

Mr. Donovan stated that some of these subdivision matters are currently addressed through specific provisions in each land use by-law. He stated that the proposed amendments, along with a legislative requirement of the Planning Act that any matters related to subdivision be confined to a subdivision by-law, require minor amendments to those provisions of the land use by-laws which deal with existing lots and reduced frontages.

Mr. Donovan stated that the amendments are intended to clarify the existing land use by-law provisions relating to the issuance of development permits for lots created pursuant to Part 14 of the Subdivision By-law.

#### Questions from Council

Councillor Deveaux asked what affect the amendments would have on his area. Mr. Donovan stated that these amendments are intended to clarify the wording of the existing by-law.

Warden Lichter stated that the amendments would not make the existing by-law any more restrictive or flexible.

#### Speakers in Favour

None.

#### Speakers in Opposition

None.

#### Decision

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

"THAT the land use by-law amendments, Appendices A-J of the report, be approved."

MOTION CARRIED

#### RA-CH/W-10-89-25 Application by Crossman Construction Limited to Rezone Lots 23 to 26 on Cole Drive in Cole Harbour from R-1 to R-2

Mr. Spanik reviewed the report stating that the purpose of the application is to permit semi-detached houses on each of these lots. He stated that the property is located within the Residential A Designation. This designation is intended to recognize the existing single unit dwelling environment while allowing for an eventual mix of housing to meet the varied population needs. Policy P-32 permits Council to consider two unit dwellings by amendments to the land use by-law.

Mr. Spanik showed slides of the area in question. He stated that in considering by-law amendments for such uses, the policy specifies that Council shall have regard to the provisions of Policy P-93 which outlines general planning matters which must be considered. These include compatibility of the

site with surrounding land uses, the impact of the proposed development on existing services and the physical suitability of the site to accommodate the development.

Mr. Spanik reported that the developer proposes to construct a semi-detached dwelling unit on each of the four rezoned lots. Mr. Spanik stated that this proposal is consistent with the existing development pattern on Cole Drive, most of which is semi-detached housing. The Department of Transportation and the Halifax County-Bedford District School Board do not object to the rezoning.

Questions from Council

None.

Speakers in Favour

None.

Speakers in Opposition

None.

Decision

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

"THAT this rezoning application be approved."  
MOTION CARRIED

RA-FEN-20-89-18 APPLICATION BY HI-TECH WOODWORKERS LTD. TO REZONE APPROXIMATELY 42 ACRES OF LAND LOCATED ON HAMMONDS PLAINS ROAD FROM MU-1 TO I-1

Mr. Spanik reviewed the staff report and showed slides of the proposed site. He stated that the purpose of the rezoning is to permit the establishment of a wood planing and kiln drying operation. The property is presently undeveloped and heavily tree covered. It is located in an area of mixed land uses on the south side of a major collector road.

Mr. Spanik stated that the strategy permits a diversity of land uses, but recognized that this diversity also increases the potential for land use conflicts and will inevitably result in a change in community form. Mr. Spanik stated that the Department of Planning and Development are suggesting that only 21 of the 42 acres applied for rezoning be approved.

Questions from Council

Councillor MacDonald expressed concern about the smoke emissions from the operation.

Councillor Sutherland asked if the public hearing was required specifically because of the industrial use. Mr. Spanik stated that that was the case.

Councillor Morgan asked that if this was in connection with an existing mill, if a public hearing would be required. Mr. Spanik stated that it possibly may not.

Councillor Boutilier questioned the acreage for approval. Mr. Spanik stated that Hi-Tech Woodworkers Ltd. requested 42, but the Planning Department is recommending approval for 21 acres.

#### Speakers in Favour

Mr. Art. Pittman, President, Hi-Tech Woodworkers Ltd., stated that with regard to smoke emissions, it is the intention of the company to put in a modern woodburning system which would be emission free. He stated that this system would produce steam in connection with the heating operation.

