

Councillor Cooper asked if the developer has possession of the lands on the east side of Green Road. Mr. Morgan responded that he did not believe so at this point.

Councillor Boutilier noted that the municipality cannot put a time-frame on when the developer is required to put in the second access. He asked if it was possible to require the developer to state in writing that they would put in the second access within a certain number of years.

Mr. Morgan responded that that could not be required as part of the rezoning approval. He said that it is possible that they could voluntarily do that.

Councillor Boutilier commented that when the request was originally rejected, it was primarily because there was no second access. He said that at this point it does not appear to be much different, in that there is no guarantee that it will concretely happen.

Mr. Morgan indicated that from staff's point of view, there was no indication initially that any effort was made to obtain the second access.

Councillor Bates stated that he thought the whole purpose of coming back with the addendum was that we had gone back to the developer and said we could not approve the rezoning request unless there is a second access. He questioned why the developer is proposing the road design if they are not going to build the road.

Mr. Morgan responded that initially, there was no indication that the developer would provide a second access to the main highway. Staff felt that this did not represent good subdivision planning for a subdivision of this magnitude. He said that if this rezoning application is not approved, there is still not going to be any requirement under any of our existing subdivision regulations to require the second access.

Councillor Bates indicated that it is not a question of satisfying the intention of the plan. Initially, Council said that it could not approve the request for R-2 zoning without the additional access road. He asked what is new now about the request, and asked if in fact there is going to be a second access to this subdivision.

Mr. Morgan responded that the difference is that the developer did not make provision for the second access in their initial application. He reiterated that providing the second access is not mandatory, but that the developer has shown the intentions to do so.

Councillor Bates asked if it was possible to approve the rezoning, subject to the developer providing the second access.

Warden Lichter pointed out that the second access cannot be made a condition of approving the rezoning.

Councillor Bates indicated that in that case we are back to where it was originally.

Warden Lichter noted that we now have a subdivision plan showing the two accesses. He commented that no developer in his right mind would build both roads not knowing if he could sell any lots.

Councillor Bates countered that on the other hand, if you let the development proceed in this manner, then you lose control. He felt that requiring the second road access has to be a condition of approving the rezoning.

Councillor Morgan indicated that a lesser concern in the original proposal was that there was a road reserve shown through to the vacant lands with no provision for access back onto the No. 3 Highway. He said that if somebody was to now come before the Planning Department with a proposal to develop that land, there is a road reserve and that the road would have to be built before those lands could be developed.

Mr. Morgan responded that with what is already approved for Phases 1 and 2, and with what is proposed for Phase 3, the magnitude of the subdivision is such that it is better to have two road entrances. In order to try and satisfy planning, the developer reached a tentative purchase of sales agreement, which is conditional on approval of the rezoning application. If approved, the developer will acquire the lands with the intention of hooking up to the Green Road.

#### Speakers in Favour of this Application

##### Ron Hiltz, Vice-President, Development, The Armoyan Group

Mr. Hiltz advised that he wished to speak in favour of the rezoning application for Phase 3 of Governor's Glen Subdivision in Timberlea.

Mr. Hiltz read into the record a letter from the Armoyan Group dated October 30, 1989, which outlined their request.

Mr. Hiltz noted that Mr. Morgan had mentioned that Phase 3 had received tentative approval, and pointed out that Phase 3 in fact received final approval on August 18, 1989.

Mr. Hiltz advised that he had a letter from Mr. and Mrs. Marsh, indicating that they had no objection to the rezoning of the lot beside them. As well, that Mr. Milton had indicated that he would try to attend, and that it was his understanding that Mr. and Mrs. Milton had no objection to the rezoning of the lot beside them.

#### Questions from Council

Warden Lichter asked if he was correct in saying that the Armoyan Group had the physical capability of building the second road, to which Mr. Hiltz responded yes.

Warden Lichter asked if the second road is going to be built and when.

Mr. Hiltz responded that the road would be built once he sold some lots. He noted that only about 35% - 40% of the lots in Phases 1 and 2 are sold. He commented that when whoever talked about radon gas, the Timberlea market "got blown out of the water" and that it will be awhile before the market comes back.

Warden Lichter asked for a projection of after how many lots are sold that the road would be built.

Mr. Hiltz responded that when about 75% - 80% of Phase 3 is sold, the next step would be to move forward with the second access.

Warden Lichter commented that it appears it might be a long time before the second access is built, to which Mr. Hiltz agreed.

Councillor Sutherland noted that in a lot of cases, through the subdivision approval process, rights-of-way are reserved for future roads. He asked Mr. Hiltz if the road alignment would rest with the County.

Mr. Hiltz responded that he offered to give it to both the County and the Department of Transportation & Communications, but neither wanted it. The Department of Transportation & Communications indicated that any development of Parcels 3 and 4 would require a road reserve off of Green Road. For a variety of reasons, all to do with the potential for responsibility at some point down the road, both parties would not accept the right-of-way.

Councillor Eisenhauer referred to the long narrow strip of land between the No. 3 Highway and Governor's Lake and asked for confirmation that there is a purchase of sale agreement. Mr. Hiltz indicated that there is an agreement with Lillian MacDonald.

Councillor Eisenhauer asked if there is a deadline for the purchase of sale agreement. Mr. Hiltz advised that the deadline is after tonight. The only back out clause is if the Armoyan Group is denied the R-2 zoning.

Councillor Eisenhauer asked if the Armoyan Group has ownership of Parcels 3 and 4.

Mr. Hiltz advised that the Armoyan Group owns Parcel 3, which is off the end of Green Road.

Councillor Eisenhauer commented that the question is whether the County is willing to run the risk of putting double the population there with one entrance versus an agreement that may or may not take place.

Mr. Hiltz stated that if the rezoning is approved, the purchase of sale agreement is a fact and that they have no way to back out.

Councillor Poirier declared a point of order and advised that she received a phone call from Mrs. MacDonald, who has a petition signed by people in favour of the rezoning agreement.

Councillor Eisenhauer indicated that he was concerned with the 50' strip, and that it did not matter who owns the land on either side, and asked about the extension.

Mr. Hiltz advised that it is owned by Lillian MacDonald, and that once the purchase of sale agreement has been executed, there has to be a survey to subdivide her lands. He noted that they are cutting Mrs. MacDonald's land in half.

Councillor Eisenhauer stated that he needed a commitment from somebody to ensure that the land will be reserved for a second access.

Mr. Hiltz advised that the plan of subdivision has a road to the property of the Armoyan Group. In the realm of subdivision, development, whether by the same developer who owns the same abutting properties or by two different developers, has to be by the same rules.

Councillor Eisenhauer noted that there is a third party, and referred to the 50' wide strip of property that does not apply for subdivision. He said that if Parcel 3 is developed, we have a piece of property that will effectively

block the connection and there is no mechanism down the road to ensure that the two will get joined.

Mr. Hiltz pointed out that the purchase of sale agreement is set up such that if the rezoning is approved, the land becomes the property of the Armoyan Group.

