

Councillor Boutilier clarified that when informed Councillor Morgan he would support a treatment plant for Woodbine Mobile Home Park, it was with the exclusive understanding that Mr. Havill come forth with what he was instructed to do by this Council. He stated this was reiterated that the meeting of the Sackville Community Council when Councillor Merrigan was in attendance.

Councillor Eisenhauer suggested the motion should be dealt with in two parts because it gives some direction but then suggests that some other action will be required. He also suggested there should be some indication that the pollution control study will be for the long term.

Warden Lichter asked if Councillor Merrigan would be willing to meet with the Ministers of Health and Environment, along with himself and Mr. Meech. Councillor Merrigan stated he would be pleased to meet with them, although their departments have already assured that what is taking place would not happen.

Councillor Morgan stated the original proposal was rejected because it is not known where the money will come from. He suggested a financing proposal should be set out before anything is supported. He stated nothing should be done to jeopardize the operation of the Mill Cove sewage treatment plant. He stated there have been many requests to be included within the serviceable boundary for Sackville, and it must be decided which requests will be listened to first. Councillor Morgan concluded that a holding tank might work as an interim measure because once a new agreement is reached with the Town of Bedford for the operation of the Mill Cove sewage treatment plant, another option may be available. Sometimes a bandaid solution is the answer until a better solution is found.

MOTION CARRIED

#### ADJOURNMENT

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

"THAT this Session of Council adjourn."

MOTION CARRIED

The meeting adjourned at 11:40 p.m.

COUNCIL SESSION

TUESDAY, MAY 16, 1989

PRESENT WERE: Warden Lichter  
Councillor Meade  
Councillor Poirier  
Councillor Fralick  
Councillor Baker  
Councillor Ball  
Councillor Deveaux  
Councillor Bates  
Councillor Adams  
Councillor Randall  
Councillor Bayers  
Councillor Reid  
Councillor Horne  
Councillor Merrigan  
Councillor Morgan  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Boutilier  
Councillor MacKay  
Councillor Sutherland  
Councillor Richards  
Deputy Warden McInroy  
Councillor Cooper

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 Lichter called the Council Session to order at 6 p.m. with the Lord's Prayer. Mr. Kelly called the Roll.

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

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

APPROVAL OF MINUTES

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

"THAT the minutes of the Joint Council Session, April 17, 1989, be approved as circulated."  
MOTION CARRIED

It was moved by Councillor Richards, seconded by Councillor Sutherland:

"THAT the minutes of the Council Session, April 18, 1989, be approved as circulated."  
MOTION CARRIED

LETTERS AND CORRESPONDENCEMinister of Transportation and Communications

Mr. Kelly reviewed this letter concerning the Peggy's Cove Preservation Area and Parkway. He informed that the Planning Advisory Committee Report also contains an item regarding this matter.

Councillor Baker advised that the people of West Dover appreciate the proposal from the Minister of Transportation, but it is not acceptable to them. He stated all lands with existing dwellings should be included in the proposal, including Lots 2, 20, and 21.

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

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

It was moved by Councillor Baker, seconded by Councillor Meade:

"THAT a letter be written to the Minister of Transportation and Communications requesting the reason why Lots 2, 20, and 21 have not been included in the amended parkway boundary, as shown on the map;

ALSO THAT a copy of this letter be forwarded to Jerry Lawrence, MLA for the area; Premier Buchanan; and the Peggy's Cove Commission."  
MOTION CARRIED

Environment Canada

Warden Lichter advised that Canada Parks Service has requested to make a presentation to Council. He advised that the presentation will be arranged for the June 6, 1989 Session of Council because only ten minutes is required.

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

"THAT this item of correspondence be received, and that a presentation be arranged for the June 6, 1989 Session of Council."  
MOTION CARRIED

Minister of Community Services

Mr. Kelly reviewed this item of correspondence regarding Halifax County's support for an extension to The Birches at Musquodoboit Harbour.

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

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

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

"THAT a letter be written to the Minister of Community Services informing that Halifax County will continue to cost-share for maintenance of residents in the expanded portion of the Birches on the basis of the 1/3 - 2/3 cost-sharing formula;

ALSO THAT copies of this letter be forwarded to the MLA, the Honourable Tom McInnis, and to Janet Crowell, Administrator of the Birches."

Councillor Bayers clarified that this project will have no impact on the 1989 operating budget.

MOTION CARRIED

Minister of Transportation and Communications

Mr. Kelly reviewed this item of correspondence regarding paving, upgrading, and maintenance at Kelly Road, Wellington and the road between Goffs and Oldham.

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

"THAT this item of correspondence be received."

MOTION CARRIED

Canadian Occupational Health and Safety Week

Mr. Kelly reviewed this letter requesting that the week of June 18 to 24 be proclaimed Canadian Occupational Health and Safety Week.

It was moved by Councillor Cooper, seconded by Councillor Sutherland:

"THAT the week of June 18 to 24 be declared Canadian Occupational Health and Safety Week in Halifax County."

MOTION CARRIED

Warden Lichter noted that the following three items of correspondence are also regarding Canadian Occupational Health and Safety Week, which has already be dealt with.

Minister of State for Employment and Immigration

Mr. Kelly reviewed this item of correspondence.

Warden Lichter advised that he spoke to several people at a recent FCM Conference in Calgary, and they have given the same indication as the letter.

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

"THAT this item of correspondence be received."

MOTION CARRIED

Minister of Transportation and Communications

Mr. Kelly reviewed this letter regarding the widening of Highway No. 101 from the Sackville turn-off.

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

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

Minister of Transportation and Communications

Mr. Kelly reviewed this letter concerning sidewalk construction in the Sackville area.

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

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

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

"THAT a letter be written to the Minister of Transportation and Communications reminding of the Department's commitment for sidewalks along the Old Sackville Road in three phases in 1982 and requesting that the Old Sackville Road be included in the next commitment for sidewalk construction in Sackville."

Councillor MacKay advised that the north-west side of the Old Sackville Road has been completely shafted since it was developed by the Department of Housing in 1966-67; everything has been developed on the other side of the road. He spoke of the danger on this side of the road as a result of little or no shoulder. He also stated that the manholes stick up above the pavement. He stated there is not road anywhere that will match the poor condition of the Old Sackville Road. Councillor MacKay concluded that the Minister gave a verbal commitment to this project three or four weeks ago, and he expects to see something in writing as a result of this action. He stated he is tired of seeing other projects approved, while the Old Sackville Road is continually put off.

MOTION CARRIED

SUPPLEMENTARY CORRESPONDENCEReg Hillier, re Rural Fire District Act, School Section 10 of District 4

Mr. Kelly reviewed this item of correspondence. He advised that one item on the Executive Committee Report is also regarding this matter.

Mr. Meech informed that he has researched this matter to determine if Council has the ability to stop the proposed plebescite or if Council must accept the

decision of the plebiscite. He has determined that there are two options. First, special legislation can be enacted in the form of a Private Members Bill to exempt Halifax County from the Rural Fire District Act. Second, under the Rural Fire District Act, the final step after the plebiscite is that the provincial cabinet is required to give final approval. Therefore, if Halifax County is not in a position to enact a Private Members Bill, if the plebiscite does proceed, and if Council does not want this area designated under the Rural Fire District Act, a submission can be made to cabinet in an attempt to persuade that it is not in the best interest of fire protection for the Municipality to apply this Act. Mr. Meech stated that a group of property owners could take such action in a community such as Sackville, and that area would then fall under the Rural Fire District Act. He stated there is no other fire department in the Municipality that is designated under this Act.

