

Department of Transportation and Communications

Mr. Reinhardt reviewed the letter regarding pavement of Riverview Drive, Timberlea.

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

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

Board of Trustees, Eastern Suburban High School Section

Mr. Reinhardt reviewed the letter regarding the request for appointing a traffic officer at the intersection of the North-east of Chateau Crescent and Foresthills Drive.

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

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

Councillor Richards stated that through research the only possibility of control in this area is with an RCMP officer. He reported that under Department of Transportation regulations, a crossing-guard is unable to stop traffic.

Deputy Warden McInroy stated that the problem occurs not only during the day, but also in the evening. He suggested that traffic lights could be installed immediately to alleviate some congestion at the southern entrance to Cole Harbour Place, and possibly a gravel driveway could be constructed between the two properties.

Councillor Cooper stated that part of the solution rests with the school board. He reported that they removed from the budget, funds for anticipated roadways, which must be re-included.

Sackville River Association

Mr. Reinhardt reviewed the letter concerning development affecting the watershed along the Sackville River, Little River and all their tributaries. The letter made two requests with respect to special zoning and assurances that the environment in the area will be protected.

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

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

Department of Health and Fitness

Mr. Reinhardt reviewed the letter regarding the radon levels in Timberlea.

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

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

Solicitor General - Province of Nova Scotia

Mr. Reinhardt reviewed the letter concerning the emergency policing services to the City of Dartmouth and the continuation of policing services to Halifax County.

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

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

Department of Consumer Affairs

Mr. Reinhardt reviewed the letter regarding the expansion of services by metro cable companies.

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

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

Councillor Richards stated that it was interesting to note that neither the Department of Consumer Affairs nor the CRTC has control over the arrangements of the cable companies. He stated that Council's action of writing letters has had results as the Department of Consumer Affairs has contacted the cable companies. He stated that he was not satisfied with the lack of control mechanism, but is pleased to see some results.

Minister of Fisheries and Oceans

Mr. Reinhardt reviewed the letter concerning the Chezzetcook clam flats.

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

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

Ratepayers and Residents Association - District 6

Mr. Reinhardt reviewed the letter concerning the extension of water and sewer mains along Cow Bay Road to Smelt Brook. The letter explained that KEIL Developments will be running their own mains down through the property and installing a sewage pumping station for their subdivision. IT is understood that if the county runs the mains down Cow Bay Road, the contractor would be willing to install the sewage pumping station at their cost.

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

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

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

"THAT the projects issued be referred to staff to be included in the three-year capital funding projects."
MOTION CARRIED

Letter from Mr. Reid B. Mvers

Mr. Reinhardt reviewed the letter concerning road safety near the Fall River Place, and the lack of road signs to identify streets.

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

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

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

"THAT a letter be written to the Department of Transportation to see if these problems can be rectified."
MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORTSackville Express-way

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

"THAT a letter be written to the Minister of Transportation and Communications asking for the Department's plans on what lands have either already been set aside will be set aside for acquisition in order that the Sackville Express-way can eventually be built and that they provide the County with a conceptional plan if available."

Councillor Morgan stated that he would like to see the Department of Transportation's conceptual plans for Council to examine. Councillor Morgan clarified that the Sackville Express-way would join the Cobequid Road and

Beaverbank to the 118 Highway.

MOTION CARRIED

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Acquisition of Land - Wellington

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

"THAT purchase of this be approved contingent to clear title with the funding as outlined."

MOTION CARRIED

Cherrybrook Centre

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

"THAT \$4,700 General Parkland Grant and \$4,700 District Parkland Grant be approved for the maintenance of plumbing and heating to the Cherrybrook Centre."

MOTION CARRIED

Requests for Grants

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

"THAT the following grants be approved:

- a) District Capital Grant, District 5, \$8,500, for the purpose of paving the roadway to the Herring Cove and District Fire Department;
- b) District Parkland Grant, District 5, \$7,000 and Loan Request \$27,000, for the construction of a soccer field, baseball field and tennis court in the Harrietsfield Williamswood area;
- c) District Capital Grant, District 11, \$1,000 and Loan Request \$49,528, for the purchase of a fire vehicle;
- d) District Capital Grant, District 12, \$4,000, to purchase a sound board for Musquodoboit Valley Bicentennial Theatre;
- e) District Capital Grant, District 13, \$3,000, to purchase garage doors for the Dutch Settlement Fire Department;
- f) District Parkland Grant, District 14, \$3,250; and General Parkland Grant, \$3,250, for the Wellington playground;
- g) District Capital Grant, District 16, \$847.50, for the purchase and installation of a backstop for the Sycamore Lane

Elementary School (county-owned);

- h) District Capital Grant, District 18, \$5,000, for site preparation of Super Mailboxes; and District Parkland Grant, District 18, \$3,000 for Playground equipment and development;
- i) District Parkland Grant, District 20, \$3,037; and General Parkland Grant, District 20, \$3,037, for the paving of walkways from Chandler Drive to Wilmot Drive/ Wilmot Drive to Sher Street; and, for fencing of walkways on Polara Drive and Nordic Crescent."

MOTION CARRIED

Tax Write Off for Land Title Clarification

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

"THAT relief of taxes be approved on the property of the estate of Cecil Downey, Sr."

MOTION CARRIED

BUILDING INSPECTOR'S REPORT

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

"THAT this report be received."

MOTION CARRIED

SUPPLEMENTARY BUILDING INSPECTOR'S REPORT

Lesser Set Back - PD-B-21-89

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

"THAT a lesser setback of 27' for Lot A, Emily Bayers Subdivision, Musquoboit Harbour be approved."

MOTION CARRIED

DIRECTOR OF DEVELOPMENT REPORT

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

"THAT this report be received."

MOTION CARRIED

SUPPLEMENTARY PLANNING ADVISORY COMMITTEE REPORT

Application No. RA-8&9-08-89-09 - Rezoning Application by Onorio Pirri - Three Fathom Harbour Road, District 9

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

"THAT the application be approved and that a public hearing be set for November 6, 1989, 7:00 PM."

MOTION CARRIED

File No.'s ZA-FEN-25-89 and ZA-IM-26-89 - Amendments to the land use by-laws for planning districts 15, 18 & 19 and for the communities of North Preston, Lake Major, Lake Loon/Cherrybrook and East Preston

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

"THAT the amendments be approved and that a public hearing be set for November 20, 1989, 7:00 PM."