Warden Lichter pointed out that if the rezoning is approved by Council, there is an appeal period.

Councillor Bates asked for projections on the cost of developing the road, taking into consideration street connections and sewer, to which Mr. Hiltz responded approximately \$500.00 per foot.

Councillor Bates asked how long the road would be, to which Mr. Hiltz responded 420'.

Councillor Bates asked for confirmation that no conditions could be attached to the rezoning. Mr. Cragg responded that that is correct.

#### Mr. Swan

Mr. Swan presented a petition signed by people in favour of the rezoning application (referred to by Councillor Poirier). He commented that he was in favour of the rezoning as are a lot of other people.

Mr. Kelly read into the record letters received from the Armoyan Group, the petition signed by residents of Lakeside in favour of the rezoning, and a letter from Mr. David Marsh.

#### Speakers in Opposition to this Application

##### Michael Page, 23 Governor's Lake Drive

Mr. Page stated that he was strongly opposed to the rezoning application. He said that in his opinion the proposed mix does not meet the intention of the municipal planning strategy for Timberlea/Lakeside/Beechville. He indicated that the plan states the Residential Designation is intended to protect low density residential development, as well as to encourage a housing mix. He commented that the number of R-2 homes in the Timberlea/Lakeside/Beechville area has doubled from 1986 to 1988, wherein in December, 1988, R-2 homes made up 23% of the total homes in the area. The number of R-2 homes being built from January to September of this year is almost double of that of R-1. He stated that there are too many R-2 homes being built in the area. He said that he strongly believed that the R-2 growth in the area has reached a reasonable level of housing mix and should not be increased. He noted that the twenty-eight existing R-2 lots in Governor's Glen will provide 38% of the homes in the existing proposed subdivision, which is already in excess of the current housing mix. Right now the current housing mix is about 23% of the R-2 homes in the entire Timberlea/Lakeside/Beechville area.

Mr. Page referred to Policy P-89 which states that "...the proposal is in conformity with the intent of this plan and with the requirements of all other municipal by-laws and regulations." ... "the adequacy of road networks leading or adjacent to, or within the development ...". He noted that the staff report states that the Armoyan Group is not obligated to construct this road extension as part of its current development, but will be accommodated with continued development. He stated that he felt this did not meet the intention of Policy P-89.

Mr. Page also referred to the submission from the District 2 Public Participation Committee dated April, 1989, specifically recommendation number five which states that "... any proposed subdivision with more than twenty approved building lots be required to have two exits and/or entrances independent of each other to allow for better police, fire, ambulatory, and general traffic flow. In addition to this, upon completion of 50% of the original application, this second entrance or exit must be completed."

Mr. Page further referred to the same submission, specifically recommendation number seven which states that "... all subdivisions not presently having two exits and/or entrances independent of each other by not less than two-hundred feet be required to construct a second exit or entrance to conform to Department of Transportation standards if the subdivision has more than twenty approved building lots."

Mr. Page also referred to the minutes of the public hearing held on May 25, 1987, and summarized that Mr. Dan MacCarthy stated that he felt homeowners considered four factors when choosing a home: 1) safe and pleasant neighbourhoods; 2) proximity of home to job location; 3) affordability; He commented that in Governor's Glen the average R-2 home costs \$91,420, while in all other areas the average price for a R-2 home is \$77,924, and therefore could not understand the argument of affordability. 4) recreation facilities; He noted that it was said tonight that a generous recreation area was donated, and referred to the same section of public hearing minutes wherein it states that "... and it will include a section of lake frontage, and it is proposed to construct a canoe-launching wharf and a children's playground here." He pointed out that that was the comment made in 1987 and noted that that still has not been carried out. Initially, the Department of Recreation & Works turned down Lot 16 because of a 12 - 15' cliff, which runs along the whole front of that lot. The Councillor of the time asked that the same lot be reconsidered. He advised that the lot was accepted with the provision that a 6' fence would be built. He commented that he noticed that approximately 40' of the parkland has been filled in today, which is the first time that anything has been done.

Mr. Page stated that the proposed subdivision does not fulfill the intent of Policies P-23 and P-89 (i) and (ii) parts (a) and (c). Also, that he was extremely disappointed with the acquisition of Lot 16 for recreation and the failure of the Armoyan Group to fulfill its intentions.

#### Questions from Council

None.

Anne Fournier, Resident of Timberlea, Member of District 2 Public Participation Committee, and Vice-President of the District 2 Residents Association

Mrs. Fournier indicated that she was speaking against the rezoning for a variety of reasons, mainly in support of staff's original recommendation of the second entrance/exit. She said that the matter has been discussed at length and that there seems to be confusion about the obligations, if any, of the developer. She commented that the word "proposal" bothered her. She indicated that at a recent Residents Association meeting they talked about what "proposed" means, at which time the former Councillor for the district indicated that in legal terms, a proposal is just that; there is no obligation to meet that demand.

Mrs. Fournier stated that one of the major concerns throughout the County over the last three - four years at any large public meeting has been entrances/exits to the subdivisions. She noted that there is a major concern with Greenwood Heights and the rezoning of more R-2 land, which nobody realized, with only one entrance. As recent as last year, a proposal went forward to the School Board looking for another exit for this subdivision because of safety concerns. She indicated that the Fire Chief made strong recommendations, and that when they put together their information for the plan area they urged that the same mistake not be made in the future.

Mrs. Fournier commented that when the Armoian Group initially proposed the rezoning of Phase 1, she did not think there was a lot of opposition. She said that the Armoian Group has tried to provide an interesting subdivision, and felt that the people in the community find the mix of housing acceptable.

Mrs. Fournier indicated that there will always be problems with dedicating recreational lands; however, when the Armoian Group put forward the previous rezoning they did not put forward Phase 3. The people said fine, there is a comfortable mix of R-1 and R-2, and Mr. Hiltz himself said that the mix is 60 - 40. She commented that to continually increase the density should mean a re-writing of the plan. At present, the plan states that the intent is to protect the low density residential environment. Part of that protection means that there will be safe roads. She said that she was surprised to learn tonight that Phase 3 has received subdivision approval, even though it is R-1 land, when Mr. Hiltz indicated that it is landlocked. She pointed out that one of the recommendations made by the District 2 Public Participation Committee was regarding entrances/exits. The community understands that you cannot expect the developer to do this immediately, but that it has to be conditional after the development of a certain amount of lots. She felt that the request is asking for a much larger development of R-2 versus R-1.

#### Questions from Council

Councillor Poirier indicated that she too would like to see a second access. She noted, however, that it appears if the rezoning is not approved there will never be a second access. She noted that Phase 3 has already received subdivision approval for R-1 development, which would not require constructing the second access.

Mrs. Fournier suggested that in good faith the Armoian Group could still buy the land from Mrs. MacDonald even if the land in Phase 3 was to remain zoned R-1.

Councillor Poirier pointed out that the developer would not be required to build the road if the land remains zoned R-1.