Mr. Meech informed that Mr. Hiller has found the money to proceed with this plebiscite, and the Sheriff is now required to proceed with the plebiscite. He expressed urgency in taking action to stop the application of the Rural Fire District Act.

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

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

Councillor Baker advised that this is a serious situation for District 4. He advised that Mr. Hiller began by representing himself, and he now has a few other supporters. He expressed concern for the fire department in District 4, questioning who will pay for the new fire department and what will happen to the equipment if the County fire department shuts down. He stated the new fire district will have the ability to tax, and there must be concern for the taxpayers in this regard.

Councillor Baker asked that the Fire Advisory Board inform the residents of Halifax County of the ramifications of the Rural Fire District Act before the plebiscite.

Councillor Merrigan inquired about the effects of this Act. Mr. Meech informed that if a person can get a petition signed by a minimum of 25 people within a designated area, an application can be made to the Sheriff requesting a plebiscite in the designated area. Mr. Meech suggested that this Act was developed when municipalities were not responding to the requirement for fire protection in rural areas. Councillor Merrigan was concerned that the wishes of one small area can affect the entire district.

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

"THAT the Municipal Solicitor be asked to investigate the Rural Fire District Act and to take the necessary action to restrict any plebiscite under the Rural Fire District Act to the entire district."

Warden Lichter advised that there has been discussion about asking the Provincial government to exempt Halifax County from this Act because it came

into being when there was some need for it. However, Halifax County has since taken a highly responsible role in fire protection, and this there is no longer the need for this Act to apply to Halifax County.

Councillor Ball expressed concern that this Act could have ramification for the entire district, and the entire district should have say in the plebiscite. He suggested that one portion of a district may be more affluent than another, and it may divide the entire district because they have the assessment base to support their own fire department. He felt there should be encouragement for such a plebiscite to be for an entire district.

Councillor Horne inquired about the ramifications of a positive outcome of this plebiscite. Mr. Cragg informed that if this plebiscite is successful, the area will have the ability to set up their own fire department; they will have to secure their own equipment. Any previous equipment will not go to the new department, but it will remain with the Municipality. Mr. Cragg agreed that they would be setting up an independent fire department without the support of the Municipality, nor would Halifax County have any control over that department. He added that the area would have the ability to levy their own area rate to secure their department.

Councillor Ball commented that he has a fire society operating independent of Halifax County in his District, and he would not want to see anybody else in this position. He inquired about the question on the ballot and who has made up the ballot. Warden Lichter responded that he does not know if anybody has seen the ballot. Councillor Ball expressed concern that any question can be worded for an appropriate response. He suggested an amendment to the motion whereby Council would request a delay in the plebiscite until such time as the issue of the Rural Fire District Act is dealt with by the Fire Advisory Board, at which time the Board will advise District 4 of the possible ramifications of this plebiscite. Warden Lichter indicated that he cannot accept this as an amendment because it changes the intent of the motion.

With regard to introducing a Private Member Bill to the cabinet, Warden Lichter advised that he has recently learned from the Minister of Municipal Affairs that Province House will not be in a position to accept any new legislation before they adjourn. He stated the success of getting such a bill through this sitting of the House may be non-existent.

Councillor Morgan stated the proposed change to the legislation, as presented by Councillor Merrigan, could present a difficulty for a larger district where one part of the district should not be involved in a decision for another portion.

#### MOTION DEFEATED

It was moved by Councillor Baker, seconded by Councillor Ball:

"THAT Council request the Sheriff to delay the plebiscite until the issue is dealt with by the Fire Advisory Board, who will advise the residents of District 4 of the ramifications of such a plebiscite."

Warden Lichter advised that Halifax County has not legal authority to delay the plebiscite because Halifax County has not initiated it.

Councillor Boutilier asked if a public meeting can be held regarding a fire service issue even though the plebiscite is in the midst. Mr. Cragg informed that it can. Councillor Boutilier suggested that a public meeting be held as quickly as possible to get the information to the residents.

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

District 4 Fire Department

Warden Lichter reviewed the recommendation with regard to consolidation of the two existing fire departments in District 4 and the employment of paid fire fighters for that area.

It was moved by Councillor Baker, seconded by Councillor Ball:

"THAT the proposal to consolidate the operations and budgets of the Terence Bay/Hatchet Lake Fire Departments be endorsed by Halifax County Council and that four career fire fighters be hired to provide daytime fire protection, these position being regarded as Halifax County employees."

Councillor Boutilier expressed concern that this motion may be perceived negatively given the previous motion, and he suggested that this matter be deferred until the plebiscite is dealt with. Councillor MacKay and Councillor Horne agreed.

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

"THAT the matter of consolidating the Terence Bay/Hatchet Lake Fire Departments and employing four career fire fighters be deferred until the matter of the plebiscite is settled."

MOTION CARRIED

Councillor Merrigan expressed concern with regard to one area of a district having control over the entire district under the Rural Fire District Act.

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

"THAT the Rural Fire District Act be referred to the Fire Advisory Board to consider proposing amendments whereby the area to be polled under this Act should be first approved by the municipality in question."

MOTION CARRIED



MINOR VARIANCE APPEALAppeal of Minor Variance at 8 Gloria Avenue, Lower Sackville

Ms. Bond reviewed the staff report regarding this minor variance. She informed that the application for a minor variance was approved by the Development Officer, but his decision was appeal by an adjacent property owner. She identified the location of the property in question on a map attached to the report, noting that the property owner at Lot 66 is not opposed to the minor variance, but the property owner at Lot 68 has appealed the decision of the Development Officer because he is concerned about drainage problems.

Questions from Council

Councillor MacKay clarified that the property owner immediately adjacent to the property in question did not appeal this minor variance. Ms. Bond agreed, informing that the owner of Lot 68 has appealed this decision, and the department has received a letter from the property owner at Lot 66 indicating they have no objection to this minor variance.

Councillor MacKay noted that a four foot setback is required from the rear lot line, and from the sketch attached to the report it appears there is more than four feet from the rear lot line, but the variance is for the side lot line. Ms. Bond explained that the lot in question is a corner lot, and the shorter of the two lines located on both streets is considered the front lot line. Therefore, in this instance, Beaverbank Road is considered the front lot line, although the home faces Gloria Avenue.

Councillor MacKay noted that a large amount of fill was required to accommodate the existing garage when it was built. He asked if a substantial amount of fill is required for this addition. Ms. Bond responded that she is not sure.

Councillor MacKay expressed concern about additional fill falling onto Lot 68, causing drainage problems. He asked if any measures of prevention will be taken in this regard. Ms. Bond advised that the applicant has not provided this information, although the building inspector will be involved in such procedures when the building permit is issued. She added that the Storm Drainage Engineer will also be asked to investigate this site, although staff is not aware of a previous problem.