MOTION CARRIED

Application No. DA-TLB-05-89-02 - Development Agreement - Mr. Elais Toulany, 1926-1928 St. Margarets Bay Road, Timberlea

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

"THAT the application be approved and a public hearing be set for November 20, 1989, at 7:00 PM."

MOTION CARRIED

Application No. DA-SA-06-89-22 - Development Agreement - Nova Scotia Department of Housing, Senior Citizens Housing Complex, Old Beaverbank Road, Lower Sackville

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

"THAT the application be approved and a public hearing be set for November 20, 1989, 7:00 PM."

Councillor Morgan stated that he agrees that seniors have a right to this complex and this is a good location. He stated that private developers should be treated in the same manner as government developers in similar situations.

Councillor Boutilier inquired as to whether the province would have to follow the same guidelines as private developers. Solicitor Cragg stated that they would not. Mr. Meech stated that Council operates on the premise that they are subjected to the same rules and regulations as private developers on this type of issue.

Councillor Morgan stated that this type of facility is needed in the district and that the location chosen was a good one.

MOTION CARRIED

APPOINTMENTS TO DARTMOUTH GENERAL HOSPITAL COMMISSION

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

"THAT Councillor Richards and Councillor Bates be re-appointed to this commission."

After some discussion on the issue,

MOTION CARRIED

SACKVILLE STREET PAVING - GEORGE STREET

Councillor Morgan stated that the street in question has been in existence longer than the Sackville Community. He also stated that although there are only eight houses on the street, the volume of traffic is considerable.

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

"THAT Council request the Minister of Transportation to pave George Street, which qualifies as a fifteen year listed street, under the Suburban Paving Program."

MOTION CARRIED

SIDE WALK CONSTRUCTION - SACKVILLE

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

"THAT Halifax County Council endorse the following list of priorities for sidewalk construction in Sackville in 1990 and that the list be forwarded immediately to the Department of Transportation.

1. Old Sackville Road from Sackville Cross Road to the BeaverBank Connector.
2. First Lake Drive from Crimson Crescent to where the present sidewalks start at the Arena.
3. Beaver Bank Road from Sunnyvale Crescent to Millwood Drive and Millwood Drive from the Beaver Bank Road to where the present sidewalks start in Millwood.
4. Raymond Drive
5. Florence Street
6. Beaver Bank Road from Glendale to Stokil Drive.

7. Beaver Bank Cross Road from #1 Highway to Allan Street."
MOTION CARRIED

APPEAL OF MINOR VARIANCE - Minor Variance No. MV 38-09-89

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

"THAT November 7, 1989, be set as the date to hear the appeal."
MOTION CARRIED

LEGISLATIVE STRUCTURE

Upon recommendations by staff, the make up of the committee would include: Warden, Deputy Warden, Sackville Council Representative, and Rural Council Representative.

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

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

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

"THAT Councillor Boutilier be nominated as the Sackville Representative."
MOTION CARRIED

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

"THAT Councillor Baker be nominated as Rural Representative."

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

"THAT Councillor Horne be nominated as Rural Representative."

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

"THAT Councillor Adams be nominated as Rural Representative."

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

"THAT nominations cease."
MOTION CARRIED

Votes were taken with the following count: Councillor Horne - 11; Councillor Baker - 5; Councillor Adams - 4.

Mr. Meech stated that if Council was in agreement, the position on the committee of the Deputy Warden should be filled by Deputy Warden McInroy even after he has ceased to be Deputy Warden so that the Cole Harbour/Westphal area has a representative. Council agreed.

PUBLIC HEARING - Undersized Lot Legislation

Mr. Gough reported that there has been no correspondence in favour of, nor in opposition to, the approval of Lot 1. He stated that Lot 1, has 125 feet of public road frontage on Provincial Highway No. 7 and is approximately 15,000 square feet in area. The Subdivision By-law requires 40,000 square feet with 150 feet of frontage. The applicant cannot obtain any more land and is requesting approval of Lot 1. Both the Department of Health and Transportation have replied favourably.

Questions

None.

Speakers in favour

Herman Myers stated that he was the owner of the lot.

Speakers in opposition

None.

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

"THAT Lot 1, subdivision of the Lands of the estate of Golda M. Conrad, Oyster Pond, Jeddore, be granted final approval through the undersized lot legislation."
MOTION CARRIED

Minor Variance # MV 35-06-89

Mr. Gough reviewed the application to construct a retail outlet on the site. This meets with approval of the Land Use By-law.

Questions

Councillor Horne inquired as to the condition of the existing building. Mr. Gough stated that it was the intention of the developers to remove the existing building as it is much smaller than the proposed outlet. Mr. Gough stated that if the size of this location was not approved, anything smaller would not be worth while.

Councillor Meade questioned the need for filling of the site. Mr. Gough stated that anything needed has already been done. Mr. Gough stated that it could be to some advantage to add fill to the south corner as the present square footage of the lot is 12,200.

Councillor Morgan inquired as to the parking requirements. Mr. Gough stated that if the appeal is granted the applicant would be asked to write a letter to notify us of parking. It was stated that Mr. Edwards owns the adjacent site and could provide adequate parking with a slight adjustment to the division of

the lots.

Mr. Gough informed Council that the lot lines in existence are in the water.

Councillor Bates expressed concern of non-compliance with existing legislation.

Councillor Cooper questioned the maximum lot coverage (50%). Mr. Gough stated that the gross lot area takes into effect the water-line. Councillor Cooper stated that he would have difficulty in approving this as a minor variance.

Councillor Merrigan stated that although the distance from the water-line should be 25', the development on the opposite side of the harbour poses more environmental damage to the area than this location could. He stated that he is not opposed to this variance.

Mr. Gough noted that if this area were zoned as a fishing location, the site could be built right up to the water-line. Mr. Gough also stated that there has been no receipt of opposition to this proposed site.

Mr. Gough stated that the existing building is much closer to the Shore Road and is 1/2 to 2/3 the size of the proposed building.

Councillor Richards inquired as to the zoning and proposed occupancy as a retail store. It was reported that this is in compliance with the zoning.

Councillor Boutilier questioned as to whether or not the existing building was on central services water and sewer. It was reported that this was the case.

Councillor Morgan inquired as to whether the Department of National Defence would have the same difficulty in getting approval for a similar outlet on the site. He suggested that private developers be given the same latitude.

Speakers in support

Mr. Gary Myers, Eastern Passage, son of Lloyd Edwards, stated that although the proposed site is only eight feet from the water, the location could be filled in to the water-line.

