

Minister of Municipal Affairs

Mr. Kelly reviewed this letter concerning the MPS and Land Use By-law for Districts 15, 18, and 19.

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

"THAT this letter be received."
MOTION CARRIED

Royal Canadian Mounted Police

Mr. Kelly reviewed this correspondence respecting Council's letter relative to emergency call response time from the Lower Sackville Detachment.

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

"THAT this correspondence be received."

Councillor Wiseman stated she is not satisfied with this response from the RCMP. She was of the understanding that the relay system is now in place, and the situation is now as it was previously, although that was not satisfactory either. She felt the answer to this problem is to have a dispatcher located in Sackville. She stated she will not be satisfied with this second rate service.

MOTION CARRIED

Minister of Lands and Forests

Mr. Kelly read this correspondence advising that the Department does not have an interest in acquiring the canal at Porter's Lake, and the County should deal directly with the Federal Department of Public Works in this regard.

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

"THAT this letter be received."

Councillor Randall informed he is disappointed with this short response. He stated the next course of action will be coming from the MPC meeting for this area in the very near future.

MOTION CARRIED

Department of Fisheries and Oceans - Councillor P. Baker

Councillor P. Baker expressed objection to a copy of a letter he had received concerning illegal fishing. He stated he and others have seen this practice taking place, and he has discussed it with the fisheries officer. He stated this practice continues and something should be done.

PLANNING ADVISORY COMMITTEE REPORT

Application No. RA-CH/W-88-21 - Rezoning of Lot F of the Evatt Bishop Subdivision, Cole Harbour

Mr. Kelly read the report and recommendation of the Planning Advisory Committee regarding this application.

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

"THAT Application No. RA-CH/W-10-88-21 be approved and that a public hearing be held on August 29, 1988 at 7 p.m."

MOTION CARRIED

File No. PA-EP/CB-08-86 - Eastern Passage Service Boundary

Mr. Kelly read the report.

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

"THAT Halifax County Council proceed immediately with approving amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Municipal Subdivision By-law related to expanding the present service boundary and that the matter of Oknah Realty Limited's request be dealt with during the plan review process."

MOTION CARRIED

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

"THAT Appendices "A" and "D" of the staff report dated May 9, 1988 be approved."

MOTION CARRIED

EXECUTIVE COMMITTEE REPORTFire Dispatch Services

Mr. Kelly read the report of the Executive Committee in this regard.

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

"THAT Halifax County Council endorse the agreement with the City of Dartmouth for the provision of dispatching services by the City to the fire departments in Eastern Passage/Cow Bay and Cole Harbour/Westphal."

Councillor Deveaux inquired about the cost of this service. Mr. Meech advised the total cost is \$39,000 per annum which is to be cost-shared by each of the fire departments.

MOTION CARRIED

FINANCIAL REPORT - METROPOLITAN AUTHORITY

Mr. Kelly advised this information is from the Executive Director of the Metropolitan Authority showing projected revenues and expenditures for the Metropolitan Authority up to December 31, 1988.

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

"THAT the financial projection for the Metropolitan Authority be received."

Councillor Fralick commented on the \$661,000 shortfall, stating in private enterprise the person responsible for that figure would be fired. He asked if the four municipal units will equally cost-share in that deficit. Mr. Meech advised that the bulk of the deficit is from transit operations, and the County's additional cost is only \$85,000 according to the cost-sharing formula.

Councillor Fralick next inquired about long range projections for the Metropolitan Authority. Mr. Meech advised the major problem appears to be a drop in transit useage, although the Metropolitan Authority is now hopeful the ridership is levelling off. There were also some material errors made in terms of projections of revenue.

Councillor Rawding suggested there would be more advertising dollars if the Go Time System worked better. He advised that he has received complaints in this regard; if people are not confident in the system, people will not advertise on the system.

Deputy Warden MacDonald suggested the easier the system is made for passengers, and the more changes that are made, causes loss of revenues.

Councillor Wiseman expressed concern about the level of expertise at the management level of the Metropolitan Authority. There is no excuse for these deficits and poor planning over the past year. She stated the cost of this comes back to the taxpayers, and people should not have to pay so much for this service.

Councillor Rawding stated the assessment formula for transit cost-sharing will assist the County in this regard. Presently the County pays very much for a service that is not adequate, and the sooner this is changed, the better.

MOTION CARRIED

POLICE PROTECTION, HALIFAX WEST SUB-SYSTEM - COUNCILLOR WALKER

Councillor Walker stated there is concern about RCMP servicing in the Western Sub-system, and he stated it is time a detachment office is located in this area.

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

"THAT the Solicitor General be requested to provide a report to Halifax County Council as soon as possible with regard to a location for a detachment of the RCMP within the Halifax County Western Sub-system;

AND THAT a copy of this request be sent to the Superintendent of the RCMP for Halifax County."

Councillor Walker stated in the western sub-system there are approximately \$673,518,477 worth of assessment, which does not include District 18 which would be complemented by a detachment office in the western sub-system; this totals about 25 percent of the assessment for Halifax County. Population-wise, there are 24,600 people which is about 25 percent of the population of the total County. There are also 9,028 households that would be under the jurisdiction of the new detachment. Councillor Walker stated the Halifax detachment, which now serves the area, is the headquarters for the Province of Nova Scotia, and personnel there are complementing the Province as opposed to the western sub-system. He stated it is time for a detachment in the western sub-system, requesting support for the motion.

Councillor Fralick added that there is a federal building in the area which is now vacant, and it would be the perfect location for such a detachment. He stated it is the old post office building, where the Department of Fisheries was located.

Councillor Rawding and Councillor C. Baker both expressed support for the motion.

