

Requests for Grants

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

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

- a) District Capital Grant, District 2 in the amount of \$2,575 for the purpose of fencing a walkway at Greenwood Heights, Timberlea;
- b) District Capital Grant, District 9 in the amount of \$4,000 for improvements to Nathan Smith Park (County-owned);
- c) District Capital Grant, District 7 in the amount of \$4,400 for the capital cost of extending the sewer and water services to 10 Auburn Drive, Sunset Acres;
- d) District Capital Grant, District 11 in the amount of \$2,000 for the purchase and refurbishing of a fire vehicle for the Tangier Fire Department;
- e) District Capital Grant, District 17 in the amount of \$2,000 for repairs to the Waverley Fire Hall (County-owned); and
- f) District Capital Grant, District 22 in the amount of \$3,500 for the installation of a chain link fence along a walkway between Smokey Drive East and Smokey Drive West."

MOTION CARRIED

Councillor Fralick advised of a loan request that was recommended by the Executive Committee that he would like Council deal with at this meeting.

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

"THAT Council approve a \$30,000 loan advance to the Bay Road Volunteer Fire Department for the purpose of rebuilding a fire tanker vehicle; the loan to be repaid over a ten year terms, principle and interest, with Council reserving the right to levy an area rate in default of principle and/or interest repayment."

MOTION CARRIED

APPROVAL OF GUARANTEE RESOLUTIONS, RE METRO TRANSIT AND SOLID WASTE

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

"THAT Halifax County Council approve a Guarantee Resolution in the amount of \$1,340,000 for Metro Transit and a Guarantee Resolution in the amount of \$2,400,000 for Solid Waste."

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT CONT'D.Temporary Borrowing Resolutions

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

"THAT Halifax County Council approve Temporary Borrowing Resolution No. 89-01 in the amount of \$300,000 for Cole Harbour Place Leasehold Improvements."

Councillor Cooper asked for an update with regard to the proposed opening of Cole Harbour Place. Mr. Meech informed that the latest information has been that Cole Harbour Place should be completed by mid-July. However, the library facilities may be ready by the end of June. He informed that the construction manager may be in a better position to know by the end of May.

Councillor Cooper expressed concern about the loss of library facilities to the community of Cole Harbour during any delays because bookmobile service has been removed. Mr. Meech informed that the construction manager was advised of the urgency with regard to the library last week, although it was determined by the Library Board that there is no use in moving into the facility before it is complete.

MOTION CARRIED

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

"THAT Halifax County Council approve Temporary Borrowing Resolution No. 89-02 in the amount of \$1,700,000 for the sludge disposal lagoon at Goffs."

Councillor Meade asked if the amount of the temporary borrowing resolution includes the cost of the new road. Mr. Meech informed that it does. Councillor Meade next asked if there has been any commitment from the Province with regard to cost-sharing for this project. Mr. Meech informed there has been no commitment, although there have been encouraging signals.

Councillor Meade informed that he is concerned about the cost of the road because it was not included in the budget for this year. Warden Lichter advised that this cost will be charged to the capital budget, as opposed to the operating budget. He also expressed hope that there will be a response from the Minister tomorrow with regard to cost-sharing in this project.

MOTION CARRIED

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

"THAT Halifax County Council approve Temporary Borrowing Resolution No. 85-03 in the amount of \$9,800,00 for the Aerotech Industrial Park."

MOTION CARRIED

Withdrawals from the Vehicle Reserve Fund

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

"THAT Halifax County Council approve a withdrawal from the special reserve fund in the amount of \$325,000 for sewer at Springfield Lake."

MOTION CARRIED

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

"THAT Halifax County Council approve a withdrawal from the special reserve fund in the amount of \$20,000 for storm sewer at Meadowbrook Subdivision."

MOTION CARRIED

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

"THAT Halifax County Council approve a withdrawal from the special reserve fund in the amount of \$25,000 for sewer at Meadowbrook Subdivision."

MOTION CARRIED

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

"THAT Halifax County Council approve a withdrawal from the special reserve fund in the amount of \$130,000 for sewer at Middle Musquodoboit."

MOTION CARRIED

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

"THAT Halifax County Council approve a withdrawal from the special reserve fund in the amount of \$270,000 for sewer at North Preston."

MOTION CARRIED

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

"THAT Halifax County Council approve a withdrawal from the special reserve fund in the amount of \$19,000 for water at Meadowbrook Subdivision."

MOTION CARRIED

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

"THAT Halifax County Council approve a withdrawal from the special reserve fund in the amount of \$40,000 for water at Middle Musquodoboit."

MOTION CARRIED

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

"THAT Halifax County Council approve a withdrawal from the special reserve fund in the amount of \$145,000 for water at North Preston."

MOTION CARRIED

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

"THAT Halifax County Council approve a withdrawal from the special reserve fund in the amount of \$231,000 for sewage at the Bissett Lake Pumping Station."

Councillor Meade inquired about the purpose of withdrawing these funds. Mr. Meech advised that at the end of each year, money left in the capital account must be put into a special reserve fund, which can only be withdrawn with the approval of the Minister of Municipal Affairs. He advised that most of the projects for which funds are being withdrawn are well under way.

MOTION CARRIED

Lease Purchase Agreements, Cole Harbour Place

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

"THAT Halifax County Council enter into an agreement with RoyLease for the lease purchase of the County furnishings and equipment at the Cole Harbour Place offices."

MOTION CARRIED

Councillor Fralick inquired about delays at Cole Harbour Place. Mr. Meech informed that delays are due, in part, to the high cost of the mechanical contract, which was not accepted initially.

Councillor Fralick advised that the Library Board is very concerned about the delay in opening of library facilities at Cole Harbour Place. Councillor Cooper reiterated his concerns, stating people have been hired to work at the Cole Harbour Branch, which is costing the Municipality money, as well as the storage of materials. Mr. Meech was requested to expedite the completion of the library facilities as much as possible.

School Board Lease

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

"THAT Halifax County Council enter into a lease agreement with the Halifax County-Bedford District School Board for 5,530 square feet of office space in the Municipal Building at a rental fee of \$16 per square foot, the agreement to include an option to re-new the lease for a one year term at a rate to be negotiated."

MOTION CARRIED

Joint Council Session, re Future Financial Contributions to the School Board

Warden Lichter reviewed the recommendation, advising that the Town of Bedford is also anxious to schedule this meeting.

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

"THAT Halifax County Council and Bedford Town Council hold a joint meeting in June of this year to discuss future financial contributions to the Halifax County-Bedford District School Board."

MOTION CARRIED

1990 Operating Budget

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

"WHEREAS Halifax County Council acknowledges the responsibility to provide direction and guidelines to the administration and associated agencies for the budgetary process;

AND WHEREAS Council holds the view that property tax increases should bear a relationship to the inflation rate;

THEREFORE, BE IT RESOLVED THAT Halifax County Council direct the Chief Administrative Officer to communicate Council's objective for 1990, being an increase no greater than the rate of inflation, to the respective departments and agencies of the Municipality with the message that any increase beyond the target will require Council identifying special circumstances to warrant a larger increase than the rate of inflation."

Deputy Warden McInroy expressed concern about the second statement of the resolution, whereby Council holds the view that property tax increases should bear a relationship to the inflation rate. He felt it could be questioned as to why this position is taken after the 1989 tax increase. Warden Lichter stated it would be implied that such an increase will occur again in 1990, if this statement is not made.

Councillor Cooper stated the position has been accepted by all that Council had much difficulty with the 1989 budget. He stated the operating budget should be considered the same as a household budget; Council and staff should try to live within increases as they are obtained. He stated Council should remember the purpose to live within a certain amount rather than facing another 15 percent tax increase next year. He suggested that cost of living index may not be the appropriate formula, but control is the objective.