Mrs. Fournier noted that one of the recommendations made by the local public participation committee is that the second entrance/exit would be required, regardless of whether the land is zoned R-1 or R-2.

Warden Lichter pointed out that whatever proposals are now in the hands of the Plan Review Committee are not now law.

Mrs. Fournier responded that that is correct, but noted that the present priority of the plan is for low density, and referred to Policies P-23 and P-89.

Warden Lichter commented that there is the potential for sixty-four single family dwellings with only one access versus 100 families living in R-1 and R-2 homes with two accesses, and asked Mrs. Fournier which alternative she would choose.

Mrs. Fournier questioned why that choice had to be made right now. She asked what guarantee there is that that road will be in place.

Warden Lichter indicated that he understood from the developer that \$210,000 worth of expenditures is required in order to put in that second road. Also, he felt that when talking about a residential dwelling mix, it does not mean only R-1.

Mrs. Fournier stated that if the Armoyan Group just received approval for Phase 3 in August of 1989, it would seem to be after the fact that they made their application to rezone from R-1 to R-2. Also, so that they could hold us up for ransom by saying that they already have approval to develop R-1.

Councillor Richards asked if the community was concerned with having the second access or with the mix of housing.

Mrs. Fournier responded that she felt it was a variety of reasons. The major concern is the road access. The density of the subdivision is not as strong a point, but there is concern, even to the people living in Governor's Glen. She commented that she felt the residents of Governor's Glen can envision all the truck traffic going by them with only one road.

Councillor Richards asked Mrs. Fournier if she felt the community would accept the rezoning if the second road access problem was taken care of.

Mrs. Fournier responded that she thought the percentage is better, and that the community likes the style of homes and the mix. She also indicated that one of the recommendations being made by the Plan Review Committee is to increase the size of R-2 lots, and that the people feel this application is being pushed.

#### Discussion by Council

Councillor Poirier noted that the developer presented something about an agreement he found in the original purchase of sale agreement which seemed to indicate that it would make sure there is a road going in. She asked Mr. Cragg for his opinion on whether that it something for Council to go on.

Council agreed to take a five minute recess in order to give Mr. Cragg time to review the document.

Mr. Cragg advised that he reviewed the document which was recorded at the Registry of Deeds, and that he did not see the relevancy of the document to Council's discussion this evening. He said that it is really an agreement between two parties who at the insistence of either one can construct what he perceived to be only a portion of the land.

Councillor Poirier commented that it is a tough decision and that she has tried to look at it from all sides and viewpoints. She felt that if the rezoning application is approved, there is a good strong possibility of getting the second road built because the Armoyan Group has to work with the municipality and felt that their reputation would be at stake. Also, that the developer has gone to great lengths to make lands available for such a road. Unfortunately, they still do not have anything to show that there is

definitely going to be a road. She indicated that the residents seem to be prepared to live with one road despite the fact that the development would go ahead, so that she would have to go along with the feelings of the residents.

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

THAT THE REZONING APPLICATION BY THE ARMOYAN GROUP  
LIMITED BE DENIED.

Councillor Cooper indicated that the matter basically centers around Parcels 3 and 4. He said that it was his understanding that the developer owns Parcel 3, and that they have an agreement to buy a piece of land along the right-of-way to extend a road. Also, Mr. Hiltz indicated that with the sale of 75 - 85% of the lots in Phase 3 they are proposing to put in the second access road. He commented that it is recognized the Armoian Group can proceed with developing R-1 lots, and that it appears they have met the intention of putting in a second access which would meet the main objection that the Planning Advisory Committee and this Council had earlier. He concluded that he would have to vote against the motion.

Councillor Sutherland indicated that when the Armoian Group originally applied for rezoning they could not provide the direction that there was a right-of-way reserved for a future second access to that subdivision. He said that in all fairness, he felt the developer has done what is necessary outside of putting on paper the commitment to build that road. He commented that he felt the Armoian Group would provide a reserve or a right-of-way for that extension.

Councillor Bates stated that he would have to support the motion made by the District Councillor. He said that the Armoian Group has taken certain steps to obtain the land, but has not given any firm agreement to build the road.

Councillor Bates indicated that his main reason for supporting the motion on the floor was because of the people already there, and questioned if they are in favour of the rezoning. He said that the existing residents built R-1 homes and now a developer is proposing to drastically change the housing mix. He concluded that there is no solid agreement to build the second access and that he supported the motion on the floor.

(Motion defeated.)

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

THAT THE REZONING APPLICATION BY THE ARMOYAN GROUP BE  
APPROVED.

Councillor Boutilier commented that in speaking in favour of the motion he did so hesitantly, and that he would be more satisfied to see it put in written form when the second access would be built.

Councillor Boutilier indicated that in the interest of good faith and good development, and because the Armoian Group will be around in the municipality to do further development, he trusted that they would carry through on their part of the agreement. Further, that he would have to support the motion.

Warden Lichter commented that if the motion in favour of the rezoning is passed, he would remind the Armoian Group that Council has a long memory, and also referred to the concerns expressed by Mr. Page regarding the fencing and other work that was supposed to have been done.



Councillor Poirier advised that arrangements have been made through the district funds for next year to get the fencing installed.

(Motion carried.)

APPLICATION NUMBERS RA-TLB-07-89-02 AND ZA-TLB-06-89

Mr. Paul Morgan reviewed the staff report.

Mr. Morgan advised that an application has been made by Henri and Debbi Theriault to rezone Lots 3B and 4B of the Edna Cox Subdivision, located on the south side of the St. Margarets Bay Road (Highway No. 3) in Lakeside, from R-1 (Single Unit Dwelling) Zone to C-1 (Local Business) Zone. Included with the application is a request to allow two unit dwellings as a permitted use within the C-1 zone, and to amend the requirements of the C-1 zone to increase the retail floor area of commercial uses permitted to 2000 square feet.

Mr. Morgan indicated that Mrs. Theriault operates a hair salon on the north side of the St. Margarets Bay Road just to the west of the Lakeside post office. He advised that she has a tentative sales agreement to purchase Lots 3B and 4B on the opposite side of the road. The purpose of the application is to develop a hair salon in conjunction with a residence and an auxiliary apartment.

Mr. Morgan noted that subsequent to the report being submitted to the Planning Advisory Committee, Mrs. Theriault has submitted preliminary architect drawings, which are included with the package circulated to Council members tonight.

Mr. Morgan advised that a rezoning would be required to accommodate the business use. Mrs. Theriault also feels the restriction on the floor area component is too restrictive to meet her needs. He noted that the zone also restricts permitted dwelling units to single unit dwellings.

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

Mr. Morgan indicated that regarding the amendment to the floor area requirement, the C-1 zone restricts the floor area to 1500 square feet, residential and commercial combined. He referred to page three of the staff report and noted that the first part of the criteria is that such uses have no more than 2000 square feet of retail floor space, and noted that the regulation imposed is inconsistent with the intent of the policy. He said that it is staff's opinion that the existing floor area restriction would be insufficient to allow for reasonable accommodation of a dwelling unit in conjunction with a commercial use.