Councillor MacKay clarified that a detached garage can be located four feet from the property line, but an attached garage must be eight feet from the property line, unless a minor variance is approved. Ms. Bond agreed.

Councillor Sutherland advised that there is a breezeway between the garage and the dwelling, and the existing garage is now four feet from the property line abutting Lot 66. He clarified that the applicant is requesting that the garage be within four feet of the property line abutting Lot 68. He stated there is quite a difference in the slope between Lots 67 and 68. Ms. Bond agreed, advising that the information submitted with the application is that the addition will bring the building within four feet of the boundary between Lot 66 and Lot 67.

Councillor Sutherland next inquired about the amount of lot coverage permitted. Ms. Bond advised that 35 percent coverage is permitted. Councillor Sutherland suggested that 35 percent will be far exceeded given the size of the dwelling, the garage, and the swimming pool presently on the site. Ms. Bond advised that the swimming pool is in-ground, which does not require a building permit, and does not constitute square footage.

Councillor Sutherland asked about the zoning on the property in question. Ms. Bond informed it is zoned R-1 (Single Unit Dwelling) Zone. Councillor Sutherland asked if the owner has indicated a use for the garage. Ms. Bond informed it is for a second vehicle for private use.

Councillor Morgan referred to the staff report and asked for clarification with regard to No. 3 under the analysis. He asked if the owner of Lot 67 was denied a minor variance and is now refuting the approval of this minor variance. Ms. Bond advised that is not the case to her knowledge. Warden Lichter advised that the letter received from the appellant contains this paragraph, and staff is sharing it with Council. He noted that the appellant may be better able to explain it, if he speaks with regard to this minor variance.

Mr. Garth Brown, advised that he is the owner of Lot 67 and the applicant for this minor variance. He informed that he bought this lot in October, and he was not aware of any drainage problem behind him until the spring. He stated he is willing to do whatever is required to build his garage without harming anyone else's property.

Councillor MacKay asked for clarification with regard to Councillor Sutherland's suggestion. He asked if the garage is four feet from the side property line separating Lot 67 from Lot 66. Mr. Brown informed it is not. Councillor MacKay noted that the location certificate shows the garage 17.93 feet from the property line, and the proposal is to bring the distance to 13 feet. Mr. Brown agreed.

Councillor MacKay noted that the property in back of Lot 67 drops off quite a bit, and it appears this is where the drainage problem is. Mr. Brown agreed, informing that there was a pipe running from one end of the property to the other, and it appears the drain from the roof of the house ran into this pipe. However, the pipe has never been glued together, and only about one-half of it remains.

Councillor MacKay noted that it was suggested when the existing garage was built, a substantial amount of fill was required; therefore, quite a bit of fill is required for this addition. Mr. Brown advised that not a lot of fill will be required. Councillor MacKay suggested the land will be excavated, a foundation will be poured, and the foundation will be filled in. Mr. Brown agreed. Councillor MacKay clarified that no fill will be dumped on Mr. Brown's lot that will spill over onto the adjacent lot. Mr. Brown informed he is not planning such.

There being no further speakers regarding this minor variance, Councillor Morgan requested clarification with regard to No. 3 as outlined on the staff report. He asked if Mr. Brown if he has ever opposed any minor variance or rezoning application by his neighbour. Mr. Brown informed that he did not.

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

"THAT the decision of the Development Officer be upheld with regard to the minor variance at Lot 67, Gloria Avenue, Lower Sackville."

Councillor Sutherland expressed concern about approving this minor variance without any restrictions; he was concerned about the adjacent property owner at Lot 68, stating the drainage problem should be investigated to protect fill from draining onto Lot 68. Warden Lichter advised that Ms. Bond has indicated that Mr. Sheppard will investigate the drainage problem, but no stipulation can be added to approval of the minor variance.

Councillor Sutherland suggested that Mr. Sheppard be asked to investigate the drainage problem at this property before the building permit is issued. There was some discussion about the process of issuing the building permit and whether or not a stipulations can be added to the approval of this minor variance. Mr. Cragg clarified that Council can only make a decision that the development officer could have made, and the development officer can only deal with the application for the minor variance.

MOTION CARRIED

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

"THAT Council request the Storm Drainage Engineer to investigate the water runoff problem at Lot 68, Gloria Avenue, Lower Sackville during the process of issuing the building permit for Lot 67, Gloria Avenue, Lower Sackville."  
MOTION CARRIED

#### SUPPLEMENTARY LETTERS AND CORRESPONDENCE

##### Clayton Developments Limited

Mr. Kelly reviewed this item of correspondence regarding the recent public hearing concerning an application for an amendment to the Cole Harbour/Westphal serviceable boundary by Clayton Developments Limited.

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

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

Deputy Warden McInroy felt that Clayton's letter regarding the presentation by Mr. DeRoche is true, and the opinion of the Cole Harbour/Westphal Service Commission does hold some weight, and based on what transpired at the public hearing, Deputy Warden McInroy felt the applicant's position may have been negatively affected. Therefore,

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

"THAT another public hearing be scheduled regarding the application by Clayton Developments Limited to include an additional 73 acres within the serviceable boundary for Cole Harbour/Westphal."

Councillor Richards indicated support for the motion because he felt the motion was not handled in a fair manner. Councillor MacKay agreed, stating a great injustice was done at the public hearing, and this matter must be discussed in full by the Cole Harbour/Westphal Service Commission. Councillor Boutilier also agreed that another public hearing should be held.

Councillor Ball inquired about the vote required for this application. Warden Lichter advised that a successful vote for approval of this application requires 13 votes, but it is Mr. Cragg's opinion that a simple majority is sufficient to deny this application. Warden Lichter felt that this law is not fair, requiring a simple majority to shaft somebody, but a large majority is required to help somebody.

Councillor Ball stated if a majority of the total Council is required for a positive motion during the public hearing process, the approval of the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17 should be questioned because it did not receive a large majority vote. Warden Lichter advised that this is a separate issue, and comments at this time should be directed to the issue of Clayton Developments Limited. Councillor MacKay clarified that a plan amendment requires a majority vote of the whole Council, but a rezoning application only requires a simple majority. Mr. Cragg agreed, advising that the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17 were adopted by votes of 15-0. He further clarified that the a rezoning application only requires a simple majority because Ministerial approval is not required. He advised that the voting requirements are always followed in this Council, and staff does endeavour to advise Council of the number of votes required for each application at the time of the public hearing.

Councillor Bates informed that he was in favour of deferring a decision at the original public hearing, and he will now support a second public hearing.

Councillor Cooper felt the questions raised regarding this public hearing must be addressed by Council, and he would, therefore, support another public hearing. Councillor MacDonald also indicated support for a second public hearing.

With regard to Council accepting a negative motion, Mr. Cragg informed that it must be determined if the motion really was negative. He felt it was not negative because Council was left to either approve or reject the application, and Council took the positive step of dealing with the application by rejecting it. Mr. Cragg felt a negative motion is when Council makes a motion not to do something. Mr. Cragg concluded that there is no legislation requiring a certain number of Councillors must be present for a public hearing or any other meeting. He stated there is nothing to prevent the same circumstances from happening again, and there is nothing inappropriate with that.