MOTION CARRIED

CAT BY-LAW - COUNCILLOR WISEMAN

Mr. Kelly advised that a final draft of the proposed Cat By-law has been circulated as prepared by the Municipal Solicitor.

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

"THAT the Cat By-law as presented be endorsed by Halifax County Council and forwarded to the Minister of Municipal Affairs for approval."

Councillor Wiseman stated the proposed by-law as presented is very reasonable, very simple and straightforward dealing with offences, the need for control, and penalties. She agreed with the opting out clause for those are who do not want to be controlled by this by-law. She stated the problem cats are those which are allowed to run free and to inflict damage.

Councillor MacKay stated he cannot support the motion. There would be difficulty in enforcing this by-law, and there will be cost to the Municipality to do so. He stated there are other, larger jurisdictions, such as Halifax, Dartmouth, Montreal, Toronto, Winnipeg, Vancouver, Chicago, New York, etc. without Cat By-laws, and there is no need for one in Halifax County. He asked if cats will be licensed under this by-law, and the cost of licensing. Councillor MacKay continued, stating the by-law is unrealistic; cats are needed for rat and rodent control. The people must learn to take some measures of control on their own rather than calling government to control every little nuisance. He concluded that he is feveritly opposed to the Cat By-law.

Several other Members of Council spoke in opposition to the Cat By-law.

Councillor Adams stated he must support the adoption of the Cat By-law because his residents have been looking for a means of cat control. He stated he has looked at some damage people have complained about, and he has found that they can be destructive, and those cats not controlled by their owners must be controlled by the County to prevent damage.

Mr. Meech expressed concern that there will be no provision in place to enforce this proposed by-law, if it is approved. He stated it would be irresponsible of Council to pass this by-law without dealing with the administration and enforcement of the by-law. Once the by-law is approved, people will look to the Municipality for action, and at present there is no means to respond to such calls. Such administration is presumed to cost money, whether it be for a few or many districts.

Councillor Randall advised he is not supportive of the Cat By-law, although he does have one cat problem on Marjorie Drive where a residents has over 40 cats. He expressed hope that the County has the ability to deal with extreme cat problems, but it is not necessary to have a by-law for everyday cat situations.

Others continued to express opposition to the proposed Cat By-law.

Warden MacKenzie advised he is in receipt of a letter from the Nova Scotia Society for the Prevention of Cruelty, advising that they cannot respond to calls for injured and stray cats at this time. Warden MacKenzie suggested that this letter will be forwarded to the Executive Committee.

Councillor Wiseman again requested support for the by-law, in an effort to be able to do something with cats when and if they create a problem.

Councillor Rawding suggested civil law is available at a low cost for damage caused by cats. He stated people should not forget about those rights and turn to the municipality for assistance.

Councillor Lichter indicated that District 13 will be exempt from the Cat By-law, if it is approved, and District 13 will not pay any of the bills caused by administration of the Cat By-law.

Councillor Adams concluded the discussion, stating the by-law should be approved because it will provide the Municipality with enabling legislation to do something about a problem.

MOTION DEFEATED

EXPANSION OF LAND TITLES CLARIFICATION ACT - COUNCILLOR DeROCHE

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

"THAT all of Cherry Brook and Lake Loon be included in the Land Titles Clarification area."

MOTION CARRIED

EMERGENCY AGENDA ITEMS

Councillor Randall - Paving of Lake Hill Drive

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

"THAT Halifax County Council write to the Department of Transportation requesting paving of Lake Hill Drive, District 9 and Pine Hill Drive, District 11 under the new program for paving of public roads which have been in existence for more than 15 years;

ALSO THAT a copy of this letter be forwarded to the MLA, Tom McInnis."

MOTION CARRIED

Councillor Randall advised that he will submit a petition for the paving of Lake Hill Drive in the near future to be forwarded with the letter.

Councillor Randall - Abandoned Rail Line

Councillor Randall advised that the Department of Lands and Forests have now taken over the abandoned rail line, but there continues to be a problem with garbage dumping along every access to the abandoned rail line in District 9.

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

"THAT a letter be written to the Minister of Transportation requesting that access ways to the abandoned rail line in District 9 be blocked to prevent vehicles from dumping garbage there."

MOTION CARRIED

Councillor C. Baker - Environmental Service Charge

Councillor C. Baker reviewed an extract from minutes of a meeting of the Herring Cove Ratepayers Association, stating he was requested to bring this resolution to this Council meeting.

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

"THAT minutes and correspondence regarding the environmental services charges in Herring Cove be referred to the Urban Services Committee for further review and that a recommendation be brought back to Council."

Councillor C. Baker agreed to further deliberation at the Urban Services Committee level, but he stated the people want to know why they are charged for this service before they are receiving full sewage treatment.

MOTION CARRIED

Councillor C. Baker asked that Mr. Ruffman and Mr. Pelham be invited to attend the meeting of the Urban Services Committee when this issue is discussed.

Councillor P. Baker - Meeting with Minister and Staff, Department of Transportation

Councillor P. Baker advised that this matter could be deferred to the next Council meeting.

Councillor Deveaux - Crosswalks

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

"THAT the Department of Transportation be requested to investigate the possibility of erecting crosswalks at the intersection of Rosewood Drive and the Cow Bay Road and on the main highway in Eastern Passage between the Royal Canadian Legion and Texaco Refinery."

MOTION CARRIED

Warden MacKenzie - Resolution, City of Dartmouth

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

"THAT the resolution from the City of Dartmouth regarding sewage treatment be referred to the Urban Services Committee for further deliberation and that any recommendation be forwarded to Council for approval."

MOTION CARRIED

Mr. Kelly - Public Hearing Date, Minor Variance Appeal

Mr. Kelly advised that he was requested by Councillor McInroy to have Council set a public hearing date for the appeal of a minor variance. The applicant is Mr. El-Masry, 8 Flagstone Drive. He suggested the appeal hearing be held at the September 6, 1988 Council Session.