Mr. Morgan summarized that in looking at policy direction, staff feels that the application to amend the C-1 floor area requirements should be approved.

Mr. Morgan indicated that regarding the amendment to permit two-unit dwellings in the C-1 zone, there is no policy direction given in the plan as to the number of dwellings permitted in the C-1 zone. He noted, however, that the C-1 zone is intended to be accommodated in residential areas. As brought out in the staff report, the zone requirements are all geared to the R-1 zone which indicates that the intent is to allow for local commercial uses that will not be of a scale out of context with residential neighbourhoods. With that in mind, if Council approves the increased floor space and allows a single unit dwelling and then a second unit, then there is a danger that the scale of the development will be out of context.

Mr. Morgan noted that regarding the rezoning application, the property is in the Residential Designation. Similar to the municipal planning strategy for Planning Districts 8 & 9, the policies allow for local commercial uses along the main highway. It is staff's opinion that this proposal can be accommodated without being a detriment to the abutting neighbouring residential uses. He pointed out that there are good setbacks and the consolidated lot is almost one acre, which is significantly over the main lot size required.

Mr. Morgan indicated that there is a general policy that all rezoning and development agreement applications have to look at general planning concerns. The Department of Engineering & Works has advised that there is no problem hooking into water and sewer services. The Department of Transportation & Communications did its stop site distance measurements and said that it is prepared to issue a commercial access permit. He commented that there is some concern expressed about heavy traffic volume on the highway, but indicated that we have to look in context that this proposal is too small to overload the highway.

Mr. Morgan concluded that staff would recommend approval of the rezoning from R-1 to C-1.

#### Questions from Council

Councillor Morgan asked if staff would permit restroom facilities on the lower level if the application for the second unit is turned down, which would be used for patrons of the hair salon. He noted that having restroom facilities on the lower level could be construed to be for an auxiliary dwelling unit.

Mr. Morgan responded that if Council approves staff's recommendation, it would be reasonable to expect that the applicants would want to put a washroom accessory to the main dwelling.

Warden Lichter pointed out that the Building Code requires a hair salon to have washroom facilities.

Councillor Eisenhauer commented that he saw the increase to 2000 square feet in floor space as a fairly extensive move in areas not serviced by sewer and water. He noted that the point is not applicable with the application presently before Council, but pointed out that the amendment is applicable to the entire district.

Mr. Morgan advised that there are portions of the Timberlea/Lakeside/Beechville plan area which are unserved. In this case, it is not a problem because the lot is serviced. In the unserved area if somebody was applying for a building permit for a hair salon it would require approval from the Department of Health. If their tests indicated that the soil is not good enough to accommodate a hair salon, the individual could not get approval for the sewage disposal system from the Department of Health and therefore could not proceed.

Councillor Eisenhauer indicated that he thought the intention was to keep commercial for the small business. When it became successful it would have to move into a proper area that is designed for that type of use.

Mr. Morgan responded that 2000 square feet is not a tremendously large area. It is clearly stated in the policy setting up the C-1 zone that the uses should not exceed 2000 square feet. When the plan was approved, 2000 square feet was not considered excessive. Also, for the five plan areas under review, the Plan Review Committee is considering allowing local commercial

uses in residential areas by development agreement. He noted that the present restriction is 1500 square feet and that the floor area of a bungalow is 1000 square feet plus.

Speakers in Favour of this Application

Henri Theriault

Mr. Henri Theriault stated that he was the applicant and that he would answer any questions.

Questions from Council

Councillor Morgan asked if the people operating the hair salon intended to live in the building, to which Mr. Theriault responded yes.

Councillor Morgan asked if this would be the primary residence, to which Mr. Theriault responded yes.

Speakers in Opposition to this Application

None.

Discussion by Council

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

THAT THE APPLICATION TO AMEND THE REQUIREMENTS OF THE C-1 (LOCAL BUSINESS) ZONE OF THE LAND USE BY-LAW FOR TIMBERLEA/LAKESIDE/BEECHVILLE TO ALLOW A MAXIMUM OF 2000 SQUARE FEET OF RETAIL FLOOR SPACE BE APPROVED.

Motion carried unanimously.

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

THAT THE APPLICATION TO INCLUDE TWO UNIT DWELLINGS AS A PERMITTED USE WITHIN THE C-1 ZONE BE REJECTED.

Motion carried unanimously.

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

THAT THE APPLICATION TO REZONE LOTS 3B AND 4B OF THE EDNA COX SUBDIVISION, LOCATED ON THE SOUTH SIDE OF THE ST. MARGARETS BAY ROAD IN LAKESIDE, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO C-1 (LOCAL BUSINESS) ZONE BE APPROVED.

Motion carried unanimously.

ADJOURNMENT.

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

THAT THE PUBLIC HEARINGS ADJOURN.

Motion carried.

The public hearings adjourned at approximately 9:50 p.m.

MINUTES & REPORTS  
OF THE  
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OF THE  
FORTY - THIRD COUNCIL  
OF THE  
MUNICIPALITY OF THE COUNTY OF HALIFAX  
NOVEMBER COUNCIL SESSION  
NOVEMBER 7 & 21, 1989  
&  
SPECIAL COUNCIL SESSION  
NOVEMBER 28, 1989  
&  
PUBLIC HEARINGS  
NOVEMBER 6 & 20 & 27, 1989

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PUBLIC HEARING MINUTES

TUESDAY, NOVEMBER 6, 1989

PRESENT WERE: Warden Lichter  
Councillor Meade  
Councillor Poirier  
Councillor Baker  
Councillor Deveaux  
Councillor Bates  
Councillor Adams  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Reid  
Councillor Snow  
Councillor MacDonald  
Councillor Boutilier  
Councillor Sutherland  
Councillor Cooper

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer  
Mr. G. J. Kelly, Municipal Clerk  
Mr. J. Bain, Planning Department  
Mr. B. Butler, Planning Department  
Ms. S. Bond, Planning Department

SECRETARY: Twila Smith

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Warden Lichter called the public hearings to order with the Lord's Prayer at 7:00 PM. Mr. Kelly called the roll and Warden Lichter explained the procedure for public hearings. Warden Lichter also welcomed Colin Baker a former Council member to the Public Hearings.

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

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

REZONING APPLICATION RA-8&9-08-89-09

Mr. John Bain reviewed the staff report. The application has been made to rezone a 2.15 acre parcel of land located on the Three Fathom Harbour Road from MR (Mixed Resource) Zone to RE (Rural Enterprise) Zone, for the purpose of relocating a sail making business to the site. A 1,200 square foot building has been proposed for the site to house the business. Mr. Bain showed slides of the proposed location.

This designation recognized the desire of residents to maintain traditional development rights, the existing character of their communities, and the integrity of the natural environment.