Councillor Merrigan asked if anybody who has been denied an application has the opportunity to request another public hearing or if another application would have to be made. Warden Lichter advised that the applicant could make another applications, which would mean going through the Planning Advisory Committee, public meetings, and the scheduling of another public hearing. He stated anybody has that right at anytime.

Councillor Merrigan questioned if Council can overturn it's initial decision. There was some discussion about the procedure for holding another public hearing. Mr. Cragg clarified that all of Council can vote on this motion; it not limited to those who were in attendance at the public hearing. Also, the motion only requires a simple majority to pass.

Councillor Morgan expressed support for the motion, but he questioned whether or not the off Monday from Council are good nights for public hearings, noting that Councillors are now paid for these meetings whether or not they attend. Councillor Morgan felt the people should also be versed on how Halifax County balances it's budget because he was totally disgusted with the lost revenue when this application was denied. Warden Lichter agreed that attendance at this public hearing was low, but it had nothing to do with pay; he felt it was unfortunate that Councillors had a number of other commitments.

Councillor Morgan concluded that he has always taken exception to applicants soliciting support, but in view of the attendance at the last public hearing, he felt applicants should be encouraged to call Councillors to make sure they will be in attendance.

Councillor Deveaux expressed objection to the motion, stating this is the first such request in the 17 years he has been on Council. He stated the reasons for requesting another public hearing are not reasonable; this issue was well debated at community meetings and public meetings, and Clayton Developments Limited have been given every opportunity to fight their case. Councillor Deveaux stated that he has seen a motion of denial approved on several occasions, and he asked how many votes were required when the motion was made. He stated low attendance at the public hearing had no bearing on the final decision, and the only people shafted are those in Eastern Passage who did not get their development rights when the sewage treatment plant was first installed there.

Councillor Poirier agreed with Councillor Deveaux. She stated people are often unhappy with the decision of Council, but they do not look for excuses to call for another public hearing. She stated the decisions of this Council must be respected, and she questioned if everybody who has not liked the results of a public hearing will have the same opportunity to call for another public hearing. Councillor Poirier asked if the original decision of Council will have to be rescinded in order to hold another public hearing. Mr. Cragg informed that it would. Councillor Poirier then asked if an unanimous decision of Council is required to rescind a motion. Mr. Cragg informed that only a majority vote is required to pass a motion to rescind.

Councillor Eisenhauer felt the results of a second public hearing will not be much different, but the process should be undertaken in order that the position

of the Cole Harbour/Westphal Service Commission can be clarified. Therefore, Councillor Eisenhauer indicated that he will support the motion.

Warden Lichter informed that he did not mean that Council shafted anybody by their vote, but he meant that the law is set up to shafting is permitted by a lesser vote than helping somebody. He stated it is not fair. Councillor Poirier noted that nobody was shafted; the residents of Eastern Passage were helped.

Warden Lichter felt it would be helpful if Council is given a public hearing agenda prior to the public hearing, advising each and every Councillor of the vote required before the meeting. He stated this will put a greater onus on Council to attend public hearings. Warden Lichter advised that he was uncomfortable with the public hearing because he made two serious mistakes. First, Warden Lichter informed that he had pointed out to Council immediately when the question of representation of the Service Commission became evident that a decision should be deferred pending confirmation in writing from the Service Commission. However, he forgot that thought when Councillor Deveaux made his motion some time later. He felt the deferral motion at that time did not succeed because people were tired and did not want to wait for the written confirmation from the Service Commission. Second, Warden Lichter informed that in his ten years on Council, the previous warden was advised by Mr. Cragg on several occasions that a negative motion should not be accepted. He informed that he questioned this on the way home after the public hearing, although he recalled this information. He suggested that the circumstances may have been somewhat different, but he felt unfair about the manner in which the public hearing was conducted. He stated he will try to correct his own fault, although his vote is only one of those present tonight.

Councillor Deveaux asked if Warden Lichter can guarantee that another mistake will not be made in the future, and another public hearing will not be requested on this basis again. He stated a decision should not be based on dollars because there are other considerations as well. He concluded that Council should seriously consider the future ramifications of a decision to hold another public hearing before the vote.

Councillor Merrigan argued against the motion, stating there was no injustice done at the public hearing. He stated Clayton Developments Limited has the ability to make another application, and that is the procedure that should be followed.

Councillor Cooper questioned if another public hearing is held, if the entire process should be followed. He felt there should be another public hearing, but the entire process should be followed. He also stated the cost of the application should be borne by the applicant. He stated another public hearing will permit new argument which were not previously put forth, so the process should be undertaken from the beginning.

Warden Lichter asked if the Planning Advisory Committee recommended approval of this application based on the staff recommendation and discussion and the public meetings. Councillor MacKay informed that PAC did recommend approval of this application. Councillor Cooper clarified that the motion from the PAC was that this application be sent to a public hearing without a recommendation.

Warden Lichter clarified that there was public input, and it was the decision of the PAC to hold a public hearing. He stated there is no need to continue to drag this application on for months for the sake of holding more public meetings, which have already been held.

Warden Lichter asked if the original motion will have to be rescinded in order to schedule another public hearing. Mr. Cragg informed that if Council wishes to deal with the motion the floor, it should do so in full compliance with the Planning Act prior to another public hearing being held. He also informed that Council does not wish to deal affirmatively with the motion on the floor, a motion to rescind the motion to approve this application can be made, which will have the effect of leaving the application open for further consideration. Deputy Warden McInroy indicated that he would like to proceed with the motion as it now stands, because he would like to hold another public hearing, although it may be necessary to rescind the previous motion at some time. Mr. Cragg felt if the motion on the floor is approved, it will not be necessary to rescind the motion from the public hearing.

Councillor Poirier expressed concern about the precedence of approval of this motion, and she asked that the rules be laid out so those who have not received a satisfactory response from Council will know how to call for another public hearing. Mr. Cragg responded that the Planning Act and Council policy in the past dictates that certain procedures be held, and Council should not deviate from that. If Council wishes to re-advertise and hold another public hearing on the basis that the public participation and Planning Advisory Committee process has been completed, it is up to Council to decide. Councillor Morgan noted that any decision of Council can be reconsidered and rescinded at any time.

Councillor Deveaux and Councillor Horne requested a recorded vote.

Councillor Meade - FOR	Councillor Poirier - AGAINST
Councillor Fralick - FOR	Councillor Baker - AGAINST
Councillor Ball - AGAINST	Councillor Deveaux - AGAINST
Councillor Bates - FOR	Councillor Adams - FOR
Councillor Randall - AGAINST	Councillor Bayers - AGAINST
Councillor Reid - FOR	Warden Lichter - FOR
Councillor Horne - AGAINST	Councillor Merrigan - AGAINST
Councillor Morgan - FOR	Councillor Eisenhower - AGAINST
Councillor MacDonald - FOR	Councillor Boutilier - FOR
Councillor MacKay - FOR	Councillor Sutherland - FOR
Councillor Richards - FOR	Deputy Warden McInroy - FOR
Councillor Cooper - FOR	

MOTION CARRIED

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

"THAT another public hearing with regard to the application by Clayton Developments Limited to include an additional 73 acres within the serviceable boundary for Cole Harbour/Westphal be scheduled for July 17, 1989 at 7 p.m.