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

"THAT Council hear an appeal of a minor variance decision at 8 Flagstone Drive, Cole Harbour at the September 6, 1988 Council Session."

MOTION CARRIED

ADDITION OF ITEMS TO THE AUGUST 16, 1988 COUNCIL SESSION

Councillor P. Baker - Meeting with Minister and Staff, Department of Transportation

ADJOURNMENT

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

"THAT this Council Session adjourn."

MOTION CARRIED

The Council Session adjourned at 9:30 p.m.

COUNCIL SESSION

TUESDAY, AUGUST 16, 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 Eisenhauer
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 6:30 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

APPROVAL OF MINUTES

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

"THAT the minutes of the Council Session, July 19, 1988
be approved as circulated."
MOTION CARRIED

EMERGENCY AGENDA ITEMS

Councillor P. Baker - Department of Fisheries and Oceans

Councillor Randall - Paving, Robertson Drive, Lawrencetown

MEETING WITH REPRESENTATIVES, WAVERLEY SPORTSPLEX

Warden MacKenzie welcomed Mr. Bob MacDonald and his committee to the Council Chambers to make a presentation regarding the proposed Waverley Sportsplex.

Mr. MacDonald thanked for the opportunity to meet with Council, and he introduced Mr. Frank Garner, Executive Director, and Mr. Bruce Keevill, in charge of fundraising.

Mr. Keevil began the presentation stating there have been recent changes in attitudes about recreation facilities, and the County has been supporting many major new facilities. He identified the proposed location for the new Sportsplex on a map on the overhead projector, stating it is half way between Halifax/Dartmouth and the airport; at the junction of Nova Scotia's most populated areas. The site has 1500 metres of lake frontage. There is already a cross country ski trail there, and this entire facility will enhance the natural beauty more.

Mr. MacDonald advised that his father once stated that he would build a rink for the area, but he did not live long enough to see that dream. Therefore, he is carrying on with the facility, although it will be more than a rink. He stated this facility will accommodate more than a rink; it will be open for everybody's use. He stated he is very involved with the special olympics, so this facility will be fitting for that purpose.

Mr. MacDonald next presented a slide presentation showing the location and the name of the sportsplex. He also spoke of Mr. Garner's background in olympic canoeing.

Mr. Garner advised that there is no other centre like this in North America, although it is pattered after other facilities he has viewed throughout the world. He stated it will accommodate the elite athletics, as well as the entire community, which is a unique blend. Courses and seminars will be conducted from this facility. It is already an approved trade school with diploma granting status for coaches, and it will cater to special groups, as well.

The facility will develop coaches, develop depth, and bring the world to the Sportsplex. He stated the elite athletics need community support, and the community will also be welcome to use this facility. There will be recreation programs for the general public. The sportsplex will feature three ice surfaces, six sheets of curling ice, a practice ice surface, a family recreational pool, a children's swimming pool, outdoor athletic fields and trails, a full gymnasium, fitness rooms, specialized sport training rooms, an indoor jogging track, dining and lodging facilities, day care facilities, a chapel, corporate and special group programs, seminar and meeting rooms, and a sports academy. There will be special seminars for stress and time management, as well as sports seminars.

Mr. Garner advised that there has been a commitment from the provincial and federal governments, as well as the community at large. Sports Canada has endorsed this project, as well as the Coaching Association of Canada, the Canadian Olympic Association, and sports governing bodies and international competitors. He stated the youth must be helped in this project in order to make it an investment for Canada's future.

Mr. Keevil advised that secured sources of funding include \$4.1 million from the Province (\$3.4 in cash and the remainder in services); \$3.4 million from the Federal government; \$1 million from the Waverley Amateur Athletics Association; and \$200,000 in corporate pledges. He stated it is also expected that \$5.3 million will be raised through a corporate campaign; \$1 million in the community; and Halifax County is being asked to participate by donating \$1 million.

Mr. Keevil stated the spinoffs from this facility will be job creation and household income generation. He reviewed projections in this regard during the construction and operational phases of this facility. He also reviewed sources of on-going revenue, stating it is expected the facility will operation on a break-even basis, but after it is running at full capacity, any surplus will be used for additional facilities and upkeep.

Mr. Keevil added that all financial statements and projections have been compiled with assistance from Doane Raymond.

Mr. Keevil stated the County's contribution of \$1 million will be part of the total capital aspect of this Sports Park, and they would like the County to be the major thrust behind funding by advancing the contribution to be used as "seed money" which will trigger additional money from the federal and provincial levels of government and from the corporate and community sectors.

Mr. Keevil concluded that the normally two-thirds of the funding would be realized from the three levels of government, but because of the uniqueness of this project, it will appeal to the community and corporate areas, and fully one-half of the funding is to come from those sectors. He pledged that when the operation is fully operational, it will be self-sufficient. With federal and provincial funding now in place, he requested \$1 million from Halifax County.

Mr. Meech suggested that this request be referred to the Executive Committee for consideration under the new funding policy for recreational facilities.

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

"THAT the request for \$1 million for the Waverley Sportsplex be referred to the Executive Committee for consideration under the new funding policy for recreational facilities."

MOTION CARRIED

PUBLIC HEARING, RE MINOR VARIANCE APPEAL

Application No. MV-18-21-88 - Lot 20, Forest Hills Land Assembly,
Phase IE - 60 Amaranth Crescent, Cole Harbour

Ms. Bond, Acting Development Officer, advised that this application is by Mr. Reinhardt of 60 Amaranth Crescent to construct a deck on the side of his dwelling one foot from the side of his property line, rather than the required eight feet. Ms. Bond informed that the Planning Act states that no variance shall be granted if it is not minor in that it violates the intent of the Land Use By-law. She stated this application is not considered minor and could not be approved by the Development Officer. She concluded that property owners within 100 feet of the requested variance were notified of this hearing in accordance with the Planning Act.