Councillor Morgan asked if the reduced lot size is a problem. Mr. Pittman stated that he would prefer the 42 acres as the 21 acres would restrict the growth over a 15-20 year period.

Mr. Pittman stated that this operation would be the most modern of its type in North America and would employ 31 full time workers and would assist resource development in Atlantic Canada.

Councillor Horne asked if there would be any preservation done to the wood. Mr. Pittman stated that there would not be any painting or toxic chemicals on the site as the wood would not be finished.

#### Speakers in Opposition

None.

#### Decision

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

"THAT the rezoning application for 42 acres from Hi-Tech Woodworkers Ltd. be approved by Council."

MOTION CARRIED

#### ADJOURNMENT

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

"THAT these public hearings adjourn."

MOTION CARRIED

The public hearings adjourned at 7:36 PM.

MINUTES & REPORTS  
OF THE  
SECOND YEAR MEETINGS  
OF THE  
FORTY-THIRD COUNCIL  
OF THE  
MUNICIPALITY OF THE COUNTY OF HALIFAX  
JANUARY COUNCIL SESSION  
TUESDAY, JANUARY 16, 1990  
&  
PUBLIC HEARING  
JANUARY 8 & 15 & 22, 1990  
&  
COMMITTEE OF THE WHOLE  
JANUARY 24, 1990

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PUBLIC HEARINGS

MONDAY, JANUARY 8, 1990

PRESENT WERE: Warden Lichter  
Councillor Meade  
Councillor Fralick  
Deputy Warden Baker  
Councillor Deveaux  
Councillor Bates  
Councillor Adams  
Councillor Bayers  
Councillor Smiley  
Councillor Horne  
Councillor Merrigan  
Councillor Morgan  
Councillor Snow  
Councillor Eisenhower  
Councillor MacDonald  
Councillor Boutilier  
Councillor Harvey  
Councillor Sutherland  
Councillor Richards  
Councillor McInroy  
Councillor Cooper

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer  
Mr. G. J. Kelly, Municipal Clerk  
Mr. R. G. Cragg, Municipal Solicitor  
Mr. R. Spanik, Planning and Development  
Mr. B. Butler, Planning and Development

SECRETARY: Twila Smith

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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 explained the procedures followed during the hearings.

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

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

Application No. RA-8&9-13-89-08 - Rezoning Application - Patricia Keeping-Highway No. 7 and Old Lake Echo Road

Mr. Rick Spanik presented the staff report stating that this application was for an extension of the C-1 zoning in the Lake Echo area. He stated that the basis of the request is that the C-1 zoning of her property, as agreed to by the Public Participation Committee during the planning process for Planning Districts 8 and 9, was not implemented.

Mr. Spanik stated that as a result of inaccuracies in the LRIS property mapping, only a 100 foot strip along the Highway No. 7 frontage of the property was zoned C-1 and not the full 200 feet as agreed to. The proposed rezoning would also include lands 200 feet from the Old Lake Echo Road. Mr. Spanik stated that this is merely a correction on the part of the original intent.

Questions from Council

None.

Speakers in Favour

Mr. Harry Patton, Barrister representing the applicant. Mr. Patton stated that this application was made as a result in an error in the LRIS mapping. He stated that such an error was unfortunate one, but an error that needed to be corrected. He reiterated that the C-1 zoning was agreed to in the planning process. He stated that he was asking Council to correct the error so that the intent of the planning process could be carried out.

Questions from Council

None.

Speakers in Opposition

Mr. John Wood, resident on Old Camp Road. Mr. Wood requested that the additional 100' not be approved. He stated that this property bounds not only the No. 7 Highway, but also the Old Camp Road. He stated that legal disputes have been made that Ms. Keeping's access to the land is from the Old Camp Road. He stated that this has been contested because she could not have access from both the No. 7 Highway and the Old Camp Road. Mr. Wood stated that if the county feels that she should be granted the 200' area, he asked what the county would propose to do to provide an adequate road to get to his property at the end of Old Camp Road, which is a private road.