MOTION CARRIED

Members of Council agreed to recess for ten minutes. Warden Lichter recalled the meeting to order at 8:40 p.m.

Members of Council unanimously agreed to discuss Item No. 4 on the Supplementary Agenda.

#### LOCATION FOR A NEW HIGH SCHOOL FOR THE EASTERN SUBSECTION

Councillor Bates informed that a public meeting has been held, and it is now time to deal with the issue. He advised that he is concerned about the effects of a new high school on Caldwell Road on the communities north of the Cole Harbour Road. He informed that he sought the advice of a renowned lawyer on education law in Canada, Mr. A. Wayne MacKay, who has published books on this subject. He referred to the success of Mr. MacKay and Mr. Ray Riddell in law suites regarding constitutional rights to minority education.

Councillor Bates informed that the motion he has proposed on two previous occasions is that Halifax County Council recommend to the School Board that they continue to maintain their integration policy and that the policy of the Municipal Development Plan for Cole Harbour/Westphal area respected, which encourages the location of schools near recreational facilities. It is felt that both of these objectives, as well as the wishes of the majority of residents in the effected communities can best be achieved if the new high school is located in either Phase 10 or 11 of Forest Hills or expansion of the Bell Annex. He informed that the motion is that Halifax County Council recommend to the School Board and the Department of Education that the proposed new high school be located as suggested to support a campus concept.

Mr. Kelly read a letter from Mr. Riddell and Mr. MacKay regarding the proposed high school sites at Forest Hills and Caldwell Road. Warden Lichter also informed that a large number of letters and petitions have been circulated to Members of Council in this regard.

Councillor Bates referred to the statistics attached to the letter from Mr. Riddell and Mr. MacKay, including social assistance payments to the various districts included in the eastern subsection, which the solicitors have used for grounds in their opinion regarding the socioeconomic disadvantaged area. Councillor Bates informed that he is concerned about the community of Forest Hills and what the government proposes for that area. People settled in that area with the knowledge of the integration school system, and he questioned how the government could change that policy as it relates to the people.

Councillor Bates continued that the five Councillors who sent the newsletter in this regard appear to have been vindicated in terms of the statement made at the public meeting which indicated that they had made a racist statement. He stated Mr. MacKay agrees with them that the quality of education provided would not be the same if the schools were segregated. He advised that they did not solicit petitions, but they have indicated that any petitions in their support should be forwarded directly to the Provincial government. He referred to letters of support from the Atlantic Board of Trustees, representing the three junior high schools in the area, and the Humber Park Ratepayers Association.



Councillor Bates concluded that they are not looking to change anything, but they want to hold onto what they already have. He stated the problem at hand must be dealt with as it exists, rather than turning away from it.

Councillor Merrigan inquired about the outcome of the public meeting held in this regard. Warden Lichter responded that there was no vote at the public meeting, and it is difficult to accurately gauge the final opinion.

Councillor Merrigan next inquired about the facts Councillor Bates conveyed to Mr. MacKay and Mr. Riddell in order for them to prepare their opinion. Mr. Bates advised that he supplied them with the statistics as attached to their letter, and he also described the school sites and the situation to them as outlined in the first paragraph of their letter. He informed that Mr. MacKay and Mr. Riddell were told of the proposed sites for the new schools, the distance of these sites from the various communities and the existing school, and how the Caldwell Road site is considered to be out of reach for the black community. He informed that the decision of the five Councillors to support the Forest Hills site was based on this information and their desire to keep the school there.

Councillor Baker informed that he will ask to be excused from voting on this motion as a member of the School Board. He felt this is a matter to be decided by the School Board, as they have the hired experts in this area. He stated any recommendation from the School Board will be based on information from staff, although the Province will have the final say. Councillor Baker felt the use of lawyers is promoting racism by pointing out socioeconomic differences. He concluded that he will make his decision about the location of a new school in this area at the School Board level based on what is good for the education system and as recommended by the experts.

Councillor Morgan agreed that this matter is for the School Board to decide, and the Province will make the final decision. He questioned if the School Board will build a school based on the campus concept because they usually build schools where the student population is located for ease of access. He stated the problem of racism is worsened by talking about it all the time. He stated the school should be built where the student are so students will not have to be bussed from one location to another. The importance of the issue is the community aspect; racism is not the point. He concluded that the new constitution leaves this discussion open to any lawyer with any opinion. If the campus concept is to be supported, it should be supported consistently, and it was not followed in Sackville.

Councillor Ball stated there are a number of alternatives that should be considered, and it is not known what the School Board will recommend to the Province. He agreed that Mr. MacKay has many credentials in this area, but he is the person in Canada involved in education law; therefore, it is difficult to question his credentials. Councillor Ball felt this matter is no longer a matter of education, but it is becoming a people issue causing more division and having a greater effect on students.

Councillor Adams expressed disappointment at Councillor Baker's remarks that racism does not exist. He informed that members of the School Board have

identified and acknowledged exercises and act of racism at Cole Harbour High School, and they are not being investigated. He felt more harm can be done to race relations by ignoring the facts as they exist. He stated a problem must be resolved through discussion and a resolution, which is the attempt now. He stated elected people at all levels of government must be aware of intended purposes of the inclusion of multi-culturalism and ethnic rights in education.

Councillor Adams informed that Halifax County Council should be involved in the decision of where to locate a new school because Council is a body of power and influence, elected to represent the people. He stated it is only proper for Councillors to represent the view of the people, no matter the issue. He stated the school location issue is not different in its essence; decisions affecting schools require group action, and Council's action is a form of such action. He stated rights and justice must prevail.

Councillor Adams expressed respect for School Board members and their discomfort with this matter at this time. He informed that the area Councillors are not trying to make a decision for the School Board or the Province, but they are trying to convey, through Council, the feelings that have been expressed to them as representatives of the people.

Councillor Adams reviewed a letter from the community of Lake Echo, indicating that any new school should be in the same location as the existing school. He stated there has been a precedent in school location in Halifax County in the past with the development of the Sir Robert Borden Junior High School.

Councillor Adams stated the quest for improved quality of education depends on how lifestyles are mixed; it is important to remember that integration is not simply an issue of black and white, but the mixing of people of varying backgrounds and races, including their socioeconomic status; any separation must be equal. He referred to the Graham Royal Commission on Education in Nova Scotia, which was tabled in 1973-74 which addressed the bottom line to this issue - the mix, the location, the content, and the character of the institutions of education in Nova Scotia based on cultural/racial mixes and the authority of governing bodies.

With regard to Mr. MacKay's book, Councillor Adams stated it addresses the entire issue; the only parts missing is the name of the school and the communities. He concluded by asking Council to convey the wishes of many people to the School Board by supporting the motion.

Councillor MacKay asked if the proposal for a new high school near Caldwell Road is based on race. Councillor Bates informed that the proposal is based on existing school populations and future growth; however, the location is far enough away that the existing system will be lost. He stated the black communities feel they have gone far enough in travelling to Forest Hills.

Councillor MacKay asked if the proposal is based on economics. Councillor Bates responded that the people promoting the site would suggest economics is one reason.