Questions from Council

Councillor Fralick inquired about any response from abutting property owners. Mr. Bond responded that she was in receipt of a letter from an immediate abutter expressing no objection to this application. She read the letter from Mr. John Campbell, expressed agreement to the variance to permit the construction of the proposed sundeck by Mr. Reinhardt of 60 Amaranth Crescent. The letter suggested that the sundeck will enhance both his and Mr. Reinhardt's properties.

Councillor Mont asked where Mr. Campbell lives. Ms. Bond advised he lives at Lot 21, immediately adjacent on the left-hand side of the property.

Councillor Mont asked how far Mr. Campbell's house is from the property line. Ms. Bond advised that Mr. Campbell has an eight foot side yard. She stated all lots along that street have an eight to twelve foot side yards. There are no decks along the sides of the homes.

Speakers in Favour of this Application

Mr. Roy Reinhardt, 60 Amaranth Crescent advised that his side step is deteriorating after 15 years, and his lot is very small and narrow. He stated he would like to extend a deck out to the side of his house, off from the kitchen. He stated there is a six foot drop into his backyard from the centre of his house, and this side cannot be used for a picnic table, etc. He stated he would like to build his deck to within one foot of the property line, which he has discussed with the neighbours. He stated they have all agreed, and he has heard nothing to the contrary. Mr. Reinhardt stated this will allow him to remain level with the street, and it will enhance the property. He stated the early morning sun, as well as the late afternoon sun will shine along the side where the proposed deck is to be built. Steps will be built to the backyard. Mr. Reinhardt advised that a plan was submitted showing the proposal in full. He also stated that he has put money aside for this project. He stated it will be an asset to the neighbourhood.

Questions from Council

Councillor DeRoche inquired about side railing for this deck. Mr. Reinhardt advised that the deck will have a 4 1/2 foot railing around the side constructed of galvanized steel and wolmanized lumber. He stated underneath the deck will be fenced in for storage. The side railings will not be angled, but will be constructed straight up from concrete pads. They will not extend beyond the property line.

Speakers in Opposition to this Application

None

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

"THAT minor variance application no. MV-18-21-88 be approved by Municipal Council."
MOTION CARRIED

LETTERS AND CORRESPONDENCEMinister of Transportation and Communications

Mr. Kelly reviewed this letter concerning requests and petitions for the paving of Bomont Drive in Lantz and Parkcrest Drive and Roywell Drive in Upper Lawrencetown.

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

"THAT this item of correspondence be received."

Councillor Lichter noted that Mr. Harrison of Bomont Drive in Lantz has received a response from the Minister of Transportation informed that this street was not publically listed until 1978, which is less than 15 years. However, this street has been fully maintained by the Department of Transportation since 1973.

MOTION CARRIED

Minister of Transportation and Communications

Mr. Kelly reviewed this correspondence about the installation of sidewalks from Sackville Estates Trailer Park to the new Millwood School.

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

"THAT this correspondence be received."

Councillor Wiseman advised that Deputy Warden MacDonald had requested her to speak to this topic in his absence. She stated the side of the road here has been widened to three feet, but that is not sufficient to accommodate children walking to school during the winter months when there are great banks of snow.

MOTION CARRIED

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

"THAT a letter be written to the Minister of Transportation expressing concern about the hazardous walking conditions from Sackville Estates Trailer Park to the new Millwood School and that the Minister be asked to reconsider his position in that regard."

MOTION CARRIED

Minister of the Environment/Ken Margeson, re Woodbine Mobile Home Park

Mr. Kelly reviewed the letter from the Minister of the Environment advising that other correspondence from Mr. Ken Margeson concerning this matter is also included in the supplementary agenda.

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

"THAT these two items of correspondence be received."

MOTION CARRIED

Minister of Education

Mr. Kelly reviewed this letter concerning a new Acadia School in Lower Sackville. The letter declined the request for a new school on the basis that enrollments at the elementary level in Sackville have been on the decline recently.

Councillor Wiseman expressed dissatisfaction with this response. She stated there may have been declining enrollments in Sackville recently, but many students from Acadia School are now being bused to other areas, and other are housed in basement classrooms, which is not acceptable.

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

"THAT this item of correspondence be received."

MOTION CARRIED

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

"THAT the Minister of Education be requested to re-examine the situation at Acadia School in light of the fact that students from the Acadia catchment area are now attending other schools; that the area continues to expand and population continues to grow."

MOTION CARRIED

Minister of Housing

Mr. Kelly read this response to Council's motion regarding the re-appointment of representatives to the Halifax County Housing Authority.

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

"THAT this correspondence be received."
MOTION CARRIED

SUPPLEMENTARY CORRESPONDENCE

Sackville Chamber of Commerce

Mr. Kelly reviewed this correspondence appointing Mr. Evan Morgan to complete Mr. Irving's term on the Halifax County Industrial Commission.

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

"THAT Evan Morgan be appointed to complete Mr. Harold Irving's term as representative of the Sackville Chamber of Commerce on the Halifax County Industrial Commission to expire on December 17, 1988."
MOTION CARRIED

Petition, re Reduction of Speed Limit, Lantz to Dutch Settlement

Mr. Kelly reviewed this letter signed by a number of residents, requesting the reduction of the speed limit from 80 km/hr to 50 km/hr from Keye's Bridge in Lantz to the existing 50 km/hr speed limit in Dutch Settlement.