Councillor Morgan inquired about parking. Mr. Myers stated that 11 of 16 parking spaces (including handicap, loading, etc) would be on this lot and the other 5 could be incorporated on the adjacent lot as he is the owner.

Speakers in Opposition

None.

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

"THAT the minor variance as applied for on lands of Lloyd Edwards, 1511 Shore Road, Eastern Passage, Halifax County, Nova Scotia, be approved."
MOTION CARRIED

APPOINTMENT OF BY-LAW OFFICER - ANIMAL CONTROL

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

"THAT Paul Larocque be appointed to the position of By-Law Enforcement Officer via Police Commission."

MOTION CARRIED

HANDICAP ACCESS TO RECREATION LANDS

Councillor Cooper stated that most recreational facilities in the district are equipped with required handicap parking and access via sidewalks to a number of these areas. He stated that a number of walkways which go through the recreational lands and to recreational facilities do not have access for the handicap. Since the provincial government has a program to promote access for the handicap we should request them to make accessability on their property.

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

"THAT a letter be written to the Department of Transportation asking that a program be initiated to ensure that the walkways and the recreational areas are accessible to the handicap from the streets and roadways controlled by the Department;

AND ALSO THAT the Recreation Department of the County assist the Department of Transportation and identify areas where access is restricted at this time."

MOTION CARRIED

TRAFFIC CONTROL, DEPARTMENT OF HOUSING

Councillor Cooper sited the developments in the Westphal/Cole Harbour Area particularly lands under development by the Department of Housing. He stated that street layouts have been generally not in straight lines so as to provide some matter of traffic control. He stated that there are circumstances in the community where there are fairly long straight stretches which are used as speedways by community residents and those passing through, in particular John Stuart Drive. Recently the extension of John Stuart Drive was approved. He stated that this will allow a by-pass of the busy corner of Cole Harbour Road, Forest Hills Parkway, and Auburn Drive area. Residents are concerned about the speeding taking place.

Councillor Cooper stated that the Department of Housing is intending to put side walks in the John Stuart Drive Area, on the side of the street away from the residents which would mean that school children would have to cross the road twice, once to get to the sidewalk, and once to get to the school. Area residents are concerned with the excessive speeding and also that the sidewalk will border a fairly densely wooded area and the possibility of children being harassed.

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

"THAT a letter go to the Department of Transportation to evaluate traffic patterns in the John Stuart Drive area with a view of the pending completion of the connector to Auburn Drive and seek some method to implement traffic control along that stretch;

ALSO THAT a letter go to the Department of Housing to re-evaluate placement of the sidewalk on John Stuart Drive to the eastern side adjacent to the residences so that children will not be forced to cross a busy street twice in order to attend school;

AND FURTHER THAT with the letter to the Department of Transportation, a request be made to have a crosswalk at the corner of Novera Crescent and Ashley Drive."

After some discussion on the issue,

MOTION CARRIED

CROSSWALKS

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

"THAT a request be made to the Department of Transportation for crosswalks to be placed along the Cow Bay Road, one at Talahasee School and the other the intersection of Cow Bay Road and Garrison Drive."

MOTION CARRIED

RECYCLING - HALIFAX COUNTY

Councillor Baker questioned if Metro Authority has hired someone to look into this. Mr. Meech stated that Metro Authority has hired a recycling coordinator. He stated that it is hoped the Council could access this person to develop plans for recycling in Halifax County for 1990. Mr. Meech added that staff are now recycling paper in the County building.

PLEBISCITE, DISTRICT 4

Councillor Baker informed Council that a request has been made through the sheriff in his district for a plebiscite to be held which will affect the Hatchett Lake Fire Department. This was taken before the Fire Advisory Committee and the Executive Committee. Mr. Turpin has advised Councillor Baker of some of the implications. This plebiscite would give the applicants broad powers to levy rates, and the two existing fire departments would have to turn the stations and equipment over to the conductors of the plebiscite. This would also give them the power to buy land to construct a fire station, levy rates for building on the sites, and for buying equipment, etc. This could mean double taxation for residents.

Mr. Meech suggested that Council seriously consider asking the province and Minister of Municipal Affairs to have the Rural Fire District Act revised so that this Municipality would be exempted from that Act. He stated this legislation was developed years ago and would have had more applicability then than today.

Councillor Baker inquired as to whether or not this plebiscite could be delayed until the amendments to the act can be made and reviewed by the Legislature in the spring.

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

"THAT Council take the necessary action to oppose the plebiscite for District 4 and request the Province through the Minister of Municipal Affairs to exempt the Municipality of the County of Halifax from the Rural Fire District Act."

Councillor Ball stated that the Fire Advisory Board had concerns over other ramifications that exempting Halifax County from the Rural Fire District Act could have. Mr. Meech stated that this does not apply anywhere in the County of Halifax because there is no fire department established under the authority of that Act, except for the ability to request plebiscite.

MOTION CARRIED

SUBURBAN PAVING POLICY

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

"THAT the Engineering Department develop a policy and procedures to deal with paving the 15 year old streets and also to flag the 15 year streets so that staff could bring these to the attention of Council so that if a petition is necessary, it can be done properly."

MOTION CARRIED

TRANSPORTATION

Councillor Merrigan stated that he has received a petition by the people to have streets paved which qualify under the 15 year paving policy.

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

"THAT a letter be written to the Department of Transportation for the paving of these streets."

MOTION CARRIED

COUNTY NEWSLETTER

Councillor Boutilier stated that on behalf of the committee he was looking for comments from the Councillors and from the community which could pertain to the future direction of the newsletter.

Councillor Merrigan stated comments he has received have not been totally favourable. Some people appreciated numbers to get things done, but felt the newsletter was too lengthy. Councillor Merrigan stated that he felt the newsletter should deal with generally what is happening in the County and also area wide may be more appropriate.

Councillor Fralick stated that this should be referred back to the committee. He stated that the committee has done an excellent job and there should be more time to hear from the residents. He stated that all comments he has received thus far have been positive.

Councillor Randall stated that the coordinator for the newsletter has informed him that the tone of responses thus far has been very positive and that she is pleased with the response. He stated that this newsletter helps to improve communications to the County. He stated that some in his district have yet to receive a copy.

Councillor Boutilier responded to Councillor Merrigan stating that this being the first issue and not wanting to leave anything out, this contributed to the lengthiness of the newsletter. He stated that future issues would be much shorter. He stated that any suggestions would help with future issues.