The proposed sail making operation is the type of business envisioned by the planning strategy to encourage increased employment opportunities. It is also in keeping with the character of the community, is compatible with adjacent land uses, and is not expected to harm the natural environment. It is, therefore, recommended that this application be approved.

Questions from Council

None.

Speakers in Favour

None.

Speakers in Opposition

None.

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

"THAT this rezoning application be approved by Council."

MOTION CARRIED

AMENDMENTS TO THE MUNICIPAL SUBDIVISION BY-LAW APPLICATION NO. SB-05-88

Mr. Bill Butler stated that the above applies only to Districts 12 and 13.

Mr. Bill Butler reviewed the staff report concerning amendments to the Municipal Subdivision By-Law. He stated that in response to initiatives by the Municipality, the Province has recently given notice of its intention to repeal its existing Provincial Subdivision Regulations for the Municipality, prescribed in 1985, and to replace these with new regulations which are consistent with the 1987 amendments to the Planning Act as well as with regulations in effect in other municipalities. Mr. Butler stated that this was the first full scale review of the By-Law in four years.

Mr. Butler stated that the amendments are in three separate veins: (1) the provincial regulations over the last few years, (2) General Administrative improvements, and, (3) Amendments to the Planning Act in 1987 involving instruments of subdivision and private roads. Mr. Butler stated that in March of that year, the report responded to the first two areas with a number of changes. These were ratified by Council on November 18. The Minister responded that he would prescribe new regulations for Halifax County in the near future.

Mr. Butler stated that one of the most significant changes to subdivision regulations is the area of land date. This is the date at which a parcel of land must have been created to take advantage of road frontage exemptions. This date would change from November 20, 1950 to October 1, 1987. This allows a greater number of properties to take advantage of this exemption.



Changes have also been proposed to the by-law to take advantage of changes the province has made concerning water front lots. The 150' frontage would be reduced to 100' across the building line. Also that the depth of 175' be eliminated since it is no longer required in provincial regulations. Also included in the changes which would permit boundary adjustments to existing lots where there is an existing septic system, provincial regulations established that where is an existing septic system the lot is deemed to meet provincial regulations.

Relative to lot frontage exemptions, there are 4-5 specific areas where under current by-law, exemptions from the lot frontage requirements can be granted if certain situations are met. Basic recommendations are that those specific exemptions be replaced by the current provincial regulations by which any area of land would be eligible to be subdivided into 2 lots, regardless of lot frontage.

Some administrative changes suggested are relative to the provision of storm sewer services where there are water and sewer services in the area. If outside the serviceable boundary, amendments should be made to require that level of servicing. Amendments are proposed regarding to the size and number of engineering drawings; the Engineering Department feels that if the number of drawings were increased from 4 to 6 it would be better able to administer the subdivision by-law.

Changes are also proposed which would bring our subdivision by-law more in line with provincial regulations in minor areas as well as amendments that would clarify distinctions between what is in Land Use By-Laws and Subdivision By-Laws.

Amendments to the 1987 Planning Act relative to instruments of subdivision essentially permitted the creation of lots without the need for a legal survey. For lots which qualify for instrument of subdivision, have a minimum of 100,000 square feet in lot area and have diameter of 250 feet within them - all that would be necessary to create these lots would be written descriptions and graphic representation of the lot.

With regard to private roads, requirements were changed so that under current act only the right-of-way where it meets the public road must be approved by the Department of Transportation. Current regulations require that the right-of-way, gradient, and alignment of private roads must be approved. The same level of review and analysis as to its ability to become a public road would have to be carried under current regulations. The provisions to the 1987 Act would change that such that one would still have to have 66' right-of-way but gradience and alignment would not be reviewed.

#### Questions from Council

Councillor Deveaux questioned the need to develop private roads. Mr. Butler clarified that none would have to be developed, but would have to have been planned to the point of development. He added that this was where the term 'paper road' comes in.

Councillor Reid questioned that as instrument of subdivision goes through, and as indicated, District 12 & 13 are the only two where this might apply, if it would require a motion of Council to be opted in. Mr. Butler stated that if the amendments were approved by Council this would apply to Districts 12 & 13. He added that if Councillor Reid did not wish to have instruments of subdivision, this would be the proper place to advise of such.

Warden Lichter asked Sharon \_\_\_\_\_ if it has been only since January, 1985 that the possibility of private road development existed. She indicated that this was the case. She stated that there may have been one approved in District 13.

#### Speakers in Favor

None.

Mr. Kelly read correspondence dated October 30/89 from Arthur Keddy, District 13, to fully support the approval of the amendments.

#### Speakers in Opposition

Mr. Bob Daniels, Halifax, representing the Association of Metropolitan Land Surveyors. He reported that in September 1989 his association had the opportunity to make presentation to the Planning Department about Instruments of Subdivision with copies provided to each councillor. He stated he wanted to elaborate on what appears to be the only reason that instrument of subdivision would be considered, and that is what appears to be the high cost of surveying. He stated that the cost of surveying in N.S. appears to be high is because of the amount of work that has to be carried out by the land surveyor to resolve boundary positions, primarily due to the inaccurate land management practices in the past.

Mr. Daniels stated that all surveys are marked with metal survey markers, mathematically defined and related to a provincial coordinate network or permanent physical objects which allows future surveyors to reposition boundaries and lots in the exact position they were originally created. He stated that if the LRIS concept is not continued by the province, there will have to be some changes to the regulations.

Mr. Daniels recommended that subdivision by instrument not be approved as it may well have only a short term benefit for those with a vested interest in land development and will put additional financial burden on the land owners and municipality in the future.

#### Questions from Council

Councillor Cooper asked if the LRIS (Land Registration and Information System) was in force and operational in N.S. Mr. Daniels stated that the system is in a state of flux at the present time, but are still operating as they have done in the past 10-15 years. Councillor Cooper asked that if the system falls by the way-side, what would be the basis used to identify positions for land

clarifications. Mr. Daniels stated that one portion of the LRIS system is a mathematically controlled network of concrete monuments which has a precise X,Y,Z location, which relates it to the rest of the province. He added that if this concept is not continued by the province, there will have to be changes to regulations because they indicate surveys must be tied to this network.

Councillor Cooper asked if his organization was involved with a significant number of land title clarifications because of lack of sufficient basis to identify lots. Mr. Daniels stated that this is done by the Department of Lands and Forests. Councillor Cooper asked if there was a great number of instances were granted or sold on a descriptive system. Mr. Daniels stated that this was the case.

Councillor Cooper asked if the smaller subdivided portion of land could be surveyed, and not the full amount. Mr. Daniels stated that this could be done as long as the remaining land meets minimum lot requirements with respect to frontage and area.