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

"THAT Halifax County Council support this petition and request for the reduction of the speed limit by forwarding it to the Minister of Transportation immediately."
MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

File No. P 1127-87-14 - Undersized Lot Legislation - Lands of Raymond Cox, Windsor Junction

Mr. Kelly reviewed the staff report and recommendation.

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

"THAT the proposed subdivision (application no. P 1127-87-14) be granted approval in principle, and that the applicant be directed to proceed to the final subdivision stage;

ALSO THAT staff be empowered to advertise the public hearing once the application is complete."
MOTION CARRIED

Application No. DA-SA-05-88-16 - Development Agreement - Memorial Gardens (Atlantic) Limited, 125 Sackville Drive, Lower Sackville

Mr. Kelly reviewed the report and recommendation of the Planning Advisory Committee in this regard.

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

"THAT Application No. DA-SA-05-88-16 be approved and that a public hearing be scheduled for September 12, 1988 at 7 p.m."
MOTION CARRIED

SUPPLEMENTARY PLANNING ADVISORY COMMITTEE REPORT

Application No. RA-24-13-88-11 - Application by Donald Findlay, District 11

Mr. Kelly reviewed the report.

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

"THAT Application No. RA-24-13-88-11 be approved and that a public hearing be scheduled for September 12, 1988 at 7 p.m.2
MOTION CARRIED

BUILDING INSPECTOR'S REPORT, RE LESSER SETBACKS

Sambro Contracting Ltd., Portuguese Cove

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

"THAT approval be granted for a lesser setback of 26 feet on Lands of Sambro Contracting Ltd., Jacqueline Purcell Drive, Portuguese Cove."
MOTION CARRIED

Shell Canada Products Limited, Hatchet Lake

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

"THAT approval be granted for a lesser setback of 10 feet on Lot 11, Route No. 33, Hatchet Lake for applicant Shell Canada Ltd."
MOTION CARRIED

REPORT OF THE DEVELOPMENT OFFICER

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

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

EXECUTIVE COMMITTEE REPORTPortable Classrooms

Mr. Kelly reviewed the report regarding this matter.

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

"THAT the ten surplus portable classrooms be sold to each of the organization as outlined in the staff report for \$1 each with the exception that one of the two for Temple Baptist Church, Sackville be provided to Halifax County Recreation for use in Cole Harbour."

MOTION CARRIED

Requests for Grants

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

"THAT the following grants be approved by Halifax County Council:

- a) District Capital Grant, District 5 in the amount of \$2,794.42 for improvements to the Sambro ballfield;
- b) District Capital Grant, District 5 in the amount of \$1,000 for improvements to the Harrietsfield Play Lot;
- c) District Capital Grant, District 5 in the amount of \$15,000 for improvements at the Herring Cove Fire Department;
- d) District Capital Grant, District 10 in the amount of \$1,650 for improvements to Musquodoboit Harbour and District ballfield;
- e) District Capital Grant, District 20 in the amount of \$851 for paving of walkways;
- f) District Capital Grant, District 1 in the amount of \$2,000 for improvements to the recreation building at Black Point;
- g) District Capital Grant, District 1 in the amount of \$5,000 and a General Parkland Grant in the amount of \$3,000 for improvements to the ballfield at Boutlier's Point;
- h) District Capital Grant, District 2 in the amount of \$1,750 for fencing at Timberlea Junior High School;
- i) District Parkland Grant, District 9 in the amount of \$760 and a General County Parkland Grant in the amount of \$760 for improvements to the ballfield at Porter's Lake; and
- j) District Capital Grant, District 3 in the amount of \$2,500 and a District 3 Parkland Grant in the amount of \$2,500 for parkland improvements, Lake of the Woods, Homeowners' Association."

MOTION CARRIED

Soccer Field, Eastern Passage Junior High School

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

"THAT land be exchanged for the construction of a new regulation size soccer field on the Elkins Barracks property to the Northwest of the Eastern Passage Junior High School;

THAT the existing soccer field be returned to the County Recreation Department;

THAT the Engineering and Works Department be involved in the design of the new soccer field to ensure proper storm drainage;

AND THAT one-third cost-sharing be approved in the amount of \$28,000, 50 percent to be funded from the Parkland Fund and 50 percent to be funded from the District Fund."

MOTION CARRIED

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Affirmative Action - Contracts/Tenders

Mr. Kelly reviewed the staff report.

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

"THAT proposed improvements to the East Preston Playing Field be designated as a demonstration project in accordance with the Affirmative Action Policy;

THAT tenders for the project be restricted to black entrepreneurs within the community;

AND THAT the normal bid deposit and performance bond requirements be waived."

MOTION CARRIED

SUPPLEMENTARY AGENDA

Amendments - Ocean View Manor By-law

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

"THAT approval be granted for amendments to the By-law for Ocean View Manor as presented."

MOTION CARRIED

Public Hearing Date, Minor Variance Appeal

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

"THAT a public hearing be held on September 20, 1988 at 7 p.m. to hear the appeal of a minor variance decision by the Development Officer for Havil Construction Ltd. (Application No. MV-30-02-88)."

MOTION CARRIED

TEMPORARY BORROWING RESOLUTIONS

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

"THAT temporary borrowing resolutions be approved by Halifax County Council as follows:

- No. 87-02 - sewer (Airport) in the amount of \$820,000;
- No. 87-03 - water (Airport) in the amount of \$820,000;
- No. 87-04 - sewer (Middle Musquodoboit) in the amount of \$1,600,000
- No. 87-05 - water (Middle Musquodoboit) in the amount of \$500,000
- No. 87-07 - Black Point Fire Hall in the amount of \$413,000
- No. 88-04 - water (Meadowbrook) in the amount of \$234,000
- No. 88-05 - sewer (Meadowbrook) in the amount of \$639,000."