Councillor Bates stated that the County Newsletter was an excellent global approach. He commended those involved and stated that comments he has received have been positive. He added that the community newsletters and County newsletters compliment each other and could not be combined.

Councillor Adams stated that he also was concerned that many residents in his district have not yet received copies. It was stated that a report form staff on this matter will be received and hopefully the problems rectified.

Councillor Smiley commended the editors and stated that she has received positive comments. She added commendation to the editors for not referring to her district as 'the end of the road to nowhere'.

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

"THAT this item be referred back to the committee to allow more time for response from residents."

MOTION CARRIED

LIGHTING - DISTRICT 14

Councillor Horne updated Council on the status of lighting in his district. He stated that he had called the NSPC with a report of 22 lights out. He stated that as of October 16, all have been repaired.

URGENT AGENDA ITEMSPetition RE: Proposed Name of Road

Councillor Fralick stated that there has been difficulty in finding this road by both police and ambulances as it has no name. He stated that a petition has been signed to call it THE HILL ROAD.

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

"THAT a letter be sent to the Department of Transportation requesting endorsement of this name, with a copy to the MLA, to have a road sign erected."

MOTION CARRIED

Sambro Dredging

Councillor Ball stated that in the last few days the Public Works Department has been under the process of dredging Sambro Harbour. He stated that the problem is that the items being removed from the harbour is being dumped in the area of Sambro Head, a lot of which has cagnium in it. He reported that the local fisheries officers involved recommended against that site as it is very close to lobster beds, the odour coming from the material deposited is affecting the residents.

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

"THAT a letter be sent immediately to the Ministry of Environment, Public Works, Department of Fisheries to reconsider an alternate site in the deep-water area of the Atlantic Ocean as opposed to Sambro Head, with a copy to the MLA."

MOTION CARRIED

Truck Routes - District 2

Councillor Poirier stated that a new interchange is in the process of being completed in the entrance to District 2 near the Bayers Lake Park. She stated that the volume of traffic going through the area has increased to a great degree. She stated that trucks coming out of Lakeside Park going towards the South Shore have been going through the village of Timberlea to the 103.

It was moved Councillor Poirier, seconded by Councillor Baker:

"THAT a letter be forwarded to the Department of Transportation requesting that the trucks coming from the Lakeside Park take the old #3 out to the interchange and that the section of the old #3 Highway be designated as local truck traffic only."

MOTION CARRIED

ADDITION OF ITEMS - NOVEMBER 7, 1989

Prospect Road - Councillor Baker

Sidewalks, District 14 - Councillor Horne

IN-CAMERA ITEM

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

"THAT Council move in-camera."
MOTION CARRIED

Council agreed to come out of camera.

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

"THAT the County terminate the employment of Dave Powell as an employee
of Halifax County, District 5 Fire Fighter.:
MOTION CARRIED

ADJOURNMENT

Council adjourned at 10:00 PM.

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SPECIAL COUNCIL SESSION

FRIDAY, OCTOBER 6, 1989 - 12:00 p.m.

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

ALSO PRESENT: T. Donovan, Legal Counsel
K. R. Meech, CAO

The Warden convened the session and asked Council to agree to establish the meeting as an in-camera session as the subject is a personnel matter.

It was moved by Councillor P. Baker, seconded by Councillor D. Boutilier:

"THAT council convene immediately an in-camera session."
MOTION CARRIED.

The Chairman of the Board of Management, Rehab Centre, Deputy Warden McInroy provided background information on the subject and responded to queries and questions from council members.

It was agreed by the Council that they would revert to the regular special session.

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

"THAT Council approve the recommendation of the Board of Management, Rehab Centre."
MOTION CARRIED UNANIMOUSLY.

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

"THAT the meeting adjourn."
MOTION CARRIED.

PUBLIC HEARING

MONDAY, OCTOBER 23, 1989

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

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk
 Mr. R. G. Cragg, Municipal Solicitor

SECRETARY: Twila Smith

Warden Lichter called the public hearing to order at 7:00 PM with the Lord's Prayer. Mr. Kelly called the Roll. Warden Lichter then reviewed the procedure for the public hearing.

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

"THAT Twila Smith be appointed Recording Secretary."
MOTION CARRIED

APPLICATION NO. ZA-LM-08-89

Mr. Jim Donovan reviewed the staff report.

Mr. Donovan stated that in conjunction with the installation of central services in North Preston, a number of existing dwellings within the community were identified as requiring substantial improvements or complete replacement in order to be connected to the new services. Additional provincial funds were committed in this regard, to cover the costs of plumbing and building improvements and the replacement of dwellings within the community.

Mr. Donovan reported that the Department of Housing which has been given the

responsibility for administering the housing replacement program, indicated that clear title and one dwelling per building lot were prerequisites for replacement. Difficulties with resolving land titles, combined with the fact that several of the properties in the community contain more than one dwelling, which is a violation of Section 5.18 of the Lake Major Land Use By-Law, and insufficient road frontage, results in non-issuance of permits for replacement housing.

Staff recommends an amendment to this Section of the Land Use By-Law which identifies the nine properties in question by their LRIS Index Numbers.

Questions from Council

Councillor Horne questioned the number of homes on each lot. Mr. Donovan responded by stating that there are currently more than 18 homes on these nine lots. Mr. Donovan stated that there would continue to be more than one dwelling per lot until they can be properly subdivided. Mr. Donovan informed Council that there is sufficient land area and the problems resulted from lack of clear title, road frontage and non-subdivision of the lots. He added that clarification of title would take over two years to complete.

Speakers in Favour

Wayne Desmond (462-3234): Mr. Desmond thanked Council for the opportunity to speak. He stated that he supported this recommendation whole-heartedly. That the North Preston Representatives on the Community Liaison Committee for water and sewer see the proposed amendments as a blessing. He stated that at present there are 18 families within the North Preston community comprised of widows, single parents and senior citizens, who are in dire need of replacement housing, water and sewer. He stated that these families were being denied these necessities because of lack road frontage, unclear title and the present subdivision by-law. The adoption of the by-law amendment would provide the residents with the opportunity to receive those homes, obtain permits and ultimately have the homes serviced by water and sewer. He stated that he was certain that members of Council, in their wisdom, would remove the barriers of bureaucratic red-tape by supporting this amendment and allow the families to receive the basic necessities of water and shelter.

Questions from Council

None.

Speakers in Opposition

No.

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

"THAT Council approve the recommendations of staff in the amendments to the Land Use By-Law for the communities of North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston."