Councillor Morgan felt the tax increase for 1990 should be not greater than the rate of inflation, but he expressed concern about allowing the budget to increase by that much, especially if debt gets out of control and the inflation rate goes too high. He felt the last sentence of the motion, with regard to special circumstances to warrant an increase larger than the rate of inflation, should be removed; that is the purpose of the budget debate every year.

Warden Lichter advised that he asked Mr. Meech to re-write this motion so it will take into consideration the concerns of Council. He stated Mr. Meech has done a fine job in this task; in trying to state that this is the maximum that can be expected unless Council is willing to support special projects/services. He stated there is no throat-cutting of Councillors or the public intended.

Councillor Morgan concluded that there will be 10 percent increase in 1990 because the 1989 budget was proposed to increase 25 percent, but it only increased by 15 percent, and cuts representing those cuts have not yet been seen; therefore, at least an additional 10 percent will be required in 1990. Warden Lichter responded that staff will seek an increase, but if Council states it is not available, it will not be.

Councillor Fralick stated Council has been showing leadership in managing budget, according to his pay cheque. He stated he supports the resolution, but it must include a clause to include expenditures already made. He stated the public cannot be jeopardized in 1990 because of shortfalls in 1989.

Councillor Deveaux stated he cannot support the motion. He stated it is part of Council's duty to study the budget each year, and this should not be stopped by pre-determining what the tax rate will be in 1990.

Councillor MacDonald informed that he will support the motion because it serves as a good guideline without restrictions.

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

"THAT the second paragraph of the aforementioned resolution be amended to read as follows:

AND WHEREAS Council recognizes its responsibility to ensure that property tax increases should bear a relationship to the inflation rate and/or be held to a minimum."

AMENDMENT CARRIED

The final motion read as follows:

"WHEREAS Halifax County Council acknowledges the responsibility to provide direction and guidelines to the administration and associated agencies for the budgetary process;

AND WHEREAS Council recognizes its responsibility to ensure that property tax increases should bear a relationship to the inflation rate and/or be held to a minimum;

THEREFORE, BE IT RESOLVED THAT Halifax County Council direct the Chief Administrative Officer to communicate Council's objective for 1990, being an increase no greater than the rate of inflation, to the respective departments and agencies of the Municipality with the message that any increase beyond the target will require Council identifying special circumstances to warrant a larger increase than the rate of inflation."

MOTION CARRIED AS AMENDED

Members of Council agreed to deal with Councillor Deveaux's item regarding the UNSM.

UNSM - COUNCILLOR DEVEAUX

Councillor Deveaux advised that it is the intention of the UNSM for each municipality to hold a separate meeting to deal with their issues prior to the regional meeting. However, there has been difficulty in arranging this, and the regional meeting is upcoming, so there is nothing further required.

JOINT URBAN/RURAL SERVICES COMMITTEE REPORT

Halifax County Transit Committee

Warden Lichter reviewed the recommendation.

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

"THAT Halifax County establish a Transit Committee with the Terms of Reference to read as outlined in the report, with the exception of No. 1, which will read as follows:

1. The purpose of the Transit Committee is to advise Council on the provisions of transit service to Halifax County residents, including, but not limited to:

- a) policies with respect to funding or otherwise supporting new transit services;
- b) improvements in Metro Transit Service, including Access-A-Bus; and
- c) general transit concerns referred to the Committee by Council."

Warden Lichter advised that volunteer members will be sought to serve on this Committee.

MOTION CARRIED

RURAL SERVICES COMMITTEE REPORT

Tendering Process

Warden Lichter reviewed the recommendation of the Rural Services Committee. He explained that there is concern about the press relaying information to the public about tender awards before all Members of Council are aware of them.

Deputy Warden McInroy and Mr. Meech both felt that the information being referred to Council from the Executive Committee will not stop the press from printing the Executive Committee recommendation before it goes to Council.

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

"THAT Halifax County Council endorse a policy whereby expenditures of more than \$10,000 be recommended to Council for final approval, regardless of the means of calling for tenders."

Councillor MacKay clarified that the existing policy is that once a project is approved, the tenders can be awarded by the Executive Committee if the bid prices remain within 10 percent of the estimated cost. He felt that tenders should be recommended to Council, if it is not recommended that they be awarded to the low bidder. He stated if the policy is to be changed, there is no sense in taking the contracts to the Executive Committee for a recommendation; they should go directly to Council. However, Councillor MacKay felt the present policy is satisfactory, and it is within the mandate of the Executive Committee to award tenders.

Councillor Meade advised that the more recent tender awarded was for the sludge lagoon at Goffs; there were 16 bids on this project, and those Members not on the Executive Committee were not aware of the tender award until they were approached by the public or read it in the newspaper.

Councillor Ball felt contract should be awarded to Halifax County businesses, if their bids are within a certain percentage of the low bid. Councillor MacKay agreed, stating Halifax County must do what it can to support businesses within its jurisdiction; he stated the difference between somebody who lives in Halifax County and a business in Halifax County must be noted.

Councillor Baker expressed opposition to the suggestion that Halifax County businesses should receive preference; it would defeat the purpose of tendering. He stated if Halifax County businesses cannot compete, they should get out of business. Councillor Bates agreed.

At this point in the meeting, Warden Lichter left due to another commitment, and Deputy Warden McInroy took the chair.

Deputy Warden McInroy expressed no difficulty with the present policy; he felt it should not be changed.

Councillor Sutherland objected. He felt tender awards should be made by Council so all Members of Council can be aware of them at the same time.

Mr. Meech informed that the present practice for tendering involves a public opening, so many times the contractor knows who had the lowest bid before any Councillor. If Council decides contracts should be awarded by Council, there is no sense in taking the extra staff time and paper flow to send this to the Executive Committee first; the staff report and recommendation should be made directly to Council. Mr. Meech informed that he supports the present practice; the staff report presented to the Executive Committee is available to any Councillor because it is an open meeting. However, if this policy is changed, there is no sense in sending the report to the Executive Committee first.

Councillor Sutherland inquired about the authority of the Executive Committee in this regard. Mr. Meech informed that once a project is approved by Council, the Executive Committee has the authority to award tenders if the bids fall within the estimates. He added that the Chief Administrative Officer's By-law gives him the authority to make expenditures, if the amounts are already approved in the budget.

Councillor Cooper felt it is unnecessary for Council to give final approval for tenders, if the projects are approved and the funds are included within the budget.

MOTION DEFEATED

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

"THAT the Executive Committee be requested to look at the principles and potential of having a weighted tendering policy for businesses located within the confines of Halifax County Municipality;

ALSO THAT various other jurisdictions with existing policies, such as the federal and provincial governments, be considered."

Mr. Meech informed that consideration will have to be given to those businesses located within the city boundaries that employ Halifax County residents, and monies from contracts awarded to those companies contribute to the salary of those employees. Councillor MacKay agreed that will also have to be given consideration, but he stated a business located in another Municipality is not contributing one cent in taxation towards Halifax County.

MOTION CARRIED

COMMITTEE PAY, RE SACKVILLE COMMUNITY COMMITTEE

Mr. Kelly reviewed the memorandum from Councillor Sutherland, Chairman of the Sackville Community Committee, indicating that this committee will fall under Category "A" for the method of payment. He advised that the Committees and Board By-law will have to be amended to accommodate this.

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

"THAT the Committees and Board By-law be amended to include the Sackville Community Council Committee under Category "A" for method of payment."