MOTION CARRIED

WITHDRAWALS FROM SPECIAL RESERVE FUND

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

"THAT approval be granted for withdrawals from the Special Reserve Fund as follows:

- No. 88-01 - North Preston Sewer, \$485,000
- No. 88-02 - North Preston Water, \$215,000
- No. 88-03 - Springfield Lake Sewer, \$500,000
- No. 88-04 - MacPherson, Lockview Road Sewer, \$200,000
- No. 88-05 - Middle Musquodoboit Sewer, \$235,000
- No. 88-06 - Middle Musquodoboit Water, \$65,000."

MOTION CARRIED

METROPOLITAN AUTHORITY REPORT - DEPUTY WARDEN MacDONALD

In the absence of Deputy Warden MacDonald, Warden MacKenzie advised that there has not been a meeting of the Metropolitan Authority since Councillor McInroy's last report.

COUNCILLOR P. BAKER - MEETING WITH MINISTER OF TRANSPORTATION

Councillor P. Baker noted that it has been over a month since the meeting with the Minister of Transportation, but there has not been a response to any of the concerns discussed at that meeting. In particular he expressed concern about the opposing speed limits in Hatchet Lake near the Marydale Road.

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

"THAT the Minister of Transportation be reminded of the concerns of the residents of Hatchet Lake, near the Marydale Road, regarding different speed limits on opposites sides of the road there."

Mr. Meech advised that there has not been any formal response to Council's meeting with the Minister, although he was aware of some follow-up by staff asking for more detailed information.

MOTION CARRIED

RESOLUTION FROM COMMITTEE OF THE WHOLE, RE SLUDGE DISPOSAL

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

"THAT Halifax County Council authorize staff to proceed with investigation, design, and development of a lagooning system with the intent that cost-sharing be sought from the Department of the Environment; that a public consultation process be begun; that the lagooning operation be limited to the first lagoon; and that a system of using the sludge for forest fertilization be examined; and that because of the lessened capacity necessary, new sites be explored closer to the centre of generation for the lagooning system."

Councillor DeRoche suggested that cost-sharing be sought from the Province in general, as opposed to the Department of the Environment specifically. Councillor Wiseman and Councillor Deveaux agreed to this amendment.

MOTION CARRIED

EMERGENCY AGENDA ITEMSCouncillor P. Baker - Department of Fisheries and Oceans

Councillor P. Baker expressed difficulty with draggers fishing in-shore at night and taking fish away from the in-shore fishermen. He stated it is his understanding that the Department of Fisheries and Oceans cannot do anything about this because is it not illegal for draggers under 65 feet to work in-shore.

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

"THAT the Department of Fisheries and Oceans be requested to investigate allegations of draggers fishing in-shore, and if confirmed, that they take remedial action on behalf of the in-shore fishermen."

Councillor C. Baker stated he is aware that some boats from Sambro are doing this dragging, and he suggested it is legal, although it may not be fair. He added that somebody had informed him the low catches are not due to dragging, but it is due to the water from the Gulf of Mexico is hitting the cold water causing fog and warmer water. The fish then move to the colder water.

Councillor Deveaux stated it is his understanding that changes were made to the regulations a few years ago allowing certain size dragger to do in-shore fishing. He agreed that this has caused concern for the in-shore fishermen, and if this resolution does not lead to some action, he suggested the Department of Fisheries should be approached about changing that regulation.

Councillor Fralick suggested Council meet with the Minister of Fisheries and Oceans. Warden MacKenzie felt this resolution should be dealt with, and if the results are not satisfactory, a meeting can be arranged.

MOTION CARRIED

Councillor Randall - Paving, Robertson Drive, Lawrencetown

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

"THAT a request for the paving of Robinson Road, Lawrencetown under the new paving policy be forwarded to the Department of Transportation."

Councillor Randall informed that this road is at least 20 years old, and it has been listed for more than 15 years.

MOTION CARRIED

Councillor Lichter - Department of Transportation

Councillor Lichter advised that documentation has been found in the Planning Department Library proving that Bomont Drive was taken over and listed as a public road in 1972 and 1973, more than 15 years ago; therefore, Bomont Drive is eligible for paving under the new policy.

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

"THAT a letter be written to the Minister of Transportation concerning the paving of Bomont Drive, enclosing copies of the original take-over documents showing the first portion of the road was taken over in 1972 and the second portion in 1973."

MOTION CARRIED

ADJOURNMENT

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

"THAT this Council Session adjourn."
MOTION CARRIED

The meeting adjourned at 8:10 p.m.

PUBLIC HEARINGS

AUGUST 8, 1988

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

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor
Mr. Brant Wishart, Senior Planner
Mr. Paul Morgan, Planner

SECRETARY: Glenda Hill

Warden MacKenzie called the meeting to order at 7 p.m. with the Lord's Prayer. Mr. Kelly called the Roll.

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

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

Warden MacKenzie next reviewed the procedure for the public hearings.

APPLICATION NO. RA-CH/W-36-87-21 - APPLICATION BY FONGS RESTAURANT LTD. TO REZONE A PORTION OF THE PROPERTY AT 1241 COLE HARBOUR ROAD FROM R-1 (SINGLE UNIT DWELLING) ZONE TO C-2 (GENERAL BUSINESS) ZONE

Mr. Morgan reviewed the staff report and recommendation regarding this application. He referred to map 4 of the staff report, indicating the portion to be rezoned in relation to abutting properties. He noted that the two surrounding properties are owned by the applicant, as well as the property in question. The property in question is occupied by Fong's Restaurant, as well as a retail store. The abutting lot, at 1233 Cole Harbour Road, is occupied by Paolo's Pasta

House. The other abutting lot, at 4 John Stewart Drive, is a residence.