MOTION CARRIED

APPLICATION NO. DA-LM-01-89-08

Mr. Rick Spanik reviewed the staff report.

Mr. Spanik stated that Mr. and Mrs. Strange have an existing Machine Shop operation that should be recognized, and they would like to transfer this to an adjoining lot. Mr. Spanik showed slides of the existing location, the proposed location and immediate surroundings. He stated that there was a green buffer in the area.

Mr. Spanik stated that the properties in question are located within the Mixed Use Designation of the North Preston, Lake Major, Lake Look/Cherry Brook and East Preston municipality planning strategy. This is intended to retain the traditional Rural Settlement Zone (RS1), but this zoning permits the development of business uses in conjunction with a permitted dwelling. Mr. Spanik reported that given the mixture of land uses in the area, this proposal would not have a significant effect on the surrounding land uses.

Mr. Spanik noted that the proposed development agreement minimized potential conflicts by limiting the size and hours of operation. Relocation of the operation to Lot D-1 would increase their building size by approximately 1000 square feet, yet continuing with the same hours of operation. Mr. Spanik reported that the Department of Transportation has no problems with this proposal.

Questions from Council

None.

Speakers in Favour

None.

Speakers in Opposition

None.

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

"THAT the application of Ruth and Kenneth Strange to enter into a development agreement to permit a general machine shop on lots D-1 and D-2 of the Grace Donovan Subdivision in East Preston be approved."

MOTION CARRIED

APPLICATION NO. PA-SA-03-88

Mr. Rick Spanik reviewed the staff report, which was reviewed by the Planning Advisory Committee.

Mr. Spanik reported that Mr. John Keizer has requested that the Sackville Municipal Planning Strategy and Land Use By-Law be amended in order to reflect an expansion to Keizer's Auto Body Ltd., which was undertaken in violation of the land use by-law. Mr. Keizer was successfully prosecuted for this action in February, 1988.

The property in question is zoned C-2 (General Business) and is located within the urban Residential Designation. The C-2 zone does not permit auto body shops.

Mr. Spanik showed slides of the operation and the immediate surroundings, as well as slides of other auto body operations in the district. It was reported that Mr. Keizer had no objections from neighbours and has kept his property in a neat and tidy manner, and that the expansion improves the appearance of the property.

Mr. Spanik stated that there were two options. The first being to amend the by-law to accommodate Mr. Keizer's business in Appendix "B" that would allow future expansion by development agreement. The second being to add the other auto body shops to the list (at least two others in the area) of uses permitted in the C-2 General Business Zone. Mr. Spanik stated that upon review by the PAC, a third alternative was reached, to amend the municipal planning strategy for Sackville by allowing automobile repair outlets within the general commercial and commercial core zones but not including new auto body shops indicating that new auto body shops would be considered by development agreement; further to that, the zoning by-law be amended to permit new auto body shops within the General Commercial and Commercial Core zones and to include existing auto body shops under commercial uses in the general section under uses permitted in the C-2 Zone.

Questions from Council

Councillor Morgan questioned if General Commercial and General Business were totally interchangeable. Mr. Spanik stated that they were different zones within the Sackville by-law. This would mean that body shops would be permitted in C-2 and C-3 areas by development agreement.

Speakers in Favour

None.

Speakers in Opposition

None.

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

"THAT the amendments to Appendix A be approved."
MOTION CARRIED

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

"THAT amendments to Appendix B be approved."
MOTION CARRIED

ADJOURNMENT

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

"THAT this public hearing adjourn."
MOTION CARRIED

Public Hearings adjourned at 7:30 PM.

JOINT COUNCIL SESSION

WEDNESDAY, OCTOBER 25, 1989

PRESENT WERE: Deputy Warden McInroy
Councillor Meade
Councillor Poirier
Councillor Fralick
Councillor Baker
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Merrigan
Councillor Morgan
Councillor Snow
Councillor Boutilier
Councillor Sutherland
Councillor Richards
Councillor Cooper
Mayor Christie, Town of Bedford
Deputy Mayor Kelly, Town of Bedford
Councillor Walker, Town of Bedford
Councillor Huntington, Town of Bedford
Councillor Goucher, Town of Bedford
Councillor Draper, Town of Bedford
Councillor Cosgrove, Town of Bedford

ALSO PRESENT: Mr. K. Meech, Chief Administrative Officer, Halifax County

SECRETARY: Twila Smith

Deputy Warden McInroy called the meeting to order at 5:00 p. m.

Deputy Warden McInroy stated that judging by the length of the report, that this meeting would not take up a lot of time. He stated that he was pleased with the recommendations that came forward.

Councillor Merrigan then began to give an outline of the workings of the committee. He stated that the purpose of this report was not to rectify anything major, but to propose general recommendations to the problems with the school board budget. He reported that one recommendation was that whenever a school board matter arises, it should be dealt with in a joint council session. He noted that not doing this in the past has lead to problems. Councillor Merrigan also stated that the committee questioned the 80 percent firm vote and the way in which that 80 percent is determined; and that he would appreciate members thoughts on this issue.

Councillor Merrigan stated that the issue of major importance right now is to make a presentation to Doane Raymond. He advised that the committee did not want to overstep its mandate by speaking to Doane Raymond without first consulting with the joint council. He stated that this is the recommendation that he wanted dealt with at this session.

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

"THAT the committee be able to meet with Doane Raymond to have in-put in their report."

Councillor Walker asked for an outline of what information would be submitted to Doane Raymond relative to funding. Councillor Merrigan responded by stating that there has been a problem with a working relationship between the school board and joint council. He stated that since the joint council did not have authority to make budget cuts, then perhaps they did not have the ability to scrutinize the budget in the first place. He also indicated that he would like clarification on the 'core' programs. He advised that the committee would convey some problems of the past and how councils had tried to deal with them.

Councillor Walker inquired as to whether or not there would be recommendations on which items of the school board budget were a priority, which were core and were required, and which were supplementary programs supported by supplementary spending. He stated that if those were prioritized, the councils could work backwards to what could be afforded. Councillor Merrigan stated that that would be the case.

Councillor Walker asked if the concept of value of money audit was discussed. Councillor Merrigan stated that the committee felt it was not in their mandate to look into this area. He stated that the committee tried to come up with recommendations to improve the budget process, and how to better deal with it. Councillor Reid stated that this value of money audit was being used in Cumberland and that according to discussions with Mr. Levangie, our school board would be next in line.