There was discussion concerning the payment of Committee Members. It was the consensus of the Sackville Councillors that they would receive no pay for sitting on this Committee. There was also discussion concerning a letter written to the Committee from Mr. David Grace, President of the Sackville Chamber of Commerce, stating that the Sackville Community Council is doing nothing for the community of Sackville.

Councillor MacKay advised that Committee Members have no intention of taking any pay for serving on this Committee because they have all served on the Sackville-Beaverbank Advisory Board as volunteers, and this Committee only serves as a better vehicle to deal with the concerns of the Sackville area.

Councillor Morgan agreed, stating the Committee should not receive any pay until they are doing more within the community.

Councillor Sutherland clarified that the community has been asked which category they will fit into for method of payment for budgetary purposes, and category "A" was agreed to with no intention of accepting pay.

With regard to the letter from Mr. Grace, Councillor Boutilier responded that the people of Sackville clearly chose to remain with the Municipality, but this decision is not being accepted in a positive manner by some. He advised that the Sackville Community Committee was not in a position to do anything concrete until their by-law was approved by the Minister of Municipal Affairs, which was just recently approved. He stated that he was elected to work in the existing framework, not to create a new one, and some people should learn from this.

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

"THAT the aforementioned resolution be amended to read that no member of the Sackville Community Council Committee is to receive any pay for sitting on said Committee unless otherwise determined by Halifax County Council."

AMENDMENT CARRIED

MOTION CARRIED AS AMENDED

METROPOLITAN AUTHORITY REPORT - COUNCILLOR BATES

Councillor Bates reviewed a summary of the events at the Metropolitan Authority from April 25 to May 9, 1989.

With regard to solid waste user fees, Councillor Bates informed that the Authority passed a resolution to proceed with the process of implementing user fees subject to further review after public information sessions in consultation with represented groups.

He informed that tender for a landfill compactor was awarded to Nova Scotia Tractors for \$313,000, the lowest bid; another tender was awarded to Maritime Tire for tires and tire services in the amount of \$88,506.12. He advised of two temporary borrowing resolution for Solid Waste and Metro Transit.

With regard to a solid waste management system, Councillor Bates advised that as of May 9 more than 50 companies had requested information on the call for statements of qualification. A proposal from Griffiths-Muecke Associates was approved for the development of a public consultation and involvement strategy for the Metropolitan Authority for a maximum of \$7,005.

Councillor Bates continued that the Metropolitan Authority approved a proposal received from Porter Dillon Limited to develop a program for the closure of the existing site in the amount of \$27,000, subject to 50 percent provincial cost-sharing.

With regard to the appointment of a recycling co-ordinator, Councillor Bates informed that the Authority has requested staff to prepare a job description, including a salary evaluation and total budget costs.

A report was presented to the Authority regarding recent discussions with the Provincial Department of the Environment and the Canadian Wildlife Services about seagulls at the landfill site.

Councillor Bates informed that the Authority agreed to have Mayor Savage contact the Minister of Municipal Affairs' office to arrange a meeting regarding provincial cost-sharing for transit. It was noted that the Authority is now in its fifth month of its fiscal year and options for adjustments diminish as each month passes.

It was suggested that the Chief Magistrates emphasis to the Minister of Municipal Affairs the importance of passing the amendment to the Metropolitan Authority Act in this Session of Housing, in order that the Authority can introduce user fees for solid waste management.

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

"THAT the report of the Metropolitan Authority be received."
MOTION CARRIED

REPORT, RE SOLID WASTE USER FEES - METROPOLITAN AUTHORITY

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

"THAT the report from the Metropolitan Authority regarding solid waste user fees be received."
MOTION CARRIED

POOPER SCOOPER BY-LAW - DEPUTY WARDEN McINROY

Deputy Warden McInroy advised that he received correspondence from Mr. Cragg regarding this matter, and it was his opinion that a few simple amendments to existing by-laws will accommodate the intention to deal with this problem.

Mr. Weir agreed, advising there is a problem in defining nuisance. It is suggested that Section 14 (A) of the Dog By-law be amended creating an offence for the owner of a dog to permit such dog to discharge, excrete, or defecate upon property other than the property of the owner, if such owner does not immediately thereafter remove and clean-up such defecation. He advised that a similar clause would be inserted into the Regulation of Animals By-law, as a new Section 8.

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

"THAT the matter of amendments to the Dog By-law and the Regulation of Animals By-law be referred to the Executive Committee."

MOTION CARRIED

MEETING WITH MINISTER OF TRANSPORTATION - COUNCILLOR BOUTILIER

Councillor Boutilier advised that a meeting has been held with the Minister of Transportation since this matter was added to the agenda, and since that time lights and an access road to the Sackville Sports Stadium has been approved by the Minister of Transportation. He advised that a petition for sidewalks on First Lake Drive was also presented to the Minister of Transportation, with the intention that it will be on a priority list for 1990-91.

STATUS OF REQUEST FOR PAVING IN DISTRICT 5 - COUNCILLOR BALL

Councillor Ball informed that he has received a response to this request, but he would like to request further paving in this area.

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

"THAT a letter be written to the Minister of Transportation requesting paving for Lockwood Avenue, Iris Avenue, Arbutis Avenue, and Primrose Avenue in Herring Cove."

MOTION CARRIED

POLICING - COUNCILLOR BALL

Councillor Ball advised that his area is having some policing problems. They pay two cents on the general rate for enhanced police services, and they want better service in District 5.

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

"THAT the status of study regarding police services in the western subsection be requested."

MOTION CARRIED

SCHOOL OPENING EVENING HOURS - COUNCILLOR BALL

Councillor Ball advised that he was concerned that School Board budget cuts would have an affect on the children, and it has done just that. He stated schools serve as a focal point in many communities during the school months, but because of budget cuts, the School Board has eliminated the payment of part time janitors for public programs in schools. Therefore,

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

"THAT a letter be written to the School Board requesting that community schools remain open during evening hours for public programs."

Councillor Ball informed that he is concerned about this change in policy because there was no public announcement, and it seriously affects the more rural communities where schools serve as the focal point in the community.

Councillor MacDonald informed that the School Board pays much money in overtime for caretakers, and it was a decision of staff to cut back in this area because they were ordered to make budget cuts. Councillor MacDonald advised that he will support the letter proposed by Councillor Ball because Council has fought for years to make schools available to community organizations, and this is a backward step.

MOTION CARRIED

DND AND TEAR GAS - COUNCILLOR BALL

Councillor Ball advised that he has received no response to a letter requested earlier in his term about the dumping of chemicals off Sandwich Point. He advised that tear gas is now used in this area, and it is having an effect on the residents and fishermen in the area. There is a yellow smoke coming from the fire school, which cannot be identified. He stated it is the attitude of DND that they will do as they please. He questioned the affect of many of the uses at the DND fire school and the fact that residents are not advised.

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

"THAT a letter be written to the Department of National Defence requesting them to identify substances used during training exercises at the Fire School in District 5;

ALSO THAT they be requested to stop dumping any chemicals they may be disposing of in the harbour."

MOTION CARRIED

REDISTRIBUTION - COUNCILLOR MORGAN

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

"THAT the matter of redistribution as raised by Councillor Morgan be deferred to the next Session of Council and that it be dealt with after the regular business."

MOTION CARRIED

FCM RESOLUTION, RE AMENDMENTS TO THE U.I. ACT - COUNCILLOR DEVEAUX
PROVINCIAL TASK FORCE ON SOCIAL SERVICES FUNDING - COUNCILLOR DEVEAUX

These matters were deferred to the next Session of Council.

PAVING, KEIZER DRIVE - COUNCILLOR RANDALL

Mr. Kelly referred to a petition included with the agenda with regard to paving on Keizer Drive, District 9.