Councillor MacKay stated the letter from Mr. Riddell and Mr. MacKay is based on race and economics, and this is not the issue at hand. He stated any expert

given one side of the story can only provide one side of the opinion. He questioned if Mr. Riddell and Mr. MacKay would have had the same opinion if they had considered the campus concept versus two free-standing schools, the total population and geography, economics, and the best interests of the students involved. Councillor MacKay stated he is not prepared to make any recommendation until he hears all of the facts, including those from the School Board. He concluded that over-crowded quarters may be an explosive situation that should also be considered.

Councillor Boutilier stated integration is important, but it cannot be considered in isolation. He stated he is not comfortable with this issue because it is a decision for the School Board to make, and more information is required before a decision can be made. He felt the School Board, given the mandate by Halifax County Municipality, is capable of making this decision based on educational services for the students they will be serving and on population/use. He questioned how a campus concept can be supported, with two fully equipped schools side by side; budgets and economics must also be considered.

Councillor Boutilier informed that he attended the public meeting, and he is no more clear on the position of the people, but he was strongly convinced that recommending a site to the School Board is out of Council's jurisdiction because it is the responsibility of the School Board to make such a decision, whether or not the final decision is politically pleasing. He concluded that the only way he could fully support the School Board in their decision is if it is made based on the facts; he cannot support a school site selected based strictly on race or integration.

Deputy Warden McInroy expressed objection to Council making this decision. He felt it is the responsibility of the School Board to make such a decision; Halifax County Council does not have the expertise, and any decision made by this body would be based on biased opinions. Deputy Warden McInroy felt the motion should be withdrawn, as opposed to defeated, so no preference can be interpreted. He stated the policy of the School Board to develop schools based on the campus concept does not mean school after school should be build in the same area. He noted that Mr. Gillis confirmed at the public meeting that there will be no difference in the level of education from one high school to the other.

Deputy Warden McInroy stated there are a number of factors that must be considered. In terms of economics, the cost of bussing students who could walk to another facility varies from \$350,000 to \$500,000 per year, which amounts to \$5 million over ten years! He stated it is a struggle to reduce to School Board Budget every year, and there is discussion about cutting programs and laying off teachers, but there could be a savings in transportation costs given the proper location for a new high school.

Deputy Warden McInroy stated the existing facility is overcrowded, and putting two schools side by side will not solve this problem; the issue is much more than integration. He stated everybody he has talked to honours and respects the policy, but it is not the only factor.

Deputy Warden McInroy concluded by requesting Council to defeat the motion because it does select a specific location for a new school in the absence of objective information that should be provided first; let this matter be dealt with by the high school trustees, and the School Board, and the Province, which is the formal procedure and process, which Council should not be interfering with.

Councillor Cooper referred to the Planning Act, which indicated that Council can make a statement policy with respect to a number of matters, including education facilities. He also stated that the Municipal Development Plan for this area includes a policy indicating that educational facilities should be adjacent to recreational facilities, which is one of the factors in the motion. The other factor of the motion is the integration policy. He felt the motion is based strictly on those support the existing policies within the County. Councillor Cooper referred to several papers which have been prepared by the School Board over the years, stating all positions of the School Board have been based on those papers. They indicate that integration, growth areas, equipment facilities and programs should be adhered to when decisions regarding the school system are made. Councillor Cooper felt the issue at hand now is not racism, but it is integration and development. He stated if the school is to be located where the development is, it should probably be on Caldwell Road, but that is not the policy now in place. He stated the School Board has not provided all the facts or indicated to the public what the situation will be if the school is in Forest Hills or on Caldwell Road, but they have indicated that there is a possibility that programs will be offered in a Caldwell Road school that will not be available at the present school. It must then be considered if there will be inequalities in education.

With regard to the campus concept, Councillor Cooper stated there could be a mix of programs which all students would have access to, and low demand courses could be offered at one school only. He stated if both schools are located close to recreation facilities within the campus concept will provide both student bodies with wonderful opportunities to use these facilities and provide school staff to develop and expand the physical education credit program. He stated students presently use the Dartmouth Sportsplex during school hours, and they will be permitted to use the local facilities. His greatest concern was the quality of education, stating it is the real issue.

Following further comments, Councillor Cooper stated the decision will be made by the School Board and the Provincial government, but first all of the facts should be brought to the communities. He stated he was disappointed at the public meeting because the School Board was not prepared to tell the community all of the ramifications, but they were looking for a reaction from the community. He stated the motion on the floor is appropriate; until all the matters are addressed, he is not prepared to take the chance that some residents may suffer from a difference in quality of education, and he will support the motion until it has been firmly established that the quality of education for students at Cole Harbour High School will not suffer.

Councillor Richards stated it is difficult to make a decision without all of the facts, and any decision should be based on fact and not emotions. It would be a great disservice to the public for Council to make a decision based on the limited information now available. With regard to renovations to the Bell

Building to accommodate, Councillor Richards stated there has not yet been anything to indicate that this would be feasible. He questioned how 1,200 students could be housed in a building designed for elementary students in an area completed developed as single family units. Boundaries have not yet been determined. He disagreed with Councillor Cooper in terms of supporting the motion because there is not enough information, stating it is also a policy of the School Board to build schools in growth areas.

Councillor Richards concluded that he has attended every possible meeting and asked many questions in this regard, but he still is not in a position to make a decision. He asked that Council defeat the motion, not because they are against integration or the other policies of the School Board, but because of the danger approval of this motion would mean - that a decision was made based, not on fact, but on emotions. He stated there is only one choice - to ask the School Board to present all of the facts so Council can be in a position to make a decision.

Deputy Warden McInroy advised that the report referred to by Councillor Cooper was written in 1979, but since that time Graham Creighton High School has changed to a junior high school. This change took place when Cole Harbour High School was constructed, in an attempt to promote integration, and Gordon Bell Junior High School, next to Cole Harbour High School, also became a high school. Deputy Warden McInroy informed that this concept only lasted two years. In the first six months there was administration difficulties amongst the various levels, and it was determined that one administration should run both buildings. It is now one high school operating out of two buildings; one building houses grade ten students, and the other houses grades 11 and 12. He stated the campus concept was tried, and it did not work.

Deputy Warden McInroy noted that at the public meeting, Mr. Gillis clearly indicated on three separate occasions that the School Board is obligated to ensure that the level of education at both high schools is the same, and that whatever is available in one building will be available to all students, although it may mean bussing. He stated students are presently bussed from Cole Harbour High to Gordon Bell Annex if they are taking courses at that building, and the same thing will happen with two high schools.

Deputy Warden McInroy informed that the current principle at Cole Harbour High School has indicated that students are bussed to the Dartmouth Sportsplex to use the raquetball facilities, and they will continue to be bussed for this purpose because there are no raquetball facilities at Cole Harbour Place. He agreed with Councillor Cooper that the facts should be presented to the public before any decision is made.

Councillor Bates asked where the proposed school site is on Caldwell Road. Deputy Warden McInroy responded that there are several options available between Astral Drive and Atholea Drive on both sides of the road.