Councillor Draper brought council's attention to recommendation 'e', the level of service. She stated that when the committee discussed this, they did talk of a minimum level of service which the school board could agree to what that would be in terms of programming, which could be called the mandatory part of our funding. Possibly we could have other levels of service e.g. that may be level of service 5, and other levels of service with specific programs or items included could then be called 4, 3, 2 and 1. She suggested that to carry this a step further, one may say that Bedford Council could look at the level of service that they would be willing to fund in supplementary funding, County Council in terms of supplementary funding may decide on the same level of service. She noted that this may mean more dollars for Bedford, but by doing such Bedford could make a total decision on what level of service we would provide (which would be our financial input in supplementary funding).

Mayor Christie stated that this would mean a re-adjustment in the original agreement between Bedford, Halifax County and the Province.

Councillor Reid stated that within the last three years the school board budget has been presented based on a level of service that was agreed to by joint council in 1987. At that point in time the school board was of the understanding that the level of service would be continued for the three year period and reviewed in 1990. The suggestion that different levels of service be presented did not cross the minds of the members of the board.

Councillor Cosgrove stated that she was having a problem with the mandate of the committee. She stated that it was her understanding that this committee would be bringing back numbers for the joint council to examine. She also stated that councils should be looking at the money being spent on employees and administration costs. She further stated that both councils should be adamant collectively to look at the administration part of the budget, as well as functions in the schools themselves.

Councillor Merrigan stated that the mandate of the committee was to look at school board funding and come back with recommendations. He added that these cannot be implemented because Doane Raymond is doing the report. He stated that in 1987 when a level of service was looked at, many did not know what was the level of service at that time. He noted that we do not know what Doane Raymond will say in their report.

Councillor Fralick stated that the level of service that council tried to put in place in 1987 was a fair level of service which was endorsed by both councils and the school board executive members. He stated that the province was a moving target and that unless that target is fixed, a 'formula' cannot be set which will satisfy everyone.

MOTION CARRIED

ADJOURNMENT

The meeting adjourned at 5:30 p. m.

PUBLIC HEARINGS

MONDAY, OCTOBER 30, 1989

THOSE PRESENT: Warden Lichter
Councillor Meade
Councillor Poirier
Councillor Fralick
Councillor Baker
Councillor Ball
Councillor Bates
Councillor Adams
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Morgan
Councillor Snow
Councillor Eisenhauer
Councillor Boutilier
Councillor Sutherland
Councillor Richards
Deputy Warden McInroy
Councillor Cooper

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk
Mr. R. G. Cragg, Municipal Solicitor
Mr. B. Butler, Manager, Policy Division
Mr. P. Morgan, Planner, Policy Division

SECRETARY: Gail Foisy

Warden Lichter called the public hearings to order at 7:00 p.m. with the Lord's Prayer. Mr. Kelly called the roll. Warden Lichter then reviewed the procedure for the public hearing.

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

THAT GAIL FOISY BE APPOINTED AS RECORDING SECRETARY.

Motion carried.

APPLICATION NO. RA-8&9-06-89-08

Mr. Paul Morgan presented the staff report. He indicated that an application has been made by Mrs. Mounera Halo to rezone Lot A, as illustrated on a plan of subdivision of the lands of G.P. Racine, located at the northwest corner of the Highway No. 7 and Martin Lake Drive intersection in Lake Echo, from R-1 (Single Unit Dwelling) Zone to C-1 (Community Commercial) Zone. He noted that the lot size is approximately 37,000 square feet and is presently undeveloped.

Mr. Morgan advised that Mrs. Halo has proposed to build a convenience store with a three bedroom dwelling unit above, and that a site plan was submitted in conjunction with the application.

Mr. Morgan showed some slides of the site and surrounding area.

Mr. Morgan explained that the property is within the boundaries of the municipal planning strategy for Planning Districts 8 & 9, and in particular is within the Lake Echo Community Designation. The general intent of the designation is to support continued low density residential development. At the time of the plan adoption, there were quite a few single family residential developments. This is implemented by establishing the R-1 zone which permits single unit dwellings, limited day care and business uses by right. It also permits community facility uses.

Mr. Morgan indicated that there is a policy which establishes the C-1 zone. At the time of the plan adoption, there were a number of small business uses along the highway and it allows for those uses. The policy does allow for consideration of further community commercial developments by amendment to the land use by-law. Specifically, any property to be rezoned must have frontage on a designated collector highway. He pointed out that the Highway No. 7 is a designated collector highway. The intention of this is that it would prevent commercial uses from being established in the residential subdivisions off the main highway. The C-1 policy also states that the main building must be within 200' of the highway.

Mr. Morgan commented that in looking at this proposal, it is staff's opinion that it does meet the general intention in that there are sufficient setbacks from neighbouring properties. In looking at the scale of the development, Mrs. Halo has proposed a 2000 square foot convenience store, which is the maximum permitted in the C-1 zone. Even with that scale, the lot coverage is only 6%. He said that it would be specified that most of the lot would remain undeveloped and that no further subdivision of this lot can be done under the Subdivision and Land Use By-law. Staff also feels that it is a good location to serve the residential community.

Mr. Morgan advised that the Department of Transportation & Communications has done its stopping site distance measurements and said that it will issue commercial access. That means that no access will be permitted to Martin Lake Drive and no traffic introduced to the subdivisions behind. Being located on the corner of Martin Lake Drive allows for pedestrians from the subdivision to have access.

Mr. Morgan indicated that the plan also requires Council to give consideration to general matters of planning concern, including adequacy of controls. The C-1 places specific requirements for commercial uses, including increased setback requirements, and it places control on open storage and outside display.

Mr. Morgan also advised that the Department of Health has undertaken perk tests and has stated that the proposal could be accommodated with an on-site sewage disposal system. It has been indicated that certain C-1 uses generate high sewage flow and could not be accommodated on that site, which restricts the type of use that could be located there.

Mr. Morgan stated that the Department of the Environment was contacted and has indicated that it has no objections to the application.

Mr. Morgan summarized that because of the lot size and its location in relation to surrounding uses, staff feels it does maintain the plan's intention for allowing for local commercial uses where they can be compatible and maintains the residential characteristics. Also, staff feels there are sufficient controls and it is in a good location to serve the community. On that basis, staff are recommending approval of the application.

Questions from Council

Deputy Warden McInroy noted that various policies such as P-65 and P-89 were reviewed in order to support the staff recommendation, as well as other items such as the Department of Transportation & Communications' requirements that commercial access be from collector roads and the Department of Health's soil testing requirements. He asked if it was possible that any of the lots currently zoned R-1 across the street would also qualify under any of the things cited in support of the application. He further asked if there is something unique about this lot, aside from its size and the amount of frontage, that makes it different from the others.