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

"THAT the petition signed by 90 percent of the residents of Keizer Drive be forwarded to the Minister of Transportation requesting that Keizer Drive be paved under the 15 year and older program at total cost to the Department of Transportation;

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

MOTION CARRIED

C.N. RAIL LINE - COUNCILLOR RANDALL
SPEED ZONE, PORTER'S LAKE - COUNCILLOR RANDALL

Councillor Randall advised that both of these matters could be deleted from the agenda.

SIDEWALKS, CONNOLLY ROAD - COUNCILLOR MacKAY

Councillor MacKay advised that the construction of sidewalks on Connolly Road has been held up because there has been problems with the acquisition of easements and rights-of-way to install the sidewalks. He expressed concern that the sidewalks will not be constructed in 1989, if the easements are not settled. He suggested tenders should be called in July in order that the sidewalks can be constructed before school re-opens in September.

Councillor MacKay advised that if all the necessary deeds are not received by the next Session of Council, he will put forth a motion of expropriation, although all the residents are in agreement with this. He asked that this matter be added to the next agenda, and that staff further investigate the delay within the next two weeks.

EXTENSION TO THE BIRCHES - COUNCILLOR BAYERS

DEPARTMENT OF TRANSPORTATION, RE PINEDALE PARK, JAMES STREET, AND ROSALIE AVENUE - COUNCILLOR BAKER

In the absence of Councillor Bayers and Councillor Baker, these matters were deferred to the next Session of Council.

DISTRICT 4 FIRE SERVICE, RE PLEBISCITE - COUNCILLOR BAKER

This matter was dealt with at the last Session of Council.

FLAGS FOR SCHOOLS - COUNCILLOR MacDONALD

Councillor MacDonald noted that money has been made available for Municipal Awareness Week, and he asked if there is any more available. He felt Halifax County flags should be presented to all Halifax County schools as part of Municipal Awareness Week. Mr. Meech advised that funds for this purpose will be taken from the communications budget.

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

"THAT the matter of donating Halifax County flags to all schools in Halifax County be referred to the Communications Committee for further consideration."

MOTION CARRIED

EXTENDED COUNCIL SESSIONS, ALTERNATE NIGHTS - COUNCILLOR COOPER

Councillor Cooper expressed concern about the lengthy meetings that have been held lately and the affect of these late nights on Councillors with other commitments early the next day.

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

"THAT a curfew of 10:30 p.m. be established for Council meetings and that the second and fourth Tuesday of each month be scheduled for a special Council Session to finish old business, if necessary."

Several Members of Council expressed difficulty with the motion. It was noted that the second and fourth Tuesdays of each month are presented scheduled for the Sackville Community Committee. Others felt the late night meetings will not continue, and putting a curfew on a meeting may stifle discussion and cause decisions to be made in haste.

Councillor Cooper and Councillor Eisenhower agreed to withdraw the motion, but Councillor Cooper informed that he will bring it forth again, if need be.

URGENT AGENDA ITEMS

Councillor Poirier - Transit

Councillor Poirier advised that transit service in her district is completely unacceptable. She informed that she received a request from a resident to present concerns in this regard to Council, and she asked that Council support the request.

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

"THAT Council hear a presentation from a resident of District 2 regarding transit problems."

There was some discussion about such a meeting. Several Members of Council felt this presentation should be made to the newly established Transit Committee, while other felt the Metropolitan Authority should hear the presentation.

MOTION CARRIED

It was agreed that this presentation would be scheduled for the next Session of Council.

Appointment of Delegates to the Regional Meeting and Annual Conference of the Union of Nova Scotia Municipalities

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

"THAT the Warden be authorized to appoint representatives of Halifax County Council to the regional meeting and annual conference of the Union of Nova Scotia Municipalities."
MOTION CARRIED

ADJOURNMENT

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

"THAT this Session of Council adjourn."
MOTION CARRIED

The meeting adjourned at 5:40 p.m.

PUBLIC HEARINGS

MAY 8, 1989

PRESENT WERE: Warden Lichter
Councillor Poirier
Councillor Fralick
Councillor Baker
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Smiley
Councillor Reid
Councillor Morgan
Councillor Eisenhauer
Councillor MacDonald
Councillor Boutilier
Councillor MacKay
Councillor Richards
Deputy Warden McInroy
Councillor Cooper

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor
Mr. Ted Tam, Assistant Director, Engineering & Works Department
Ms. Joan MacKinnon, Senior Planner
Mr. Jim Donovan, Planner
Mr. Paul Morgan, Planner

SECRETARY: Glenda Hill

Warden Lichter called the Public Hearings to order at 7 p.m. with the Lord's Prayer.

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

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

Warden Lichter welcomed former Councillors Ray DeRoche and Wes Topples to the public hearing.

Warden Lichter reviewed the procedure for the public hearings.

PA-CH/W-08-87: - Application by Clayton Development Limited to amend the Cole Harbour Service Boundary

Mrs. MacKinnon reviewed the staff report, advising that the application deals with a request by Clayton Developments Limited to include an additional 73 acres within the Cole Harbour/Westphal serviceable boundary. Mrs. MacKinnon gave a brief history of the most recent expansion to the serviceable area, advising that the chronology is included on page 5 of the staff report. She explained that in 1985 a Pollution Control Study for Cole Harbour/Westphal and Eastern Passage servicing system was undertaken. Option 1 of the Pollution Control study was approved, doubling the capacity of the existing sewage

treatment plant at Eastern Passage. The increase in the capacity would allow full development within the 1969 serviceable boundary which consisted of a total of 500 undeveloped acres (250 acres in Cole Harbour/Westphal and 250 acres in Eastern Passage). The doubling of the capacity also created capacity to service an additional 570 acres outside of the 1969 service boundary. The 1985 Pollution Control study determined that 570 acres of additional capacity was available through two separate methods: the first was to measure actual sewer flows from developed areas within the 1969 boundary, and the second method was to assign theoretical flows to undeveloped lands inside the 1969 service boundary.

Mrs. MacKinnon advised that in 1987-88 amendments to the serviceable boundaries were approved for Cole Harbour/Westphal and Eastern Passage/Cow Bay to allocate that 570 acres to a variety of land holdings; half of the capacity was given to each plan area. While PAC was discussing the allocation of that 570 acres in July of 1987 Clayton Developments submitted a separate proposal requesting an extension to the serviceable boundary; the request was not part of the 570 acres resulting from the expansion, but was based on the capacity that was assigned to undeveloped lands inside the 1969 serviceable boundary. Clayton Developments owned 125 acres of the undeveloped lands inside that original service boundary, which was half of the undeveloped lands in Cole Harbour. Mrs. MacKinnon advised that Clayton Developments feels that the actual flows from the developable lands were less than the theoretical amounts allocated under the Pollution Control Study. They felt that the flows were lower than the theoretical amounts as a result of better infrastructure, tighter building controls, and lower population densities; their arguments were based on the assumption that there was unused capacity within the 1969 service boundary - not that there was more capacity resulting from expansion of the treatment plant.

Mrs. MacKinnon continued that in the fall of 1987, the PAC directed Clayton Developments to proceed with a sewer flow gauging study which would measure actual sewage flows and prove whether there was additional capacity available. The PAC indicated they would be willing to consider Clayton's request if the results of the gauging study showed zone use capacity. Clayton did the flow sewer gauging study and presented the results to the Engineering Department, who reviewed the study in consultation with Porter Dillon; the Engineering Department did agree that there was capacity for an extra 73 acres of development, provided it was used for single unit residential development only, and based on certain engineering conditions being met (which are outlined on page 3 of the report). One of the main conditions was that the 73 acres be developed in two phases with the first phase consisting of 50 acres; also, certain things would have to be met in the development of the first phase before the 23 acre phase would be permitted to proceed.