Councillor Randall advised that he signed the newsletter in this regard in an attempt to provoke discussion amongst the residents of his area, and it has created much discussion. He stated any determination can be made from the public meeting last week, but it did provide for much discussion. Councillor Randall advised that he did not realize this motion would be before Council at

this time, and he indicated that he cannot support the motion because he does not believe Halifax County should be making a decision; he stated this decision should be made by the School Board and the Province.

In terms of historical trends, Councillor Eisenhower expressed support for the motion. He felt two separate schools will divide the community.

Councillor Adams stated the mix of cultures, lifestyles, race, social values, and economic status must be included within the student body; it is an enhancement factor. He stated if equality in these areas is separated, the purpose is not met. He stated the issue of emotion is important in terms of those which are against racism.

Warden Lichter informed that he would be more comfortable if this decision was left to the School Board and the Province because there are so many facts that are and will continue to be missing for a long time. He felt that quality of education is based on good teachers and students desirous of learning. The other factors have nothing to do with quality education. He questioned the good of deferring this matter because it only means this debate will take place again at another time. He agreed with Councillor Richards that a decision to defeat this motion should only be interpreted as an indication that Council does not know enough about this issue to make a decision.

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

"THAT a decision regarding the location of a new high school in the eastern subsection be deferred pending a report from the School Board in this regard."

Councillor Merrigan felt the School Board members should be keeping Council informed in this regard. Warden Lichter advised that the School Board members have indicated to him that they are uncomfortable with this issue and being asked to represent Council and the School Board. He stated this is why Councillor Reid, Councillor Deveaux, and Councillor MacDonald have left the meeting; they did not leave to avoid questions.

#### MOTION DEFEATED

Councillor Poirier indicated that she cannot vote on the motion because she does not know enough about the issue. Warden Lichter informed that all Members of Council must vote unless they are in a position of conflict of interest.

Councillor Bates and Councillor Adams agreed to withdraw the motion because most Members of Council require further information.

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

"THAT the School Board be requested to meet with Halifax County Council at a special meeting to better inform Members of Council about the issues surrounding the location of a new high school in the eastern subsection."

MOTION CARRIED

Members of Council agreed to recess for five minutes. Warden Lichter recalled the meeting to order at 10:35 p.m.

Councillor Cooper advised that he conferred with Deputy Warden McInroy during the recess, who indicated that the people should not be misled by comments he has made. Councillor Cooper assured that he did not mean to mislead anybody with his comments.

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

"THAT this Council adjourn at 11 p.m."  
MOTION CARRIED

There was discussion about holding a special Session of Council to finish the agenda and clear away a number of items which have been outstanding for some time now.

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

"THAT a special Session of Council be scheduled for May 18, 1989 at 3 p.m. in order that the agenda can be completed."  
MOTION CARRIED

#### PLANNING ADVISORY COMMITTEE REPORT

File No. F-209-89-17 - Undersized Lot Legislation - Lands of Gregory and Constance Walker, Lakeview

Mr. Kelly reviewed the report and recommendation of the PAC.

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

"THAT the proposed subdivision of Gregory and Constance Walker, Lakeview be granted final approval and that a public hearing be scheduled for June 6, 1989 at 7 p.m."  
MOTION CARRIED

Application No. RA-TLB-03-88-02 - Application by Armoyn Group Ltd.- Governor's Glen Subdivision - Phase III

Councillor Poirier advised that she spoke with a representative of the Armoyn Group Ltd. this afternoon, who indicated that they are awaiting tentative approval of the road that will serve as a second entrance for this development. On that basis,

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

"THAT Application No. RA-TLB-03-88-02 be deferred pending tentative approval of the road."  
MOTION CARRIED

Peggy's Cove Preservation Area

This matter was dealt with earlier.

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORTSpringfield Lake Sewerage Project

Warden Lichter reviewed the recommendation of the Executive Committee.

Councillor MacDonald advised that the original formula for cost-sharing of this project includes the residents, Halifax County and the Province, who have rejected this application yet. Mr. Meech informed that it is intended to make application to the Province for additional funding on this overexpenditure, and Council will be advised when a response is received.

Councillor MacDonald informed that the residents were told the top price for this project would be \$25 per foot, and it is now recommended to increase to \$28.50 per foot. Therefore,

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

"THAT the second phase of the Springfield Lake sewerage project proceed as originally intended, and that the per foot frontage charge for residents remain at \$25 per foot."

Councillor Sutherland informed that he asked at the Executive Committee if the recommendation of \$28 per foot would be a problem for the residents, and he was advised that the residents were given a range, which included \$28. However, because the cost of water for the Middle Musquodoboit project has been held at the rate initially indicated, he felt this rate should also be held at \$25 per foot.

Deputy Warden McInroy indicated that he cannot support the motion because Council has been caught in this situation in the past and had to take responsibility for a large deficit. He expressed hope that guaranteed costs are not being projected until after the final figures are known.

Councillor Reid also informed that he cannot support the motion. He stated comparing this project to the Middle Musquodoboit project is not fair. He stated the residents of Middle Musquodoboit will be paying cost overruns for the sewer project, but the cost of water was fixed at \$1,250 by motion of Council two years ago, and he asked that the motion be respected.

Councillor Ball suggested that this matter should not be voted on until the residents are aware of the ramifications. Mr. Meech informed that the estimates for the second phase of this project were low; the public is not officially aware of this increase, but if this increase is approved, the residents will be formally notified immediately. He suggested that Councillor MacDonald may have already talked to some of the residents.



Councillor Ball asked what will happen if the project is over budget upon completion. Mr. Meech advised that the work should be completed within the total figure indicated in the tender price.

Councillor Meade asked if either of the two low bidders are from Halifax County. He noted there is a small difference in the bids, and he felt preference should be given to Halifax County businesses. Council was informed that Lanthier Construction is located in Bedford and Woodlawn Construction in Dartmouth.

MOTION DEFEATED

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

"THAT the second phase of the Springfield sewerage project proceed as originally intended with capital over expenditures to be apportioned between Halifax County and the residents of the area according to the original formula."

There was some discussion about costs versus bid price. Councillor MacKay clarified that if estimates for the quantity of work are wrong, costs could be higher than the bid price. Mr. Meech agreed.

MOTION CARRIED

Tender Award, Springfield Lake Sewerage Project, Phase II

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

"THAT the contract for the second phase of the Springfield Lake sewerage project be awarded to the low bidder, Woodlawn Construction, in the amount of \$1,578,944."

MOTION CARRIED

Members of Council agreed to hear Councillor Bayers item regarding Harbourside School.

URGENT AGENDA ITEMS

Councillor Bayers - Harbourside School

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

"THAT a letter be written to the School Board supporting Dr. Morrison's recommendation to the School Board that Harbourside School remain open as long as the student population remains over 20 and that this recommendation be reviewed in two years."

Councillor Bayers informed that the School Board has held three meetings in this school, but he was only invited to the last meeting. He informed that a recommendation has been made that this school be closed. There were presently 22 students attending this school, and if it is closed, those students will have to be bussed approximately 20 miles, which is not acceptable. This would

also mean that the number of students per class at Lakeville School beyond the maximum of 25-35. Councillor Bayers advised that the School Board changed the bus route approximately seven years ago so students north of Harbourside School are bussed to another school; this is why the student population is low. If the bus route were changed again, the student population would increase. He stated Harbourside School is at the end of a rural, remote area of District 10, and it serves as a community centre, as well as a school. It will be a great loss to the community, if this school is closed. He concluded that the motion is based on Dr. Morrison's recommendation, and he will be attending the School Board meeting tomorrow to defend the motion.