Mr. Morgan advised that this rezoning is required because recently a portion of the properties from the residence and Paolo's Pasta House were added to the lot in question; that part of 4 John Stewart Drive must be rezoned to accommodate the restaurant business. The purpose of the subdivision was to permit additional parking required as part of an internal expansion of the restaurant.

Mr. Morgan advised that the expansion will involve approximately 830 square feet, an additional 48 seats. Thus, an additional 16 parking spaces are required.

Mr. Morgan continued to review the staff report, recommending approval of the application. He noted the proposal to utilize this small parcel of land for additional parking will not introduce a disturbance to the neighbouring residential properties, as it is relatively small, and it is already paved and appears to have been used for parking.

Questions from Council

Warden MacKenzie asked why only that portion of land subdivided from 4 John Stewart Drive is being rezoned and that property from 1233 Cole Harbour Road is not. Mr. Morgan replied that the portion of land from 1233 Cole Harbour Road is presently zoned C-2. That property from 4 John Stewart Drive is zoned residential.

Councillor Mont clarified that a property zoned R-1 cannot be used for commercial parking purposes. He then noted that Fong's Restuarant now uses that parcel for commerical parking. Mr. Morgan advised that his office recently received a complaint from a neighbouring resident, Mr. Lintaman. He noted there is a submission from Mr. Lintaman opposing this application. Mr. Lintaman claims that the residential area is now paved, and it is believed this area is now being used for parking for the restaurant operation. He advised that the Development Officer has inspected this property, but it could not be determined if cars parked there were for the restaurant busienss or the residence. Councillor Mont stated there is nothing to identify that property as a no parking zone. He noted from pictures circulated that many cars have been parked there, and it appears to be used for parking by patrons of the restaurant. He stated it appears this parking is in violation of the By-law, and this application is an attempt to legalize that; however, there is no protection to the abutting residential properties. Mr. Morgan noted that if this application is approved, parking is still not permitted within 15 feet of the rear property line. Otherwise prosecution could take place. Councillor Mont suggested there is routine parking within 15 feet of the rear parking lot. Mr. Morgan suggested it could have been used for such parking prior to adoption of the By-law; this could permit such continued use of the property. However, if the expansion is approved, changes in the parking will have to be accommodated and parking within 15 feet of the rear property line will no longer be permitted.

Councillor Mont asked how it was determined parking was taking place here prior to adoption of the By-law. Mr. Morgan advised that he discussed this with the Development Division, most particularly the By-law Enforcement Officer, Mr. Craig Hatt. Mr. Morgan clarified that there is not enough evidence to show that the parking was there before or after adoption of the By-law.

Councillor Deveaux clarified that if this application is approved, parking will not be permitted within 15 feet of the adjoining properties. He asked how this could be prevented. Mr. Morgan clarified that parking will not be permitted within 15 feet of the rear property line, as opposed to all abutting property line. He stated the applicant will have to submit parking plans with their application for a development permit, and if parking does take place in the restricted area, the application could be prosecuted.

Councillor Deveaux next asked if there is a fence between Fong's Restaurant and 4 John Stewart Drive. Mr. Morgan advised there is no fence between all three properties owned by Fong's. He noted Mr. Lintaman's property is at 6 John Stewart Drive.

Councillor DeRoche noted the property in question is 63 feet in length, and he inquired about the width of that parcel. Mr. Morgan advised it is 5.7 feet at one end and slightly over 6 feet at the other end. Councillor DeRoche next inquired about the distance of the restaurant to the new property line. Mr. Morgan advised it is slightly over 40 feet. Councillor DeRoche stated parking will be permitted within 25 feet of the building. Mr. Morgan clarified that parking is restricted 15 feet from the rear property line only. Councillor DeRoche stated the location of the rear property line must be established. Mr. Morgan stated the rear property line is that behind Fong's restaurant. Councillor DeRoche clarified that parking can take place right up to the new property line, adjacent to 4 John Stewart Drive. There was a brief discussion concerning the location of parking spaces in relation to property line.

Councillor DeRoche asked if the ownership of the restaurant site was examined to determine who owned it at the time of adoption of the By-law. He stated he was trying to establish that when the By-law for Cole Harbour/Westphal was adopted, the residential area was not being used for restaurant parking. He stated he is far more familiar with the property and how long the parking has been in existence than Mr. Morgan.

Councillor Eisenhauer asked where the picture came from. Mr. Morgan stated five copies of pictures accompanied Mr. Lintaman's submission, and the photographs are all different. Councillor Eisenhauer noted that the same cars always appear at 4 John Stewart Drive, although the parking lot for the restaurant appears to be vacant.

Speakers in Favour of this Application

Mr. Thomas MacDonald, Blois, Nickerson, Palmer and Bryson, advised he is the solicitor for Fong's Restaurant Ltd. He asked to see the pictures which have been circulated; Members of Council agreed.

Mr. MacDonald identified the application and the purpose of the rezoning. He also advised that two of the three abutting properties to the restaurant are owned by Fong's Restaurant.

Mr. MacDonald continued that with regard to parking, if this application is approved, the parking on the restaurant site is to be used on for restaurant customer parking and for no other use. He advised that Mr. Fong is prepared to erect a sign to that effect, if required. He stated this application is not an effort to increase already illegal parking.

Mr. MacDonald noted the neighbourhood is mixed with commercial establishments, as well as residential. Mr. and Mrs. Lintaman are most affected by this application because their property borders on the restaurant lot. He stated the issues raised in the Lintaman's submission are important to the Lintaman's, but he questioned the relevancy to this application. He stated cooperation between neighbours is important, and more important is this Municipality's By-law protection. He stated Fong's Restaurant is prepared to cooperate with the County, and if there have been problems in the past, Fong's regrets that; however, they do not intend to jeopardize their application or the goodwill of the neighbourhood.