Mrs. MacKinnon advised that once the Engineering Department determined there was capacity available, the Planning Department reviewed Clayton's request from a non-engineering perspective.

Mrs. MacKinnon advised that the proposed amendment requires compliance with provincial environmental requirements. There must be proof that there is no significant negative effects on Bissett Lake, if development of the second phase is to be permitted.

Mrs. MacKinnon further advised that consideration was given to the argument that the addition of this particular area could result in low connections between Astral Drive and the Atholea Drive area. The proposed amendments require that as part of the first 30 acre phase, this road connection must be made; the addition of the 23 acres in Phase 2 will not be approved until that road connection is made. Mrs. MacKinnon advised that this road connection would result in improved public transit, school bussing, fire and police services, etc.

Mrs. MacKinnon continued that additional factors taken into consideration in recommending approval of the request was that the proposal for single unit dwellings is preferred by the Cole Harbour/Westphal Planning Strategy, as well as the previous track record of Clayton Developments in quality residential development.

Mrs. MacKinnon advised that the staff report finally looks at the implication of Council approving this request or other such requests that may come forward in the future. She informed that a positive response to this request has implications for other land holdings which include both undeveloped lands within the 1969 service boundary, ones that were undeveloped when the Pollution Control study was done, as well as the 570 acres that was added as a result of the doubling of the capacity of the plant. If documentation shows that lower sewage flows than the theoretical design values results from development of these lands, the same request could be made, which would be evaluated in the same manner as Clayton Developments' request.

In closing, Mrs. MacKinnon pointed out there are three amendments required to approve this request: an amendment to the Municipal Planning Strategy, the General Land Use Map, and Map 2; an amendment to the Land Use By-law to rezone the lands in question from R-7 to R-1; and an amendment to Schedule "A" of the Subdivision By-law to expand the serviceable boundary and create a development boundary.

Questions from Council

Councillor Deveaux asked if there have been any similar occasions where a request of this type had been recommended or approved. He was concerned with setting a precedent. Ms. MacKinnon advised that this is the first time that a proposal to expand the serviceable boundary has been based on the argument made by Clayton. Approval would set a precedent in that there are other land holdings in similar situations, and if the same argument could be made for those land holdings, Council would be in a position to consider the same type of request.

Deputy Warden McInroy reiterated Councillor Deveaux's concern. He stated that this is the first time such a request has been made but he felt it is unique in that the expansion to the serviceable boundary that is being requested has no impact on the reserve, and it will not impact on the 250 acres in Cole Harbour and the 250 acres in Eastern Passage, agreed to with the upgrading of the plant. Ms. MacKinnon agreed. Deputy Warden McInroy stated that the reason

it is unique is that in this capacity results from sewer pipes strictly within the lands that Clayton has already developed in Colby Village that are only flowing half full.

Ms. MacKinnon stated that there are two separate issues. The lands now in question will be serviced through separate pipes; the sewage will not have to flow through any of the existing pipe infrastructure, so that the actual pipes that are being laid will not go through any other pipes that have capacity problems. In terms of where this capacity has come from, Mrs. MacKinnon advised that it is not additional capacity, but is unused capacity from the 1969 serviceable boundary; in 1984-85, when the Pollution Control study was done, the sewer flows from developed areas were measured and theoretical flow values to the undeveloped lands were then assigned. At that time, Clayton Developments had about 125 acres of undeveloped land, and there was a certain sewage flow value assigned to those lands. When they actually measured the sewage flow coming from those lands, they had used significantly less. The argument is that there was unused capacity when they did the sewer flow gauging study, and there is capacity for 73 additional acres.

Councillor Boutilier asked if Clayton Developments has agreed to the conditions which the Engineering Department indicated should be met, and if there was any problem with developing in phases as suggested. Mrs. MacKinnon advised that Clayton has not indicated any problems.

Councillor Ball questioned why the sewage treatment plant was expanded, when it has been determined that the plant was under-utilized according to the 1969 serviceable boundary. He was concerned about the effect of adding another 73 acres because it will be taking away from somewhere else.

Ms. MacKinnon advised that it was her understanding that when they established the 1969 serviceable boundary and constructed the sewage treatment plant, they did that with the firm knowledge that before the 1969 service boundary was full, the plant would require an expansion. The plant was not expanded because the system went wrong or had gone beyond its capacity; it was a planned event, and when it was doubled, an additional capacity was created. They assigned capacity to the undeveloped lands based on certain flows.

Councillor Boutilier was concerned about the precedence of approving this application, and the potential for increasing the volume of the plant and decreasing the ability for the people already within the serviceable boundary to develop. He was concerned for the rights of developers in Eastern Passage, in particular.

Ms. MacKinnon stated that the logic in the 1985 Pollution Control study, the sewage flow gauging study, and the review by the Engineering Department is that this 73 acres is not using up the capacity that was assigned as part of the 250 acres in Eastern Passage.

Councillor Boutilier expressed difficulty with a lot of studies. He pointed out that on paper it may look good, however, in reality there may be a problem because this development may be detracting from development in an area that houses the plant.

Councillor Bates questioned how the future affects can be studied and gauged at this point. Ms. MacKinnon stated that in determining the sewage flows, the population density factors is much less significant than the inflow infiltration factor.

Speakers in Favour of this Application

Robert Shaw, President; Michael Willett, Clayton Developments; and Michael Murphy, UMA were in attendance to support this application.

Mr. Willett referred to a map, showing the Cole Harbour Road, Caldwell Road, Eastern Passage, and Cole Harbour. He advised that in July, 1987 Clayton Developments requested PAC's direction in this matter because they wanted to outline their unique proposal - a concept they felt identified a unused capacity in the County's infrastructure. It is a unique situation because it has nothing to do with other studies at the same time.

Mr. Willett advised that in October, 1987 staff recommended to the PAC that Clayton proceed with the application for amendment to the boundaries, but a specific sewer flow monitoring study was required to accompany this application to determine the exact lands to be included within the boundary. In November, 1987 formal application was made, and in April, 1988, the study and report was completed and submitted to County staff. The report found and confirmed there was unused capacity from the Colby Village development which translated to 73 acres. Mr. Willett informed that the report addressed all technical aspects of the proposal, and it was reviewed by County Engineering staff and Porter-Dillon.

Mr. Willett concluded that in November, 1988 another staff report was prepared in which staff recommended approval of the application. It was presented to the PAC and two public meetings were held, one in Cole Harbour and one in Eastern Passage.

Mr. Murphy addressed Councillor Ball's previous question. He advised that the capacity of the sewage treatment plant at Eastern Passage was expanded for two reasons: 1) actual densities are less than design densities, and 2) the measured flows are less than assigned flows during the original study. In combination these have resulted in a flow reduction of about 60 percent of the assigned value.

Councillor Ball asked what would happen if in the remaining 500 acres is developed as high density development, such as apartment units. He felt this would increase the volume, and detract from the use of the plant. Mr. Murphy advised that the assigned flows were determined on the basis of average population density and corresponding flows. There would have to be some control on the population density and the flows to limited to those values.

Councillor Ball asked if the terms of reference were specific to the 73 acre parcel or if they also included the impact on other areas that serviced by the sewage treatment plant. Mr. Murphy advised that the flow gauging study was to look at the 125 acres that existed within the serviceable boundary at the time of the 1985 pollution control study; they did not consider other areas.