Councillor Boutilier asked if he was personally aware of what other municipalities were doing in this respect. Mr. Daniels stated that there are areas that have subdivision by instrument in place. Councillor Boutilier asked for the single biggest objection to subdivision by instrument. Mr. Daniels stated that this would be that most surveyors have been using the LRIS system since its conception in 1970 and there has been a great improvement in surveying. It is easier for all parties involved and is a useful tool and the organization does not want to see this system watered down or destroyed. He stated that subdivision by instrument does not show proper land management. Councillor Boutilier stated that 2 of 25 Districts that happen to be more rural in area was not bad.

Warden Lichter asked when the provincial regulations were amended, if his organization had made representation. Mr. Daniels stated that he was representing the Association of Metropolitan Land Surveyors which is a member of a provincial organization, the Association of Nova Scotia Land Surveyors. Mr. Daniels stated that there is a committee in place that is starting to investigate the impact of subdivision by instrument.

Warden Lichter stated that a survey was required for obtaining a mortgage, and selling a piece of property and a title search also requires a survey. Mr. Daniels replied that this was dependent upon the lender and the lawyers involved.

#### Speakers in Opposition

Mr. Kenneth Whalen, President of the Association of Nova Scotia Land Surveyors, stated that this subject was a serious matter. He stated that a letter was sent to Council on October 31/89 that stated subdivision by instrument should not be approved. He stated that if cost is a factor, then the cost goes from the developer to the purchaser. He stated that subdivision by instrument could lead to problems of overlapping boundaries, etc. He stated that with subdivision by instrument the deed is drawn up on someone's kitchen table and

the cost is passed on to the next generation.

Mr. Whalen stated that by order of provincial statute, the association must serve the public and that is one reason why these presentations are being made, to serve the public. He stated that the Development Department would see these problems because areas of land have not been surveyed. Mr. Whalen stated that there are more disadvantages than advantages to subdivision by instrument.

#### Questions from Council

Councillor MacDonald stated that the original intent was to for land owners to turn over land to their relatives without a lot of survey cost.

Warden Lichter stated that a mortgage requires a survey, and selling of land requires a survey, but those who are land poor and wish to give their children a piece of land and cannot because they cannot afford the \$1000-\$2000 survey costs.

Councillor MacDonald stated that this land would increase in value over the years and asked if this instrument of subdivision would encourage developers to go through this system and therefore cause problems down the road.

Councillor Cooper asked if this association made representation to the province. Mr. Whalen stated that he was not sure. He stated that a committee is in place now to investigate problems created by subdivision by instrument.

Warden Lichter made reference to the plans drawn up which indicate 100' more or less because we cannot be infinitely accurate. Mr. Whalen stated that "more or less" is no longer used, unless it is next to a waterline.

Councillor Boutilier inquired of Mr. Whalen why the province would bring in legislation that would have no advantages. Mr. Whalen stated he was not sure, and did not see any advantages to subdivision by instrument.

#### Speakers in Opposition

Mr. Ken Robb stated that Part 22 A 1 permits subdivision by instrument for a lot with square footage of 100,000 square feet or 2.29 acres minimum. Subsection 2 also allows an existing lot to be increased in size. The problem with subdivision by instrument is that it will affect the process of land development and cause problems for other provincial agencies. He stated that the accurate location of lots on the ground for the inspection process which involves percolation holes or tests pits, would be more difficult. Lot corners can be marked with anything, or nothing. He stated that measurements would not be reliable and could not be placed on a map. He stated that this system would make it more expensive to survey at a later date. He stated that the Department of Environment would have difficulty locating watercourses and septic tank set-backs. The Department of Transportation would have difficulty in determining the set back for driveways, intersections and road set backs. He stated that subdivision by instrument would affect the future computerized land registration system; and assessment depends on accurate surveys. He

stated that Halifax County should set the pace by requiring proper surveys.

Questions from Council

Warden Lichter stated that all presentations have been showing the pitfalls. He added that not all parts of the municipality require the same kind of restrictions and detail as other parts. He stated that he has difficulty accepting the argument, and stated that he would be happy to try this system for a year to determine if it works or not.

Speakers in Opposition

Mr. Fred Hutchinson, Halifax, stated he wanted to clarify two issues. He mentioned Councillor Boutilier's point as to why the province would allow instruments of subdivision. He stated that this was the lesser of 2 evils. The regulations that were enforced were uncontrolled and there is no law in Nova Scotia that requires deeds be recorded. He stated that the Association of N.S. Land Surveyors did make a presentation to the province objecting, and held a special meeting on this subject; at which they were assured that subdivision by instrument would only be used as a replacement of the four lot rule.

The other point of clarification was in reference to making representation in opposition to this regulation. They have done so and Municipal Affairs was in attendance. Personal representation was made directly to the Minister when this was being brought forth.

Questions from Council

Councillor Cooper asked if Mr. Hutchinson was familiar with the changes being proposed, and asked if there was a restriction on the number of lots that can be created by instruments of subdivision. Mr. Hutchinson stated that there were no restrictions.

Warden Lichter stated that it would be appropriate to separate the motion into three, regarding the three areas affected.

Mr. Butler advised of the three areas:

1. The amendments as related to those that the province has made to its regulations, general administrative amendments and clarification, and would include all amendments except those related to instruments of subdivision and with private roads.

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

"THAT the housekeeping and administrative amendments as required for this change in the municipal subdivision by-law be approved."

MOTION CARRIED

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

"THAT instruments of subdivision regulations in District 13 only be approved."

Warden Lichter stated that a majority vote of 13 was necessary for approval.

Councillor Cooper stated that the particular amendments would be a hardship on the people they may have been intended to help as well as the possibility of large scale subdivision within the municipality by graphic description only. He stated that this is the type of control we do not wish to have in this municipality. He read aloud Section 22.11. He stated that the need to be able to pass on land to a son or daughter was needed, but to allow instruments of subdivision for anyone who wants it would not be desirable for the municipality.

Councillor Sutherland stated that the established grid system by LRIS is one of the best and has resolved many problems. He stated that he supported the system now in place and instruments of subdivision would cause more problems.

Councillor Deveaux stated that he supported the last two speakers. He stated that it may solve a problem today, but create new ones in the future.

Councillor Bayers stated that the LRIS system is great for the surveyors, but not for the land owner as these lines are not legal lines.

Councillor Boutilier asked if the motion could be amended so that this system could be tried in District 13 for one year.

Councillor Reid stated that not everything would be discovered within one year and therefore would not amend the motion.

MOTION DEFEATED 8 FOR  
8 AGAINST

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

"THAT the private road amendments for District 13 be approved."  
MOTION CARRIED

#### Adjournment

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

"THAT this public hearing adjourn."  
MOTION CARRIED

The public hearing adjourned at 8:50 p. m.

COUNCIL SESSION

TUESDAY, NOVEMBER 7, 1989

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

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

SECRETARY: Twila Smith

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Warden Lichter called the meeting to order with the Lord's Prayer at 6:00 pm.

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

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

Approval of Minutes

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

"THAT the minutes of October 3, 1989, be approved as circulated."  
MOTION CARRIED

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

"THAT the minutes of Special Council Session, October 6, 1989, be approved as circulated."  
MOTION CARRIED

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

"THAT the public hearing minutes of August 21, 1989, be approved as circulated."