Mr. Morgan responded that in terms of the mandatory requirement that there be frontage on the Highway No. 7, he did not think any lot would meet the criteria in that it would have adequate setbacks from the abutting neighbouring residences. He noted that there are places where the houses are built side by side along the highway, and that to convert a house to a convenience store in such a situation might not be appropriate. In terms of the lot, because it is a corner lot, it gives it better space than the one across the street. Also, the scale of the use will not be out of context. He also pointed out that the land slopes up towards the subdivisions in behind, and that it will not be particularly visible from any of the houses up there.

Councillor Sutherland asked if staff have any idea of the annual daily traffic along the highway.

Mr. Morgan responded no, and said that in terms of traffic generated for something of this scale, it is difficult to believe that it would increase traffic such that it would exceed traffic capacity.

Councillor Sutherland indicated that he was thinking more of the R-1 lots in the area and whether a commercial use is appropriate.

Councillor Morgan questioned why the application is coming forth and why the use is not by right. He commented that there are demands for increased commercial assessment within Sackville and one of the suggestions by staff to accommodate that is to designate the land suitable for commercial development, while retaining the present R-1 zoning, and proceed by development agreement to a public hearing at the time of the proposal. He asked if when Policy P-65 was written, whether people were envisaging at some point that there would have to be more properties pressured into changing. Also, whether the policy was accepted at the time.

Mr. Morgan responded that in terms of the preamble to the policy, he thought it was essentially accepted.

Councillor Morgan asked if the people were told it would be exclusively R-1 development or, if required, that commercial designations would be placed on properties. He asked if Policy P-65 in this instance was similar to what was being proposed for the Cobequid Road in Sackville.

Mr. Morgan pointed out that he was not party to a lot of the discussions happening through the plan review process.

Councillor Morgan indicated that because commercial assessment is required in this municipality, he felt that C-1 zoning, if required, should be given by right. He felt that Policy P-65 was a compromise in that it allows commercial development when necessary. He asked if this is a similar scenario as to what is being contemplated for the Cobequid Road.

Mr. Morgan responded that for along the Cobequid Road, he thought the Plan Review Committee is looking at placing more priority on commercial development. He noted that in this situation it is within a residential designation where priority is still given to maintaining low density residential development. It is accepted in the plan that as the community grows, there will have to be community commercial uses. Also, the plan says that the people do not want commercial uses in the subdivisions or along the residential streets, but rather along the highway. He indicated that any application has to be viewed on a case by case basis in the context of the surrounding area.

Councillor Morgan asked how far the site is away from the Highway Commercial Designation. Mr. Morgan responded that there is no Highway Commercial Designation in the Planning Districts 8 & 9 municipal planning strategy.

Councillor Boutilier asked if there are any other convenience stores of this nature located in that immediate area. Mr. Morgan advised that there are three within the Lake Echo Community Designation.

Councillor Boutilier asked if the three existing convenience stores would serve the same neighbourhood area as the one being proposed, to which Mr. Morgan responded yes.

Councillor Boutilier commented that four convenience stores in one area seems to be a bit much, and questioned if the community would support such an endeavor.

Mr. Morgan responded that staff's position is not to try and regulate competition, but rather to address the compatibility.

Warden Lichter asked if Policy P-91 was carried through, to which Mr. Morgan responded yes.

Warden Lichter advised that he received a phone call from Mr. Ken Packham, President of the Lake Echo Ratepayers Association, who indicated that he did not support the application.

Speakers in Favour of this Application

None.

Speakers in Opposition to this Application

Brian Veitch

Mr. Brian Veitch advised that he was speaking on behalf of the Lake Echo Ratepayers, who had several problems with the application.

Mr. Veitch indicated that the lot in question is at the bottom of a very steep hill, and that that particular corner is also a major school bus stop. He noted that there is a bit of a blind spot at that area, and that it was therefore their position that it would endanger the children at that particular corner. He said that in past years there have been several bad accidents involving kids at that corner, and that the community would like to eliminate anything that would make that even more hazardous.

Mr. Veitch stated that the people are also concerned about the manner in which businesses are locating. The people would like to see that they be limited to a couple of areas of town, rather than being spread all over the place.

Mr. Veitch advised that of the people petitioned on Martin Lake Drive, 100% were against this particular rezoning change, including the people across from the lot.

Mr. Veitch commented that another concern is that there are three existing convenience stores, not many of which he thought were making much money. He noted that if the proposed store is not successful, then there would be a commercial building standing there, and expressed concern with what use would go in there in the future. He said that he personally did not believe four convenience stores in the same area could survive. He pointed out that there is a strip building which was built at the end of town about a year ago, and that five out of eight stores are still empty. He commented that there are other places to open up another convenience store without rezoning this particular lot.

Questions from Council

None.

Gerry Cooper, Ponderosa Drive

Mr. Gerry advised that he was also representing the Lake Echo Ratepayers.

Mr. Cooper indicated that he was personally involved in the process of preparing the municipal planning strategy for the area some years ago. He said that the residents hoped there would be more core development in certain areas of the community, and are looking particularly at the designation of economic development around the interchange.

Mr. Cooper stated that regarding the particular property in question, there are no sidewalks on either side of the road and that there are a lot of children going up and down the road. He noted that Mr. Veitch covered most of the points.

Mr. Cooper advised that the residents had a bad experience with the last convenience store put in the community and are concerned about another one coming into the community.

Mr. Cooper reiterated that there are three commercial enterprises already in the neighbourhood which appear to be marginal operations. He expressed concern that another one would cause additional problems in the community.

Questions from Council

Councillor Morgan asked why Policy P-65 was put in the plan, which would allow this type of development, if in fact the people wanted to concentrate it in a core area.

Mr. Cooper responded that he was involved in the planning process until he retired as Vice-President of the Lake Echo Ratepayers in 1987, and noted that the plan was approved after that time. He said that a couple of people made a presentation to Council, but had to wait for the whole plan to be finished at once.

Warden Lichter advised that the Lake Echo plan which came before the Municipal Plan Committee did not change, although it had to wait for the rest of the plan for Districts 8 & 9 to come in. He said that the intention was to consider this type of development if the site criteria could be met.

Warden Lichter asked Mr. Cooper if he owned any of the three existing retail stores, to which Mr. Cooper responded no.