Questions from Council

Warden Lichter asked if this was discussed at the Public Participation Meeting. Mr. Wood stated that it was. Warden Lichter asked if Ms. Keeping owns the land in question. Mr. Wood stated that she does, but added that the legal disputes are still in existence as to the access road. He added that the land was originally to be left in the natural state as a bird sanctuary.

Councillor Bates asked if his concern was mainly with regards to the Old Camp Road. Mr. Wood stated that further commercial development would hamper the access to his property. Mr. Wood stated that this is a private road and he personally clears the road after snow storms etc. and handles the cost himself. He added that the legal disputes is regarding the length of the road which is deeded to Mrs. Wood.



Councillor Snow asked if the width of the road is stated in the deed. Mr. Wood stated that it was 20' of varying widths. He stated that an agreement had been reached and the legal dispute is now with regard to the interpretation of the agreement. Mr. Wood stated that he did not want the road made commercial.

Councillor MacDonald asked about the access to the property and stated that access could be off of the No. 7, but not from Old Camp Road. Councillor MacDonald questioned if she could get a permit for commercial lands off of a private road. Mr. Wood stated that this was in court at this time.

Councillor Deveaux asked what bearing the rezoning would have on the use of the road. Mr. Wood stated that with commercial vehicles using the road he would have no recourse for the upkeep of the road.

#### Speakers in Opposition

Mr. Ken Packam, representing the Lake Echo Ratepayers Association, submitted a petition containing 110 names of residents against this rezoning application. Mr. Packam stated that the location is of particular concern as it was a dangerous corner on the road that has already claimed lives. He stated that there is a mini-mall in the vicinity with vacancies and therefore, there was no need for rezoning at this time.

Mr. Packam stated that from the staff report, light industrial uses could be one use of the lands in question, and questioned if the sewage treatment plant would be capable of handling the effluent, as the mini-mall in the area had a difficult time in satisfying the demands of the health department, and the new policy of effluent being released into fresh water bodies.

Mr. Packam also stated that concerning the access to the property, parking would pose a problem to residents and with the blocking of the road could pose fire and safety hazards.

#### Questions from Council

Councillor Richards stated that Mr. Packam indicated that PPC was originally concerned that this portion was not part of the original submission. Mr. Packam stated that he has tried, unsuccessfully, to get copies of the original submission. He stated that the petition would show a fair representation of the people disputing this application.

Councillor Adams asked if the petitioners would have some support if the rezoning request would be extended 100'. Mr. Packam stated that from reading the petition, it does not appear that the residents would be happy with any more commercial development in the area because of the dangers involved. Councillor Adams stated that there was an error on Fig. 1, Page 6 of the staff report in that the small road referred to as "Old Lake Echo Road" is actually "River Road".

Decision of Council

Councillor Adams stated that there has been a misinterpretation of the request and what was intended. He stated that staff should be requested to provide council with the documentation necessary and that this item should be deferred until these points can be clarified.

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

"THAT this item be deferred until the concerns of Council can be addressed."

MOTION CARRIED

Application No. DA-FEN-01-88-09 - Development Agreement - Expansion of Springfield Estates Mobile Home Park

Mr. Bill Butler presented the staff report reviewing the Development Agreement for the expansion of the Springfield Estates Mobile Home Park. He stated that the proposal was in conformity with the planning strategy and that the provisions of the agreement would provide an attractive and environmentally sound development.

Mr. Butler stated that even with Council's approval, the applicant would have to provide detailed designs, detailed environmental assessment studies and sewage treatment plant plans. He stated that this agreement is similar to the Paulsen Development agreement passed by Council in late 1989.

Mr. Butler stated that with regard to compatibility, there would be no negative affect to the surrounding land uses. He noted the requirement of a 20' open space buffer to be left in its natural state, as well as a buffer along a natural watercourse in the area. He stated that a playing field would be required to be built after the initial 150 mobiles were located, and that there would be a second access to the Park from the No. 1 Highway which could well handle the increased traffic flow. Mr. Butler stated that the Department of Transportation has stated that the proposed access point meets the stopping sight distances required.