Councillor Ball inquired about flows beyond the 125 acres. Mr. Murphy advised that Clayton's flow were less than the projected values at the time of the 1985 study. In terms of other areas, he advised the level of development and flow would be controlled by policy issues in those areas.

Councillor Deveaux asked Mr. Murphy if he is saying that the effluent from the extra acres will not be going into the treatment plant in Eastern Passage. Mr. Murphy advised that he is not saying that, but projected flow was 60 percent more than actual flow, so some capacity was freed, which would have otherwise been utilized had Clayton developed to area to the anticipated levels.

Councillor Deveaux advised that the Engineering Department indicated in 1986 that there would be in the vicinity of 370 acres available when the plant was expanded. If an additional 73 acres is now permitted, it will take capacity away from somebody else's development. He also pointed out that they may have under-developed, but 90 percent of the effluent that went into the treatment plant came from Cole Harbour and 10 percent was allocated to Eastern Passage. He stated that the plant was over-capacity at least for two years before it was expanded, and it was coming from somewhere.

Mr. Murphy reiterated that since 1969, when the serviceable boundary was defined, it has been recognized that the plant would have to be expanded at some point before the area was completely developed. He stated he is trying to suggest that at the time of the plant expansion, the area was not developed to the anticipated level, which resulted in some reserve in the system from areas that were originally within the serviceable boundary.

Councillor Deveaux questioned if Clayton Developments would be as willing to relinquish 73 acres if the Engineering Department had discovered Clayton had over-developed.

Councillor Bates again asked what would happen if the people per acre increased, noting there is no control over this. Ms. MacKinnon's response was that 4/5 of the study had to do with water from run-offs, etc. Councillor Bates felt the study did not try to project rainfall over the next few years, but it was strictly with regard to the number of people per acre. He asked Mr. Murphy if he agreed with Ms. MacKinnon's answer. Mr. Murphy advised he did not totally agree. He stated it had to do with two things: one was design density relative to what was allocated originally, and the second was actual flows measured relative to the projected flows that were made in the 1985 report. In both instances the densities and the PH flows were less than what was projected. He stated the proposed boundary is defined, the development pattern is defined, and it is known what has and will develop within that 125 acres in terms of population density, which is about 13.9 people per acre.

Councillor Bates questioned what would have if the population density increased to 20 per acre. Mr. Murphy stated that the development pattern is already defined for the 125 acres, and considering the zoning of the area, he would not anticipate that the numbers are likely to change; if this were to happen, it could take place anywhere.

Councillor Bates next inquired about reference to 4/5 - 1/5 in the study. Mr. Murphy advised that there was no separation of infiltration flows relative to

sanitary flows. The theoretical flows were calculated on the basis of what was projected in the 1985 Pollution Control Study which was the basis of the plant expansion. He advised that the theoretical flow from the 125 acres was based on actual development patterns and densities; also, they actually gauged flows within the system and found them to be about 70 percent of what the theoretical flow projection would be. In conjunction with reduced population density, this resulted in a total flow projection that was 60 percent of the theoretical projection in the 1985 study. He stated that they actually gauged flows in one of the older areas of Colby Village, outside the 125 acres, and those flows were also less than the projected flows in the 1985 study.

Mr. Tam, Assistant Director of Engineering & Works, was requested to answer Councillor Bates question. Mr. Tam advised that when they did the study in 1985 they looked at the undeveloped area and at that time the consultants came up with a reasonable amount of sewage flow; it was determined that Clayton was only contributing 60 to 60 gallons, rather than the projected 100, and Clayton now feels because they are only using 60 to 70 percent of their capacity, they should be entitled to develop in another area and use up the capacity.

Councillor Bates asked how it is known that the figures will remain. Mr. Tam advised that assumptions have been based on the last 10 to 15 years, and the average population of a household is roughly about 3.5 persons (which has been dropping). The sewage flow is only a small percentage of the liquid; most of the problem is ground water. Mr. Tam advised that the average flow per person it is about 60 gallons per capita per day, and a system is usually designed to accommodate almost 400 gallons per capita per day. If ground water, or inflow infiltration, could be controlled, the actual sewage is not a major problem. If you increase the population by high density development, it is much less likely that inflow infiltration will enter one of the six inch mains, because there is much more control. He stated the actual flows must be considered. Mr. Tam continued that the Engineering Department cannot recommend approval of this application based on the fact that Clayton has only developed at only 13 ppa. when they were allocated an amount equal to 18 ppa. The total combination of sewage and inflow infiltration must be considered.

Councillor Cooper asked if the Colby Village tributary area was included within the 1969 serviceable boundary. Mr. Murphy replied that it was. Councillor Cooper asked if the flows from the Colby Village tributary area measured 380,000 gallons less than what was allocated. Mr. Murphy agreed. Councillor Cooper asked how much was allocated for the 114 acres. Mr. Murphy replied that the actual flow allocation would have been 963,000 gallons; the peak measure flow was 583,000, the difference being 380,000. Councillor Cooper stated there would have been 900,000 allocated for 115 acres as a peak flow. Mr. Murphy agreed. He stated the plant capacity was doubled to accommodate 1.9 million gallons for 4,000 acres. Mr. Murphy stated there is a significant difference between an average design flow and a peak design flow. Although the plant is designed for a 3.8 million imperial gallons, the peak flow could be 4 times that.

Councillor Cooper clarified that the peak flow for the 125 acres is 380,000 gallons less than anticipated. Mr. Murphy agreed. Councillor Cooper asked if he projected full development for the 125 acres or if that figure was available at the time of the study. Mr. Murphy stated they projected full development

based on the development plan that existed at the time. They calculated the theoretical flow based on what was actually there, they gauged the flow, and the results indicated that the actual flow was 70 percent of the flow that should have been contributed from existing development which existed. He informed that they made further projections on the basis of what would have been developed when the 125 acres was fully developed; the difference was 380,000 gallons, or the equivalent of 73 acres, assuming that the 73 acres would develop at 13.9 people per acre.

Councillor Cooper asked if he knew if the flow was above or below the theoretical values in the County tributary area. Mr. Murphy replied that two levels of infiltration were considered in the 1985 Pollution Control study. In the Astral Drive area it was found that infiltration was substantially higher than some of the other areas in the system. During the course of their study, the flows they found were higher than the theoretical flows assigned to Clayton's development, but they were not higher than the flows that were used in developing the flows from existing areas during the 1985 study.

Mr. Murphy clarified that the flows that existed from within the serviceable boundary at the time of the 1985 study was based on actual measured flows that had been collected over a period of time and theoretical values for undeveloped land. In the case of the Astral Drive system, significant infiltration problems were identified, and the assigned value was higher than the assigned value for the undeveloped land. It was determined from flows gauged were in the same order of magnitude as was used in originally assigning flows to that area. Infiltration was estimated at 5,000 gallons per acre, per day, whereas for the undeveloped areas 2,500 gallons per acre, per day was estimated. Some of the areas within the existing system were recognized as peaking at higher than 2,500 gallons.

Councillor Cooper asked what percentage of the 125 acres was developed when the study was done. Mr. Murphy estimated that it was about 50 percent complete. Councillor Cooper asked when the study was done. Mr. Murphy replied that most of the gauging was done between November, 1987 and January, 1988, but one gauging station was left in place until the spring of 1988.

Councillor Cooper asked Mr. Tam if the flow is higher or lower than the value based on 18.9 ppa in the serviceable boundary area for Westphal/Cole Harbour outside the Clayton property; he asked if the system is presently using more capacity than it should. Mr. Tam advised that the existing system would not be as tight as the system used by Clayton Developments. Councillor asked if the existing plant would use all of the capacity for those other areas as theoretically assigned. Mr. Tam replied that it would not be because assignments to the existing system was based on actual flow monitoring, and the consultants established a certain amount on the existing developed area. Although the existing developed area might have a higher flow rate than the initial design of 400 gallons capacity per day, it was already taken into consideration when the study was done. Consideration was given to the actual flow of the existing system and projected what new development would create to determine how much capacity remains once the plant is expanded.