MOTION CARRIED

Appointment of New Deputy-Warden

Warden Lichter stated that he wished to publicly thank Deputy Warden Harry McInroy for the excellent job he has done over the past year. Warden Lichter stated that Deputy Warden McInroy has represented the Municipality well and has had every reason to be proud of him. Warden Lichter then presented Deputy Warden McInroy with a token of his appreciation.

Councillor MacDonald moved the nomination of Councillor Randy Ball, stating:

"It is my pleasure to place the name of Councillor Randy Ball before you for the position of Deputy Warden of Halifax County. A Deputy Warden must have certain abilities, must be able to Chair and control Executive Committee of Halifax County. He must be able to work with the Warden in many aspects, ranging from the mundane to formulating and developing the future direction of Council. He must be able to take the chair in the absence of the Warden, a task I am sure all of us can attest to, is not an easy one. Councillor Ball has shown early in his Council career that he can handle a tough situation, such as the harbour clean up - a topic that was thrust upon him just after he was elected to council. I believe Councillor Ball in his short tenure on council has displayed the abilities and characteristics necessary to assume the office of Deputy Warden. It is my great pleasure that I nominate Councillor Randy Ball for Deputy Warden."

Councillor Horne seconded the nomination, stating:

"I am pleased to second the motion and I would like to add a few comments. I have known Randy for just over a year, but in that short time I have had respect for his integrity, ability and dedication to the position of Councillor for District 5. District 5 can be proud of his accomplishments over the past year - he has found that very touchy and high profile problems have occurred, ie. encouraging and demanding further study for the 'cast in stone' Halifax Harbour clean up treatment plant. If he had not spearheaded the wishes of the constituents, the Fournier committee and all the studies undertaken by the scientific community may not have happened. He questioned the situation, very important in facilitating debate and stimulating discussions - essential to the quality necessary for Deputy Warden. Randy has shown his willingness to learn his duties as Councillor and I have noted his presence on different committees that he is not a member of; he was able to come in and sit down and see what is happening, he has spent a lot of his free time over at Council and in the building discussing problems in his area. Randy has served as Chairman of the Fire Advisory Board, he has also acted as Chairman for the PRC and PAC. Randy is a member of the Transit Committee, Urban Services and Police Committee. Randy is a school teacher by profession, and he has taught in the Dartmouth



school system for the last 15 years at the junior high and senior high level. Randy has a bachelors degree from Acadia University and Masters Degree in Education from Dalhousie. Randy has the education, ability to perform the duties of Deputy Warden and with that I would like to second the motion."

Councillor Bates moved the nomination of Councillor Ken Fralick, stating:

"Ken has a broad range of experiences to draw upon which would be beneficial in assuming the Deputy Warden position. In his early years he worked on the docks to finance his way through trade school. He took a job with People's Credit Jewellers where he worked his way up from stock-boy to Department Manager. In 1964 he joined Underwood Olivetti Ltd. and worked his way through a number of positions to become General Manager of their Halifax Branch. In 1978 Ken and his son went into business for themselves manufacturing office furniture, and when he is not involved with Councillor duties, this is what he currently does for a living. Ken has been an active service to his community all of his adult life. He has been involved with minor hockey for 21 years and served on a volunteer basis as director of the Eastern Fisheries Foundation for 10 years. In 1985 he was elected Councillor for District 3 - Peggy's Cove and surrounding areas - and was returned by acclamation for the current term. We have appointed Ken to represent us on UNSM and since his appointment he has been elected to serve on their Executive. His credentials are in good order and I am happy to move this nomination."

Deputy Warden McInroy seconded this nomination, stating:

"Warden, Members of Council, I am pleased to second the nomination of Councillor Ken Fralick for the position of Deputy Warden. Ken Fralick has served on Council since 1985 and during those four years he has not missed one regular Council Session (even those meetings when he needed crutches to get here). He has made an effort to participate in various community and fund-raising activities throughout Halifax County either attending meetings and functions or volunteering his musical talents. Through that involvement he has learned an appreciation for the diversity of our Municipality and its residents. Councillor Fralick currently represents Halifax County on the executive of the Union of N. S. Municipalities and in that capacity will be involved with representations to Provincial Government Ministers in areas such as Social Services and Education Funding. I believe that with Ken's experience and background, combined with his amicable approach, he will serve Halifax County well as its Deputy Warden. Thank you."

Councillor Eisenhauer moved the nomination of Councillor Percy Baker, stating:

"I am making this nomination with respect to the others opting to serve in the position of Deputy Warden. The campaign leading up to this election that will take place in a few minutes has revived my election fever. Percy Baker has opted to stand for Deputy Warden. My first reaction to this was, 'You've got to be kidding.' After a good night's sleep, I saw the light. I want to tell you why he is in office and how Council will benefit when he gets the job. First, Percy is interested. He has assured me that he will take the job

seriously. I want to assure you that he will do just that. Percy has been on Council for 17 years and anyone who can survive this long has charisma plus. For the 13 years he was appointed as administrator of the Halifax County Rehabilitation Centre. He held that position for 13 years following which he retired, and successful in regaining his seat in Council. As the administrator of the Rehabilitation Centre, he managed 350 employees who served 220 residents. The budget was approximately \$11,000,000 - he couldn't have lost his ability in the last four years while he was a County Councillor. As Deputy Warden, he will be chairman of the Executive Committee. Percy has been elected as chairman of 5 major committees on Council while serving for over 17 years. Did you know that Percy has a long history of a lot of issues. I will support that by saying, did you know that Percy convinced the Council to get involved in low rental cost housing? It took him 6 years to get this Council to pass the Meat Inspection Act in 1962-68. In 1975 he was honoured for his personal accomplishments in the field of Mental Health Care in the Province. This Council declared on March 22, 1982 as Percy Baker Day in the County of Halifax. The County of Halifax is properly enriched as Mr. Baker is a great humanitarian - a warm, caring individual who loves people. He has shown particular interest in residential services for oppressed members of society working on welfare housing and jail improvements over the years. Percy has received criticism over the years but the critics always start out by pointing out his dedication to the needy, and underprivileged which is evident in his own community which witnesses his involvement in "Community Against Drugs" (CAD) an organization to control drugs. In conclusion I take great pride as having Percy's opportunity as Deputy Warden on Council, and I wouldn't want him to become too serious either. I am asking for your support. Thank-you."

Councillor Deveaux seconded the nomination stating:

"It gives me great pleasure to second the nomination for Councillor Baker as Deputy Warden. Certainly Percy has indicated over the years that he has not only shown dedicated service to his community as Municipal Councillor, but also has displayed his versatility as a capable administrator of the Rehab Centre. His sense of humour and capabilities as an individual as well as his astuteness as a politician are assets which, I am sure, serve him well in the capacity of Deputy Warden and will allow him to carry out his duties in that position in the manner which will undoubtedly benefit all of our Municipality. I take great pleasure in seconding the nomination."