Mr. Butler stated that the fire department has indicated that the development would not pose any undue concern. He stated that to alleviate the concerns of the School Board this application would be permitted on a phasing system of 50 lots per year. With regard to the issue of sewer services, before the first expansions begin, a new sewage treatment plant would have to be constructed up to standards. The agreement would also require an environmental assessment report to be done by an independent consultant hired by the applicant and approved by the county. He stated that the quality of the water and the design of the sewage treatment plant would be included in this study. Mr. Butler stated that an ongoing monitoring program to ensure the quality of water would also have to be developed to assure no negative consequences. He added that a

new water treatment plant would have to be constructed as well before commencement of the third phase.

Mr. Butler stated that in conclusion, the expansion would benefit both the new and existing residents and would have few negative effects and staff recommends approval of the development agreement.

#### Questions from Council

Councillor Bates asked if the Department of Health has given any clarification as to their policies concerning outfall discharging into lakes, and asked if they had approved this agreement. Mr. Butler stated that if the development agreement is approved by Council it would still need to be approved by the Department of Health to get a joint certificate. Councillor Bates stated that Council has been criticised in the media by the Minister for our rulings concerning outfall discharging into fresh water bodies and asked if we have had confirmation or clarification of this policy. Warden Lichter stated that he and various other departments have tried to get written clarification on this issue and have been unable.

Councillor Sutherland expressed concern regarding the correspondence from the Department of Health regarding the state of the present treatment plant.

Councillor Morgan asked that if the plant was constructed according to the regulations and standards for new sewage treatment plants, if these would be run by the engineering department. Mr. Butler stated that nothing would be approved without the construction of a new treatment plant which will have to be satisfactory and this is laid out in the terms of the agreement as well as the environmental assessment studies that must be approved by the Department of the Environment.

Councillor Morgan asked if Council could go a step further and insist that the developer put in the new plant and then have the county take it over. Mr. Butler stated that this would be a separate policy decision for Council to make. Mr. Butler stated that the agreement has the necessary legal clauses to put in the necessary system and maintain it and if this is not done the municipality has the ability to enforce it.

Councillor Boutilier stated that there are problems with the existing plant and the letter from the Department of Health states that it was not functioning adequately and asked if they now had an operating permit for this plant. Mr. Butler stated that they have one for the 1989 year and this will have to be renewed. Mr. Butler stated that the permit has to be issued annually. He stated that the existing plant must be replaced before any expansion is approved. Councillor Boutilier asked if there has been any effort made to correct anything in the Springfield Estates Park. Mr. Butler stated that he did not know.

Councillor Boutilier stated that he would like to see the mobile home owners bring the water and sewer facilities up to standard first, rather than expand

and then bring things up to standard. He stated that the existing residents are being held at ransom for the new plant.

Councillor MacDonald inquired about the operating permit. He questioned if the Department had any other choice but to grant the permit for the sewer and water when close to 200 homes would be forced to move if the permits were not given. He also questioned the recreation area and stated that the park had provided land for a recreation area but that now 6 homes are on that property. Councillor MacDonald also stated that even with the new water and sewer treatment plants, they would still have the same water source and therefore poor water.

Councillor Deveaux asked if the joint certificate has been issued. Mr. Butler stated that it has not. Councillor Deveaux asked that if council did approve this, would the present system have to be upgraded and brought up to standards before any new construction takes place. Mr. Butler stated that one of the requirements of the agreement is that a new sewage treatment plant be built.

Councillor Deveaux stated that he recently read a letter received by Councillor Reid concerning the outfall into fresh water bodies and that the letter gives the impression that where feasible, there would be no intention of turning down an outfall into freshwater.