Councillor Cooper next asked what guarantee there is that the remaining 1,000 acres will be developed to the same standards. Mr. Tam replied that this is

why the Engineering Department recommends that flow monitoring continue until the project is fully developed to ensure that the flow rate does not exceed the projected rates.

Councillor Cooper asked if staff would recommend that developed cease, if the plant reached capacity during development. Mr. Tam felt that the amount of inflow infiltration could be controlled to the theoretical assigned values. He agreed that if inflow infiltration was increasing above capacity, the entire serviceable boundary could not be developed as assigned.

Councillor Deveaux stated that he will never be convinced that these additional 73 acres of development will not have any effect on the capacity of the treatment plant and the recently approved 570 acres. He asked if approval is recommended for this application based on continuous flow monitoring and the ability to ensure that the capacity does not exceed 13 ppa. Mr. Tam replied that approval is recommended as long as the flow does not exceed the projected level. He stated the system is only 60 percent developed at present, and there is still 40 percent undeveloped, and they want to assure the same quality of development as presently exists.

Councillor Deveaux asked if this is any different from the formula used to determine that the 570 additional acres could be added to the system. Mr. Tam replied that it is not. He advised that when the 570 additional acres was considered, realistically average standards were used. He stated staff has no control over development, and if they developer has better lot grading and control over their builders, they will have less flow into the system. However, that control is voluntary, so if a true optimistic figure is considered, the full rate assumed may not be reached.

Councillor Deveaux expressed concern about setting a precedent; he stated an exception should not be made for one particular developer. Mr. Tam responded that this proposal is based on a certain capacity allocated to the developer; the developer has not used their full capacity, so they are now looking to include these additional lands within the serviceable boundary to be permitted to use their full allocation of capacity.

Deputy Warden McInroy commented that if there were two streets developed, one with flow less than projected and the other with excess flow, there would not be any excess capacity because one would offset the other. He stated if the total serviceable area with other areas with surplus flow is offset by the 125 acres with less flow than projected.

Mr. Murphy replied that flow projections from the developed areas during the 1985 study were based on actual flows. Flow projections for the undeveloped areas was based on a theoretical number; the actual flow after development was found to be less than the projected flows. Therefore, if a certain flow is allocated to two new streets, and the actual flows are less than the projected flows on average, there should be some reserve capacity.

Deputy Warden McInroy asked if was known that this capacity would be available prior to the expansion of the sewage plant, the area now in question would have been added to the 570 acres added to the serviceable boundary. Mr. Murphy agreed. Deputy Warden McInroy clarified that it was not known at that time

that there was another 73 acres of capacity available. Mr. Murphy stated it was not known that the flows generated were less than the projected flows, which created unused capacity that would otherwise be unused.

Mr. Shaw advised that they have been able to build a much tighter system through the use of more professional staff and engineers over the last number of years, so the large ratios of actual sanitary flows and infiltration is has contributed much to the excess capacity. He felt the technical aspect of this proposal is complete because a national firm of engineers chosen by the County, UMA, did a complete study, which was verified and further studied by Porter Dillon, who designed the entire system upon which this enlargement of the trunk system has been developed. He stated that over the last number of years, a great amount of study and a great number of professional engineers have done much work, which has culminated with this application.

Mr. Shaw continued that there are a number of reasons outlined in the staff report that support this application, including the terms of the proposal. He stated there is to be no cost to the Municipality. Also, the lands in question are adjacent to existing development which is another criteria set out by the Planning and Engineering Departments when they looked at this expansion; the property in question is adjacent to existing development on two sides, which provides other unique opportunities in terms of community planning. He stated the large plan indicates that this project, "Colby South", is adjacent not only to the extension of Astral Drive in Cole Harbour, but it is also very close to the community of Atholea Drive and Beaver Crescent.

Mr. Shaw stated a proposed road linkage between Parkway and Astral Drive will provide a number of benefits: it will enhance a existing decision of Council to allocate a 7 1/2 acre parcel of land to permit this type of connection; it will provide the benefit of public transit being able to move through, more proximity to some of the parks and schools which exist off Astral Drive, and better police and fire protection in terms of response time. He stated these considerations were given a fair amount of weight by the Planning Department.

Mr. Shaw continued that in preparation for this application, Clayton Developments has spent a great deal of money on monitoring, and this monitoring will continue, if this application is approved. He stated there are assurances built into the contract that nothing can go awry by Clayton's actions. Clayton must perform to their level of ability, as already proven, and the system will be safe.

Mr. Shaw stated this application is unique between Clayton Developments being an existing land owner and developer here because the two are related in terms of conditions. He stated there is no difficulty in following the rules in terms of water quality and storm water runoff into Bissett Lake. He advised that they have had discussions with Texaco Canada, and an arrangement has been made whereby Clayton Developments will acquire the right-of-way to enter their property to gain access to the water supply. He advised that they will replace some of Texaco's waterlines with better waterlines and will provide the means of access and security which they have not had for some time to their water inlet pipe. He advised that they have also shown Texaco how to deal with storm water run-off, and they are quite satisfied.

With regard to the connection to the Parkway, Mr. Shaw advised that if this application is approved, Clayton Developments will not be permitted to go from Phase I to Phase II of development until this connection is made. He referred to vacant land at the end of Parkway up to the point at which it touches the proposed developing line of Clayton Developments, informing that the property has been secured with a purchase and sale agreement, and they are now in a position to state that this connection is not only desirable, but Clayton can guarantee to provide it. He stated they are also prepared to move that condition up to make it a function of the Phase I development. He stated there was concern about this at the public meeting, but this impediment has been removed, and Clayton is prepared to make that connection within the development of Phase I.

Mr. Shaw advised that they spoke to an adjacent developer, Mr. Hodgson about their plans. He informed that Mr. Hodgson intends to continue development of Sherwood Street, which will connect Astral Drive to Caldwell Road as soon as all governmental permits are allocated and this trunk has been connected. He suggested there will be a number of other connecting roads approved, as well, and concern about the movement and disbursement of traffic from that area will be better dealt with than without such a connection.

Mr. Shaw informed that Clayton Developments is a 24 hour a day development firm and it is their intention to start work on Phase I immediately upon completion of the conditions imposed by the connection of the trunk sewer. Approximately 300 lots are proposed for this development, taking into account the 73 acres in question, approximately 7 acres previously allocated, and a small parcel of land which represents about 14 lots where they will hook-up Parkway based on transactions with those owners. He suggested the development will take five to six years to complete, given a reasonable market and approach. The development is based on single family homes, which will produce approximately \$47,000,000 worth of taxable assessment in 1989 dollars. Also, in terms of deed transfer tax and building permit fees, another \$500,000 will be generated.

Mr. Shaw stated Clayton Developments has been developing in Cole Harbour for over 20 years, and they have housed approximately 8,000 people and constructed approximately 1,800 units. They have created \$250,000,000 in assessment in the area, which has consumed about 600 acres of land. This development is almost complete, and if this application is approved, this development will allow Clayton Developments to continue to be a part of the Municipality.

In conclusion, Mr. Shaw stated there are more benefits than costs to the Municipality to see this continuous development in that area, and they would like to be able to work on that development.