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

"THAT nominations cease."  
MOTION CARRIED

Warden Lichter stated that it would take a majority vote of 12 to appoint a new Deputy Warden.

Ballots were taken and the results were as follows:

Councillor Percy Baker - 9  
Councillor Randy Ball - 7  
Councillor Ken Fralick - 6

Councillor Fralick acquiesced.

A second ballot was taken with the following results:

Councillor Percy Baker - 12  
Councillor Randy Ball - 10

Councillor Baker was elected Deputy Warden.

Deputy Warden Baker thanked the mover and seconder and stated that it was a pleasure to run against Councillor Ball and Councillor Fralick. He stated that he will be available any time he is needed and stated that he is proud to officially represent the Council. He assured the Warden that he has plenty of energy and will do whatever he can to enhance County Council.

#### LETTERS AND CORRESPONDENCE

##### Department of Transportation

Mr. Kelly reviewed the letter regarding the reduction of speed limit from 80 km/h to 70 km/h in the Dutch Settlement area.

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

"THAT this item be received."  
MOTION CARRIED

Mr. Kelly reviewed the letter regarding the bridge on Power Road, Halifax County.

It was moved by Councillor Ball, seconded by Deputy-Warden Baker:

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

Mr. Kelly reviewed the letter regarding requests on traffic counts, cost estimates for sidewalk construction and improvements to highway shoulders, Old Beaverbank Road.

It was moved by Councillor Horne, seconded by Deputy Warden Baker:

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

Mr. Kelly reviewed the letter concerning the installation of speed bumps on the Government Wharf Road, Sambro.

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

"THAT this item of correspondence be received."

MOTION CARRIED

#### RCMP

Mr. Kelly reviewed the letter concerning policing of the community of Hubbards.

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

"THAT this item of correspondence be received."

Councillor Horne advised Council that there will be a general increase of surveillance in Halifax County.

Councillor Poirier stated that the new detachments seem to go where the population is situated.

Councillor Meade stated that in speaking to Staff Sergeant Hackett and on October 23, 1989, the Chester Detachment started policing the area.

Councillor Fralick stated that residents have expressed their satisfaction with the recommendation to have the Halifax Detachment moved to the Tantallon area.

MOTION CARRIED

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

"THAT a letter be written to the Solicitor General's Department supporting the recommendation of relocation."

MOTION CARRIED

#### Board of Commissioners of Public Utilities

Mr. Kelly reviewed the item of correspondence concerning Surcharge, Street Light Accounts.

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

"THAT this item of correspondence be received."

MOTION CARRIED

#### CN Real Estate

Mr. Kelly reviewed the letter concerning problems experienced along CN's abandoned Dartmouth right-of-way.

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

"THAT this item be received."  
MOTION CARRIED

Councillor Randall stated that he is pleased that CN will take measures to control the dumping of garbage. Councillor Randall stated that traffic over the bridge mentioned still takes place as it is the only entrance to a private road in the area. He stated that the land is owned by CN and the bridge is in need of immediate repairs. He added that CN should be concerned with any liabilities that could be incurred.

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

"THAT a letter be sent again to CN with a copy to the MLA and Department of Transportation asking their position, given the fact there is public passage over the bridge."  
MOTION CARRIED

#### Anchor Industries

Mr. Kelly reviewed the letter requesting the opportunity to address Council.

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

"THAT this item be received."  
MOTION CARRIED

It was suggested that this group be invited to make presentation at a Special Council Session in late January. Council agreed.

#### UNSM

Mr. Kelly reviewed the memorandum concerning a resolution to enact legislation to allow municipalities to require disclosure of the sources and amounts of contributions in excess of \$100 for Municipal Election Expenses.

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

"THAT this item be received."  
MOTION CARRIED

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

"THAT this item be referred to the Executive Committee for consideration."  
MOTION CARRIED

Canada Post Corporation

Mr. Kelly reviewed the letter concerning the possible introduction of a retail postal outlet in Tantallon.

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

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

Councillor Meade stated that in talking to Mr. Norman Jones, no businesses in the area wish to take this on.

Board of Trustees, Cow Bay

Mr. Kelly reviewed the letter concerning a motion brought forth from their Annual School Meeting.

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

"THAT this item be received."  
MOTION CARRIED

Warden Lichter advised that their request has been done in the past and Council has taken a serious look at providing sufficient funds for education to the extent of its capability.

Department of Environment

Mr. Kelly reviewed the letter concerning recycling.

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

"THAT this item be received."  
MOTION CARRIED

Councillor MacDonald stated that the problem is with enforcing the acts.

Halifax County Rehab Centre

Mr. Kelly reviewed the letter thanking Council for its donation for the Residents' Cottage.

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

"THAT this item be received."  
MOTION CARRIED

SUPPLEMENTARY CORRESPONDENCE

Department of Municipal Affairs

Mr. Kelly reviewed the letter concerning the extension of the zoning by-law.

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

"THAT this item be received."  
MOTION CARRIED

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

"THAT Council request and extension of the zoning by-law until November 30, 1990."  
MOTION CARRIED

Halifax County-Bedford School Board

Mr. Kelly reviewed the letter requesting a meeting with Council.

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

"THAT this item be received."  
MOTION CARRIED

After some discussion, Council agreed that the School Board would meet with Council on November 28, 1989 at the special session. It was noted that the Special Session would begin at 1:30 PM in order to incorporate this discussion. It was noted that the School Board would be allowed 1 1/2 hours to make its presentation with each of the following presentations being limited to 1/2 hour each.

Transit Service to the Preston Area

Mr. Kelly reviewed the correspondence.

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

"THAT this item be received."  
MOTION CARRIED

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

"THAT a letter be written to Metro Authority to endorse the action taken to seek subsidies which would see the extension of transit into Districts 7 & 8."  
MOTION CARRIED

MINOR VARIANCE APPEALMV 38-09-89 Helen Purcell, Head of Chezzetcook

Linda Malloy reviewed the staff report. She stated that the existing dwelling is actually located in the Department of Transportation road right of way. She stated that the new dwelling cannot be located anywhere on the lot and still meet all the setback requirements. The Department of Health has approved the existing septic system for the new dwelling. Ms. Malloy indicated that the owners are willing to comply with any environmental health regulations; and that a letter has been received from one of the owners of land within 100' stating no objection to the proposal.

Questions from Council

None.

Speakers in Favor

None.

Speakers in Opposition

None.

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

"THAT this minor variance be approved."

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORTApplication No. PA-CH/W-23-89 - Amendments to the Cole Harbour/Westphal Service Boundary - Clayton Developments

Mr. Kelly reviewed the report.

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

"THAT December 11, 1989, at 7:00 PM be the date set for the public hearing."

MOTION CARRIED

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

"THAT the public hearing be held in Eastern Passage."

Councillor Deveaux stated that it was important that this meeting be held in his district because the results could be most detrimental to that area.