Councillor Merrigan asked if we used common sense in these situations. He stated that the water and sewage has always been a problem, and the situation may be best handled by the Department of the Environment and the Department of Health. He suggested that the existing plant should be brought up to standards before any agreement for expansion. Councillor Merrigan stated that the situation in the Woodbine Trailer Park cannot be improved and where these are owned by the same corporation, that this would have some bearing on the decision. He added that the history of this particular owner has not been good. Mr. Butler stated that each treatment plant is treated individually. He stated that an environmental assessment will provide that information. The terms of the agreement state that this environmental assessment must be done by an independent consultant approved by the municipality. He added that we are not environmental experts and that job should be done by the experts. Mr. Butler stated that in addition to the necessity for approval of the environmental studies by the Departments of Health and Environment, an annual monitoring of water quality is also required and if the results are unsatisfactory, no approval will be given for subsequent phases of development.

Councillor Fralick stated that there are 172 homes now on a system that does not work. He stated that it made sense to put the 304 plus the original 172 on a system that would work as it may solve the problem.

Councillor Harvey expressed concern with the percentage of this type of housing stock in the district, but stated that he was more concerned with the quality of water in the watershed area. He stated that the outfall would ultimately end up in the Sackville River and eventually out to sea. He stated that if a sewage treatment plant was constructed, it would have to be made perfectly

certain that standards were maintained, as the Paulsen Project would be taking drinking water from Webber Lake, downstream from the Springfield Estates sewage outfall. Councillor Harvey also noted that since this outfall eventually ends up in Bedford Basin and Halifax Harbour, this would only be compounding the problem of the Halifax Harbour Clean-Up. He stated that this proposal has a lot of question marks.

Councillor MacDonald responded to the comment of the municipality taking over the plant. He stated that the environmental rate that would have to be charged would be quite high for the residents to pick up.

#### Speakers in Favour

Mr. Robert Blois, barrister retained by Northland Mobile Homes Ltd., stated that the existing park is on a 28+ acre parcel of land and stated that Northland owns the 74 acres on which the proposed extension will be built. He stated that the development site is a good location from the point of view of the impact on the adjacent land uses. Mr. Blois stated that he was not familiar with this operation or the site in question as he was just recently retained. Mr. Blois stated that the park appears to be tidy and neat to the casual observer. He stated that there has been some problem with the quality of water and the operating efficiency of the treatment plant. Mr. Blois stated that Northland may own the system, but they did not install them. He added that his client has spent a considerable amount of money on improvements.

Mr. Blois stated that application for expansion started in 1986. Mr. Blois stated that Mr. Mason, also present tonight, has been involved in many meetings with county staff, and with the provincial departments. Mr. Blois stated that he personally has not had a hand in the agreement, but the demands are not unreasonable. He stated that his client was prepared to execute the agreement. Mr. Blois stated that there were ample safeguards contained in the agreement to ensure that the extension will be satisfactory and the quality of water and sewage would be brought up to an acceptable level for the entire park. Mr. Blois also stated that the proposal refers to existing water and sewer problems and a new water treatment plant must be built before the expansion exceeds 100.

Mr. Blois stated that the School Board concerns are somewhat alleviated with the conditions of the phasing in of the expansion over a 4-5 year period. Mr. Blois stated that if this is approved, one could not expect to see much development within the next 2 years because of the necessary preparations. Mr. Blois again stated that there were enough safeguards in the agreement to alleviate the fears expressed by council. He added that the Departments of Health and the Environment would have to do their duty to ensure the quality is maintained.

#### Questions from Council

Councillor Bates asked how much money has been spent on the improvements to the existing services, and if this is not approved, would the client nevertheless be spending the money to improve the quality of the water to existing

residents. Mr. Blois stated that he did not know the actual amount already spent.

Councillor MacDonald questioned the condition of the existing system and the comment made that the present owner did not install it. He stated that Northland has owned the Park for 6-7 years and has not upgraded the system.