Questions from Council

Councillor Baker asked Mr. Shaw if he has already adhered to the environmental rules. Mr. Shaw replied he has and he will continue to. Councillor Baker disagreed. He advised that when he worked in Cole Harbour the condition of Bissett Lake was deplorable. Mr. Shaw responded that Bissett Lake is at the basin of a larger catchment area. There are two major brooks which run through Colby Village and emanate from other developments in other areas; there has

been massive development in the 1970's throughout that area and trying to control at the bottom of this catchment basin has been very difficult. Mr. Shaw advised that they contributed to part of the filtration that got into the Lake, as well as the Department of Housing and various other developers, and they did their best to work with the system. He advised that they have been following increasingly more sophisticated guidelines by the Department of Environment in terms of settling ponds and infiltration systems, and in this particular case, they are not dealing with the types of brook structures that are going over a large distance coming to the lake; they are dealing with the run-off along the edge of lake. He stated they have the opportunity to find other systems that are not draining into Bissett Lake to carry road salts, etc. in opposite directions. He stated he can only guarantee that they will do their best and follow the regulations.

Councillor Deveaux asked Mr. Shaw if the 73 acres in question has been started for development. Mr. Shaw replied that it has not.

Councillor Deveaux asked Mr. Shaw if he felt it would be fair to allow Clayton Developments to hook into the plant when there are many other residents in Humber Park and other areas still waiting to get services. Mr. Shaw felt that it was out of his area of responsibility to comment, but he expressed an understanding for the feelings of others who don't have the services. He stated this is not a proposal to change the servicing throughout the district, but it is a proposal to accommodate the proposed development without impacting negatively on other land owners in other areas of the district.

Councillor Richards inquired about increased traffic flows and conditions which the new subdivision will create, particularly on Caldwell Road. Mr. Shaw could not say that development would not put more traffic on Caldwell Road; however, he felt that at some point there will be a solution. There is a period of time for this development and others to expand, which will permit time to consider possibilities to move traffic out of the area. As shopping, churches, and employment bases move around, the idea is to create as many points of access and egress for the traffic so it can flow around the area fairly effectively, which is one of the reasons the staff report calls for the connection of Parkway to this development, and other developments along Caldwell Road will be looking to have connections from the residential area to Astral Drive and down to Caldwell Road so that people have more options.

Councillor Richards expressed difficulty with the development in terms of traffic on Caldwell Road. He stated it is a two lane street with no capacity for improvement. It is always filled with traffic; students have to walk to along Caldwell Road to school; the street has a number of side exits which people have to wait excessive periods of time now to enter and exit from. He expressed concern about this development in conjunction with another 100 acre lot that is yet to be developed, stating the impact on Caldwell Road will be far greater than the road can handle. Councillor Richards felt the solution must be part of the plan, and there is no immediate solution immediately; nor has there been any support material from the Department of Transportation or any other body that would control this. In conclusion, Councillor Richards informed that he has no difficulty with the sewer capacity, but his main concern is for Caldwell Road.

Mr. Shaw responded that there are a number of ways to control traffic; it seems to be common to try to move traffic congestion faster. He stated the amount of growth in Cole Harbour and the area in question is not abnormal; there are other parts of the Municipality and other parts of the two cities that are seeing the same thing happen. Mr. Shaw suggested that staff look at it relative to car loads getting to certain levels, the installation of lights, change of speed limits, etc. He felt natural growth should not be stopped without complimenting it with an equal effort.

Councillor Cooper asked Mr. Shaw if he would expect to be able to reserve the excess capacity for future development in anticipation of acquiring more land, if he did not own land in the area. Mr. Shaw responded that Clayton Developments has never claimed that they own any unused capacity, but they have indicated that they have the strongest morale right to it because they spent the time and the money to determine it and to put the staff in place and built the systems as tight as they have been. He stated they feel they have created it, although they do not feel they own it.

Councillor Cooper asked if the exceptional development standards of Clayton Developments were observed by all developers, the cost of infrastructure could be greatly reduced. Mr. Shaw replied that he would like to say yes but did not really know. He thought that if everyone took the extra care, time, and money, there would be a very good system. However, once the lot is developed, the position of the house, the lateral, and other factors, will also affect the sanitary system; it only takes one poorly hooked lateral to take up a lot of capacity.

Deputy Warden McInroy made a few comments with respect to the proposed connection to Parkway Drive. He stated transit is awaiting such a connection to be able to service Astral Drive. It will also save school bus funding. Deputy Warden McInroy asked if it is reasonable to assume that the connection will be made before the houses are up and occupied on the lands in question.

Mr. Shaw indicated that he could not speak for Mr. Hodgson, although his letter indicates that he intends to continue to develop his property which lies between Astral Drive and Caldwell Road. He has already made substantial movement in this regard. He stated there appears from looking at development plans that there will be several connections, and he suggested that the time frame for each of these properties will be completed within the same time frame as they will be hooking into the sewage treatment plant, if this application is approved.

Speakers in Opposition to this Application

Rav DeRoche, advised that he is in attendance in the capacity of Chairman of the Westphal/Cole Harbour and Area Service Commission. He advised that they have considered this application in length and have determined that it is premature. He stated they do not dispute Clayton Development's expertise as developers or the quality of their development, and they do not dispute that there will be benefits derived from the proposed development.

However, Mr. DeRoche informed that when the service boundary was established in 1969, it was on the basis of 18 ppa over the total service boundary area - not

any particular development. To his knowledge, there has only been one study undertaken to look at the total service area at a particular point in time, which was the Porter-Dillon study presented to Council in 1985. At that point, certain assumptions were made based on present and existing development in certain areas and projections based on population density. However, it was not considered that existing areas would find it opportune to utilize excess property and to do infill development. He stated this will certainly place an additional burden on the capacity of the sewage treatment system, even in its expanded form.

Mr. DeRoche stated since the Porter-Dillon study, Halifax County Council has approved an expansion to the serviceable boundary, including the addition of 263+ acres in Cole Harbour/Westphal. He stated almost none of that acreage has been added to the system at this time, and at this point in time there is not way to gauge the impact of this additional acreage on the system. He suggested there could be a situation similar to that experience in 1984, which was very traumatic and expensive. There was also an additional 265 acres in Eastern Passage added to the serviceable boundary, which has not seen much development to date.

Mr. DeRoche stated adding 73 acres of Clayton Development lands to the serviceable boundary will set up a situation that will be irreputable. Therefore, on behalf of the Service Commission and the people it represents, Mr. DeRoche asked Council to exercise caution and not approve this application at this time. He concluded that the Service Commission considers the application to be premature.

Questions from Council

Councillor Morgan clarified that Porter-Dillon study did not consider any infill development within the serviceable boundary. Mr. DeRoche agreed, stating Sunset Acres has been within the serviceable boundary since 1970-71, and Porter-Dillon assumed that Sunset Acres would remain at its existing density. However, since the study there has been a move by a number of residents of that subdivision to utilize the additional acreage to subdivide and sell lots. Thus, there is an on-going infilling situation.

Councillor Morgan informed that it was his understanding that the entire serviceable boundary was calculated on the basis of 18 ppa. He asked if it is Mr. DeRoche's understanding that Porter-Dillon calculated that a five acre parcel of land owned by one person within this serviceable boundary was only calculated on the basis of one household on the total acreage. Mr. DeRoche responded that Porter-Dillon's projection of 18 ppa was calculated on undeveloped properties; they assumed the developed property would remain as it was when the study was done.

Councillor Morgan requested staff clarification on the basis of the projections by Porter-Dillon. Mr. Tam informed that he has not asked Porter-Dillon if they have taken such development into consideration, but he suggested that a large parcel of undeveloped property would have been considered, although smaller parcels of land may not have been given the same consideration.