Mr. MacDonald noted that Mr. Lintaman's submission referred to the storage of food at the residential property. Mr. MacDonald advised that no commercial food is stored at the residence, although some storage did take place there once over six years ago. The Lintaman's submission also referred to Sister Sarah's, and Mr. MacDonald stated this application is not by Sister Sarah's, and he does not represent Sister Sarah's. Any increased parking as a result of approval of this application will not relate to Sister Sarah's.

Mr. MacDonald referred to food drying facilities, as noted in the Lintaman's submission. He advised that there is no commercial food drying taking place at the residential property. He advised that the Chinese people, as part of their tradition, like spiced pork. They cure meat with spices and dry it in the air, and this is done for the residents of the home.

Mr. MacDonald stated the next issue in Mr. Lintaman's submission was with respect to several families living at the residence. He advised that the residential building is occupied by his father and his brother, and his brother has children. He stated the residence is not used as a residential facility, apartment-style, but Mr. Fong's family resides there, and the food drying is for them. He stated if this food drying is offensive in terms of Halifax County health regulations, the County has the mechanism to do something about that, and such complaints should be dealt with separate and apart from this application.

Mr. MacDonald stated the By-law offers protection to neighbouring properties by restricting parking to within 15 feet of the rear property line. However, it appears Mr. Lintaman simply does not want more cars in the area. He felt this should not be of concern if the cars are not parked on the Lintaman's property. He stated there are other mechanisms to take care of noise and littering problems, but that should not affect this application. He stated it is a problem experienced by people who live on a residential property bordering a commercial property.

Mr. MacDonald concluded that the Planning Department is recommending approval of this application, and this recommendation is the result of a thoughtful report. He stated Mr. Fong is willing to cooperate with regard to his development by erecting signage to prevent illegal parking. He noted that Councillor Eisenhauer had noticed a number of the photographs show many of the same cars. He stated this is because some of those cars belong to Mr. Fong's father or his brother or to Mr. Fong himself. He stated when Mr. Fong goes to work at the restaurant, he parks at the residential property he owns.

Questions from Council

Councillor DeRoche noted that Mr. MacDonald had stated Mr. Fong had instructed him to present certain information. He asked if it has been determined from Mr. Fong whether or not he might be prepared to find some means of restricting property to the restaurant lot. Mr. MacDonald advised he had discussed this with Mr. Fong, and he is prepared to advise customers in the restaurant that parking is at 1241 Cole Harbour Road as opposed to the residential lot. It was his opinion that Mr. Fong feels people are not allowed to park there presently, and they are informed of this.

Councillor DeRoche asked the clientele will make the distinction between the restaurant parking lot and the paved backyard of the residential property. Mr. MacDonald stated this has not been discussed in depth with Mr. Fong, but one way would be the painting of parking spaces, and signage could also be erected. Mr. MacDonald stated this issue can be addressed and rectified without causing an on-going need for concern.

Councillor DeRoche asked if it can be assumed that painting of the parking spaces will be part and parcel of the operation. Mr. MacDonald stated it was his understanding that the plan submitted with the application for a development permit included an outlay of the proposed parking including the spaces. Mr. Morgan added that it is a requirement of the By-law that the parking space be clearly marked.

Warden MacKenzie inquired about cement bumpers between the properties. Mr. Morgan stated they could very easily be installed, but it is not a requirement of the by-law.

Councillor Lichter clarified that Mr. Fong does not intend to speak. He then clarified from earlier discussion that Mr. Fong has been irritated for a number of years by the fact that patrons have not paid

much attention to his indication of parking. Mr. MacDonald stated it is not a question of irritation, but it was an on-going concern, and there was a question as to how to rectify it. Councillor Lichter then asked if there was ever a civic number erected between 4 John Stewart Drive and the restaurant parking lot. Mr. MacDonald advised there was not, to his knowledge.

Councillor Lichter next inquired about the total square footage of the building. Mr. MacDonald responded that he is not aware of the square footage of the building. Councillor Lichter noted that application is for 830 square feet of restaurant space, which has not yet been built, and if this application is not approved, it cannot be built. Councillor Lichter asked if there is any means to expand the restaurant without an addition to the building. Mr. MacDonald stated it is not his understanding that this can be done.

Councillor Lichter asked how much of the present floor space of the building is not used for the restaurant. Mr. MacDonald there is a substantial portion, although he was not aware of the figures.

Councillor Deveaux stated the concerns of the Lintaman's are legitimate, and he expressed sympathy. However, his major concern was that an acceptable agreement can be reached between the two parties. He expressed concern about the backyard of 4 John Stewart Drive, stating this application should have been by development agreement as opposed to a rezoning because it would give Council more power to enforce regulations and to impose additional requirements, such as the construction of a fence.

Mr. MacDonald responded that the development agreement route is sometimes more expensive. He stated this application does not contravene the Plan and By-law in affect. He stated any problems can now be dealt with through existing by-laws for the County so a development agreement is not necessary.

Councillor Mont asked if Mr. Fong is willing to erect a fence along the property line abutting Mr. Lintaman's property. Mr. MacDonald responded that he had not asked Mr. Fong about this.

Councillor Mont noted there was another application by Fong's earlier in the year, and he asked if this is the first part of that original application. Mr. MacDonald responded that there was another application which was withdrawn, and to his knowledge, there is no intention for further expansion.

Councillor DeRoche clarified this application is for a rezoning to accommodate additional parking space for an 830 square foot expansion to the existing restaurant. Mr. MacDonald agreed that it is for 48 additional seats within the same building, with no further expansion to the building. He stated it is intended to knock down a wall within the interior of the building.