MOTION CARRIED

Members of Council agreed to deal with Legislation regarding a Municipal Holiday and the matter of the Colby Village Pool and Tennis Complex.

SUPPLEMENTARY AGENDA

Legislation, re Municipal Holiday - Proposed Amendment

Mr. Cragg informed that Council has approved proposed legislation with regard to a municipal holiday, but the Legislative Counsel's office is concerned about the legislation giving authority for Halifax County to insist that all businesses within the jurisdiction close on the stipulated holiday. He advised that the Legislative Counsel's office has proposed a not withstanding clause, which states nothing within this Provincial legislation shall enable the Municipality to force stores to close during the municipal holiday. Mr. Cragg informed that if this issue is to be dealt with at this Session of the House, it is essential that this amendment be approved immediately.

It was moved by Councillor MacDonald, seconded by Councillor Sutherland"

"THAT the legislation regarding a municipal holiday for Halifax County be amended so the Municipality will not have the authority to force a business in Halifax County to close."

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Colby Village Pool and Tennis Complex

Mr. Kelly reviewed the report of the Executive Committee regarding this matter. He also read a letter to Warden Lichter and Members of Council, expressing disapproval to the County approving funds for the takeover and maintenance of the Colby Village Pool and Tennis Complex. The letter was signed by Emily Deveaux of 356 Caldwell Road.

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

"THAT this item of correspondence be received."

MOTION CARRIED

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

"THAT the proposal for municipal ownership of the Colby Village Pool and Tennis Complex be approved and administered by the Parks & Recreation Department subject to Districts 23, 24, and 25 agreeing to pay for expenditures over and above the projected revenues through their area rate;

ALSO THAT necessary funding for the refurbishing of the pool be approved."

Councillor MacDonald asked if Halifax County has the ability and the personnel to maintain this facility. Warden Lichter advised that Mr. Markesino has persuaded the Executive Committee that this will be a good move for the Municipality, and the complex can be operated without a loss. Mr. Meech added that a fee will be charged to recover costs.

Councillor Cooper added that this is a good facility to be put to good use, and the takeover of this facility will be to the benefit of the community. He noted that this includes not only the pool and tennis courts, but a substantial amount of land, as well.

Deputy Warden McInroy advised that some concern has been expressed that another area rate might be added to cover any possible deficit in the operation of this facility, and he clarified that any deficit will be covered from the existing recreation area rate. Councillor Richards agreed that this is the intent of the motion.

MOTION CARRIED

ADJOURNMENT

The Council Session adjourned at 11:20 p.m.

SPECIAL COUNCIL SESSION

THURSDAY, MAY 18, 1989

PRESENT WERE: Warden Lichter  
Councillor Meade  
Councillor Poirier  
Councillor Fralick  
Councillor Baker  
Councillor Ball  
Councillor Deveaux  
Councillor Bates  
Councillor Randall  
Councillor Smiley  
Councillor Horne  
Councillor Morgan  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Boutilier  
Councillor MacKay  
Councillor Sutherland  
Deputy Warden McInroy  
Councillor Cooper

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

SECRETARY: Glenda Hill

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Warden Lichter called the Council Session to order at 3 p.m. with the Lord's Prayer. Mr. Kelly called the Roll.

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

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

PLANNING ADVISORY COMMITTEE REPORT

File No. SB-05-88 - Amendments to the Municipal Subdivision By-law

Mr. Kelly reviewed the report. Warden Lichter advised that a public hearing will be required before these amendments are approved by Council, but this will be subsequent to the Provincial government approving the amendments as per Council's request.

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

"THAT a formal request be made to the Minister of Municipal Affairs to undertake the necessary amendments to the Provincial Subdivision Regulations for Halifax County."  
MOTION CARRIED

Proposed Amendments to the Cole Harbour/Westphal Plan and By-law, re Entertainment Uses in Beverage Rooms and Taverns

Mr. Kelly reviewed the report. In the absence of Councillor Richards, it was clarified that he has no difficulty with the report and recommendation, and Council agreed to proceed.

There was discussion concerning the recommendations for two public hearings on the same day at two different locations. Councillor Cooper felt this public hearing should be held within the community because the decision will be based upon community support.

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

"THAT amendments to the Cole Harbour/Westphal Plan and By-law, with regard to entertainment uses, be approved and that a public hearing be scheduled in Cole Harbour on June 19, 1989 at 7 p.m."

MOTION CARRIED

Application No. RA-SA-02-89-21 - Application by Richard Pentland, Parish of Sackville

Mr. Kelly reviewed the report.

It was moved by Councillor Meade, seconded by Councillor Baker:

"THAT Application No. RA-SA-02-89-21 be approved and that a public hearing be scheduled in the Council Chambers for July 17, 1989 at 7 p.m."

There was discussion about the date for the public hearing; it was noted that July 17, 1989 is the date scheduled for the public hearing regarding Clayton Developments' application, which will probably be lengthy. Members of Council agreed to this date for the public hearing, but stated this application should be heard before the application by Clayton Developments Limited.

MOTION CARRIED

INSTRUCTIONS, RE MUNICIPAL BOARD APPEAL

Warden Lichter reviewed the situation and the application by Atlantic Gardens Limited.

Mr. Weir advised that they have had no response from Atlantic Gardens with regard to this decision by the Municipal Board; he felt this matter should be deferred pending a response from Atlantic Gardens.

There was some discussion about the deadline for appealing this decision to the Supreme Court. Mr. Meech informed that the time limitation does not begin until the decision of the Municipal Board is actually issued, which has not yet been done. Mr. Weir informed that the date for filing an appeal may be June 15, 1989.

Deputy Warden McInroy noted Ms. Spencer's recommendation to re-hear this application, including consideration for a buffer zone. He stated if this is the action to be taken, the matter can be referred to the PAC to deal with the concerns of re-hearing the application. Mr. Meech suggested the desire of the applicant, Atlantic Gardens, should first be determined.

Councillor Morgan asked if the decision of the Municipal Board means they will not longer permit any commercial development along any shoreline. Warden Lichter responded that the issue is not that simple; it is not known that this is the only reason why this appeal was approved.

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

"THAT the matter of the Municipal Board decision regarding the application by Atlantic Gardens be referred to the Planning Advisory Committee;

ALSO THAT the solicitor begin work on the appeal to the Supreme Court, at no charge."

MOTION CARRIED

#### EXECUTIVE COMMITTEE REPORT

##### Amendment, re Municipal Council By-law

Mr. Kelly reviewed the report.

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

"THAT Halifax County Council approve the proposed amendment to the Municipal Council By-law regarding unanimous consent to suspend any rule of order provided in the Municipal Council By-law."

MOTION CARRIED

##### Bank Services and Charges

Mr. Kelly reviewed the report.

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

"THAT Halifax County Council approve the proposal by the Royal Bank to continue providing bank services for another three years at the same cost as instituted in 1984."

MOTION CARRIED