Mr. Blois stated that under the terms of the development agreement, they will be required to upgrade and build a new facility before any further development occurs. Councillor MacDonald stated that the owner is responsible now to do the right thing, but does not.

Councillor Merrigan questioned the safeguards, and stated that there were no safeguards. He stated that the agreement is only as good as the person signing it and from past experiences, it would indicate that there would be no safeguards to the agreement. Councillor Merrigan stated that there were "safeguards" in the development agreement for Woodbine, but Northland put in unauthorized homes. He stated that they have not lived up to the agreements in the past.

Mr. Blois stated that his client would not get off of the ground without the approval of the Department of Health and the Department of the Environment, and this includes the construction of the new plants according to stringent specifications set out by them. He stated that if this was not done, they would not receive the necessary operating permits. He added that the legal remedy would be to take them to court for operating without a permit if the situation went that far. Councillor Merrigan stated that this would mean a \$100 fine and they would continue as is.

Councillor Boutilier stated that the decision made by Council is based on more than satisfying the intent of the municipal plan. He asked who owned Springfield Estates. Mr. Blois stated that it was owned by Northland Mobile Homes Ltd., of whom a major shareholder was Stan Havill, who also owned Woodbine Trailer Park.

#### Speakers in Favour

Mr. Mason, Engineering Consultant, stated that this project would utilize all of the remaining land owned by Northland in the area. He stated that it would improve the existing park conditions and expand the park. He stated that the agreements are getting better each year and the conditions tighter, and stated that this was the most comprehensive to date.

Mr. Mason stated that the MPS gives business the opportunity to plan ahead. He stated that application was first made prior to the MPS in order to start planning for this project. He stated that initially the applicants were to make an application for rezoning, but waited until the MPS was in place. He stated that this has been three years in planning and it will be another year or year and a half before environmental assessment studies are completed. He stated that on top of this, construction would take 1-1 1/2 years, but firstly

the new sewage treatment plant with design, ordering and construction would take another 1 - 1 1/2 years. He stated that we would be looking at 2-3 years before they could even apply for occupancy permits. He stated that 2-3 years is the amount of time left in the MPS. He stated that this project will cost \$3 - 3.5 Million.

Mr. Mason stated that the design for the proposed water and piping system and upgrading (which amounted to 35 sheets of engineering drawings) has been done and approved and a joint certificate obtained for the internal piping, if this is approved. He added that they have established a set pattern in order to make this work, which was a precondition in this case.

Mr. Mason stated that the owners have made a substantial investment in this and the stipulations will benefit the residents and make it a better community for those that live there. He stated that there are open spaces that will be left in their natural state which would improve the overall aesthetics of the development. He stated that a substantial buffer along Highway 101 and green spaces are of benefit.

Mr. Mason stated that the playing field position also adds, not only to the Park, but to the entire community. Mr. Mason stated that the mobile home market is slowing down and NHA-approved mini-homes will be placed on the lots.

Mr. Mason stated that he contacted the Department of Health on the issue of the existing water and sewage facilities, which stated that the project is doing substantially better than last year and infinitely better than 2 years ago. Mr. Mason added that the water in the lake is heavy in iron and manganese. Mr. Mason stated that they have begun to work with the Department of Health and have started submitting daily records of the chemicals used. He stated that the water is potable although at times has a pink tinge. He stated that there has not been a time when the water did not pass the tests.

Mr. Mason stated that the existing sewage plant does not work all the time and stated that it was installed by the previous owners. He stated that it has been substantially upgraded and reports in 1986 indicate that infiltration was minimal. He stated that a new plant will have to be designed to accommodate the inflow from storms as well. Mr. Mason stated that the applicant has cooperated on this project and asked for council's approval of the development agreement.

#### Questions from Council

Councillor MacDonald asked about the length of time before installation of the new plant. Mr. Mason stated that because the environmental assessment studies have to be done, the design for the plant, submission and approval by the Departments of Health and the Environment for a joint certificate, ordering and construction, this will take at least 1 - 1 1/2 years. He added that this is condition No. 1 before any expansion can occur.