Mr. Cooper submitted a petition which included approximately 200 names of those in opposition to the rezoning.

Discussion by Council

Councillor Adams advised that he received a number of phone calls from people in the immediate and adjacent area, who were concerned about the proliferation of convenience stores.

Councillor Adams commented that he appreciated staff's position of not being able to regulate competition, and indicated that the policy was there to give the opportunity for public participation.

Councillor Adams indicated that the reaction he received to the application has been overwhelmingly against the convenience store and attached apartment, and that he would have to lend his support to those in opposition.

Councillor Adams pointed out that there have been a number of accidents at that location of the highway over the last number of years and that there are a large number of children who gather at that site before and after school.

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

THAT THE APPLICATION FOR REZONING BY MRS. MOUNERA
HALO BE DENIED.

Motion carried.

APPLICATION NO. RA-TLB-03-88-02

Mr. Paul Morgan reviewed the application.

Mr. Morgan advised that an application has been made by the Armoyan Group to rezone portions of Phase 3 of the Governor's Glen Subdivision from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone.

Mr. Morgan indicated that to the south there are a number of single unit dwellings between this site and the highway, which are located on private lanes, namely Governor's Drive, Rockcliff Drive, and Power Terrace. He noted that these three private lanes are in fact owned by the applicant. He pointed out that there is also another private lane, Lakeside Drive, which is not owned by the applicant. He advised that on two of the private lanes, the proposed subdivision will have subdivision roads extending to them. The

Department of Transportation & Communications has advised that it will be a requirement that a guard rail be put across to prevent vehicular traffic in the subdivision from entering these private lanes because it does not have jurisdiction over them.

Mr. Morgan advised that in Phase 2, immediately to the west, there are fifty lots; twenty-eight of which were rezoned to R-2 by Council in 1987.

Mr. Morgan noted that there is a tentatively approved plan of subdivision for Phase 3, which consists of sixty-four lots; the applicant has requested the rezoning of thirty-six of these lots.

Mr. Morgan pointed out that with the exception of lots 68 and 120, staff is recommending approval of rezoning these lots to R-2.

Mr. Morgan showed some slides of the location and surrounding area.

Mr. Morgan advised that the parcel of land in question is in the Residential Designation of the Timberlea/Lakeside/Beechville plan area, and that the priority is for low density residential development. He noted that Policy P-26 allows for consideration of semi-detached dwellings, where the scale and location is not inconsistent with the existing neighbourhood.

Mr. Morgan indicated that with the exception of lots 68 and 120, none of the proposed R-2 lots abuts existing single unit residential lots. By maintaining R-1 zoning on abutting lots within the new subdivision, it is felt that the intention to maintain the integrity of the existing single neighbourhood development is accomplished. In all other instances, the developer has maintained R-1 zoning for lots abutting existing R-1 lots.

Mr. Morgan pointed out that Policy P-89 also requires that general matters of planning concern be considered. The Department of Engineering & Works and the School Board has stated that they have no problems with the rezoning.

Mr. Morgan noted that there are two staff reports. Initially, staff did not support the request because there were no provisions made for a second access to the subdivision, and it was felt that this would not provide for good design. With Phases 1, 2, and 3, all the traffic from the 184 lots would be using the main driveway, Governors Lake Drive. Given that there are no sidewalks, this would result in a higher than desirable level of traffic on the lower portion of Governors Lake Drive. He pointed out that there was a study submitted by the applicant which showed that the rezoning would not impact on existing and proposed roads.

Mr. Morgan indicated that because of the problems experienced in other subdivisions, staff felt that provisions for a second access point would be good planning. Subsequently, there were further negotiations. He referred to the addendum and indicated that the Armoyan Group has reached a tentative purchase of sales agreement to acquire lands that would allow for road access to be built to Green Road. On this basis, staff felt that the proper planning had been done. He pointed out that it is recognized that hooking up to the Green Road is not a mandatory part of the rezoning application, and that if Council approves the rezoning, the Armoyan Group is not required to make the extension, but has shown intentions of doing it. He stated that staff is of the opinion that the Armoyan Group has undertaken the necessary planning measures to facilitate the development. Once this was accomplished, staff changed its opinion and recommended approval of the application.

Questions from Council

Councillor Richards referred to the statements "The 'bottom line' of these conditions leaves the Municipality with complete funding responsibility for these roads. It should be pointed out that, during the rezoning process, staff and the Armoyan Group attempted to come to a co-operative alternative to share road construction. However, this could not be achieved." He asked if that was still staff's position.

Mr. Morgan explained that when the Armoyan Group became aware of staff's opinion, there were some negotiations to upgrade Governor's Drive to Department of Transportation & Communication standards. The negotiations failed because the Department of Transportation & Communications would not get involved with the cost-sharing of upgrading. The Armoyan Group wanted cost-sharing from the municipality in terms of providing storm water services. Staff felt that, in the interests of the municipality, the costs involved were not warranted. Subsequently, the Armoyan Group came up with the second proposal to extend Green Road.

Councillor Richards asked if the municipality would end up funding the construction costs if the application is approved.

Mr. Morgan responded no and said that that was one of the reasons why staff wanted a second access built. It was felt that unless there was a second access, there would be pressure from the residents to upgrade a private lane. He pointed out that most of the private lanes do not have the required right-of-way. In the instance of Governors Drive, it would have meant acquiring lands on both sides which might or might not have been acceptable. Also, it would have had to meet geometric standards which would be fairly costly. He commented that by providing a second access point to Green Road, Phase 3 could be accommodated without the pressure of upgrading the private lanes.

Councillor Richards asked for confirmation that the developer would not be compelled to finish the second access, which Mr. Morgan responded was correct.

Councillor Poirier stated that when the matter was dealt with a year ago, the Department of Transportation & Communications said the private lanes should not be used. At that time, the developers were told they would not get rezoning approval unless they could prove that they would provide a second access. She pointed out that the land in question can currently be developed with R-1 housing and that there would be no requirement for a second access. She stated that she would not support rezoning to R-2 without proof that the second access would be provided.

Councillor Cooper asked if the developer gave any time-frame of when the second access might be constructed. Mr. Morgan responded that he was not aware of a time-frame.

Councillor Cooper commented that the developer has given no hint that they can meet the County's request to provide the second access, and that in five - ten years time we could still be waiting for that second access.

Mr. Morgan responded that staff had to look at the intentions, and pointed out that the municipality cannot specify a time-frame. He commented that it is possible that the developer might never build that second access, but that we have to rely on the stated intentions.