Councillor MacDonald asked about recreation facilities for the existing park.

Mr. Mason reported that small areas could be used, but after consultation with the recreation department, organization on this small of a scale was not feasible.

Councillor MacDonald asked about the putting of mini-homes on the lots and the size of these lots. Mr. Mason stated that the minimum lot size would be 40'x100'. Councillor MacDonald questioned this investment in view of the changing market. Mr. Mason stated that this is a business decision and has been told that the market runs in cycles.

Councillor Bates stated that the question of concern was to leave the situation as is with the patchwork being done or add 304 and put them all on a new plant. He stated that the people downstream may be better off with 476 homes on a new plant than 172 on an inadequate plant.

Councillor Morgan asked about the plant being built to specifications by the developer and then run by the municipality. He asked if the municipality runs plants more effectively and efficiently than private developers. Mr. Mason stated that it would depend on the situation, but that the county taking over the plants would be of benefit, but this is a policy decision to be made by Council. He stated that building the plant to standards and handing the plant over to the municipality and the municipality charging an operating fee has been discussed and would be agreeable.

#### Speakers in Favour

Mr. Faulkner, tenant Springfield Estates, stated that when he originally came he was strongly in favour, but after listening to some of the information revealed he was not so sure. He stated that he did not like the idea of the existing residents being held at ransom for the expansion and new plant and also getting the operating permits. He stated that Mr. Havill owns most parks in the area and residents would have no place to go.

Mr. Faulkner read a letter from Mr. Havill explaining that the new rent increase for 1990 was due to the expense of the sewage treatment plant upgrading, etc. Mr. Faulkner stated that if council does approve this, that policing be an important factor. He stated that he was still in favour of the application, but that the stipulations of the agreement would have to be enforced.

#### Questions from Council

Councillor MacDonald asked if he, as a resident, would be willing to pay the environmental rate for the operation of the treatment plant. Mr. Faulkner stated that he did not know what the environmental rate was.

#### Speakers in Opposition

Mr. Shane O'Neil, Biologist, Sackville Rivers Association, stated that he was



not against expansion for extra homes for people who need them. He stated that his main concern was with the effect to the Sackville River drainage system from Drain Lake, through to Webber Lake, through Sackville River, etc. He stated that he was concerned that the bedrock geology of the area was not put into question. He stated that the area in question is mostly slate formation, which is unique because when exposed to weathering it produces sulphuric acid and makes the lakes more acidic.

Mr. O'Neil stated that according to guidelines proposed by the N.S. Department of Environment, any site must be investigated. He added that the Department of the Environment may also require financial guarantees in the amount of \$15,000 per the area of 10 residential home lots.

Mr. O'Neil stated that the Sackville Rivers Association is working to improve what we have. He stated that Atlantic Salmon have been introduced to the area and have begun to come back to spawn. He stated that this may be for nothing if the drainage system is continued to be acidified. He stated that the pH level of Little Springfield Lake is 3.6 - Atlantic Salmon cannot survive under a pH of 5, brook trout cannot survive under a pH of 4.5 and no fish can survive under a pH of 4. He also added that the concentration of aluminum is above that toxic to fish. He also added that the acidity has not been caused by acid rain, but by the exposure of the bedrock in the area.

Mr. O'Neil stated that the proposed trailer park on Webber Lake will be taking its water supply from Webber Lake, and he stated that given the current state, he would not want to be on the receiving end.

Mr. O'Neil stated that the Sackville River is at a critical state in its ability to support fish life and added that the Sackville Rivers Association would like to see the issue of exposing the acidic bedrock addressed. He added that with regard to the sewage outfall, they would recommend that no expansion be done until the construction of a new sewage treatment plant. He stated that the rivers cannot be used as trunk sewers.

#### Questions from Council

Councillor Sutherland asked how much of the proposed site was included in the slate formation. Mr. O'Neil stated that a more precise map would be needed to answer that question.

Councillor MacDonald asked if the exposure of the slate would lower the pH level. Mr. O'Neil stated that a geologist's report would be needed to determine that. Mr. O'Neil added that concrete pipes dissolve at a pH of 3.6.

Councillor MacDonald inquired of the green appearance to the lake. Mr. O'Neil stated that the lake was 7 meters deep and was green and crystal clear in appearance because there was nothing living in it.

#### Decision

Councillor Morgan stated that the question of the actual amount of money spent on upgrading the system was not answered.

Council agreed to let Mr. Mason make another point, as well as Mr. O'Neil.

Mr. Mason stated that issue of the shale formation has been looked into and would be permitted though the Department of Environment. He stated that \$5,000 was spent on the inspection, \$50,000 on upgrading and \$150,000 on the water system.

Mr. O'Neil stated that the digging for pipes would expose the bedrock and the specifications state that this shale must be covered with clay and this would be a costly venture.

Councillor Boutilier referred to an article in which the County Council was called irresponsible for approving any development that has outfall into a fresh water body. He stated that Council could, therefore, not make a decision without knowing the 'rules'. Councillor Boutilier suggested that the decision be deferred pending a report on the policy referred to by the minister of Health and Fitness with regard to outfall in freshwater bodies.

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

"THAT this item be deferred pending a report from the Department of Health and Fitness with regard to sewage outfall in freshwater bodies."  
MOTION DEFEATED.

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

"THAT this agreement be approved with the development scaled down from 50 to 25 lots per year and the recreation field be completed in the first phase."

Councillor Bates stated that this may be putting the cart before the horse because the Departments of Health and the Environment can overturn council's decision if the plan does not meet with their approval. He stated that the application should have Department of Health and Department of Environment approval before being dealt with by Council. He stated that he would support the motion, however.

Councillor Sutherland stated that he could not support the motion.

MOTION DEFEATED      10 FAVOUR  
                                 11 AGAINST

Councillor Eisenhower stated that he voted against the motion because he did not feel that the recreation park was as high a priority as improving the water and sewer. He stated that he could not justify putting capital dollars into a recreation field when water and sewer needed to be addressed.

Councillor MacDonald stated that he would be prepared to make a new motion to approve with the scaling down of 50 lots to 25 lots per year, the recreation field be completed in the first phase and that the existing sewage treatment plant be upgraded to the standards of the Department of Health.

Councillor Cooper stated that this motion did not address the negotiations that were done between the applicant and the municipality and that the proposed new motion was was substantially the same the same as the previously defeated one.

Councillor Fralick suggested a motion of reconsideration. Mr. Cragg stated that the motion of reconsideration would bring Councillor MacDonald's motion back on to the floor for debate.

Councillor Deveaux stated that he sympathized with Councillor MacDonald and suggested a motion to approve the agreement with the down-scale from 50 lots per year to 25 lots per year. Mr. Cragg stated that that would not be different enough to be considered another motion.

Councillor Sutherland suggested a motion of rejection based on the information presented to council.

Councillor McInroy stated that although reasons for rejection would have to be given, if the Council collectively rejects the application, then Council should collectively give the reasons for such rejection.

Councillor Richards stated that Council had already voted on the motion.

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

"THAT this motion be reconsidered."

MOTION LOST      8 FAVOUR  
                         10 AGAINST

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

"THAT the development agreement as outlined in the staff report be approved."

Councillor Richards stated that he did not see the difference between this motion and the one that was defeated.

Mr. Cragg stated that Councillor MacDonald worded his original motion such that it was considered an amendment and with that defeated, Council had the ability to move approval of staff's original recommendation.

MOTION DEFEATED      10 FOR  
                                 11 AGAINST

Adjournment

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

"THAT these public hearings adjourn."  
MOTION CARRIED

The public hearings adjourned at 10:40 PM.

PUBLIC HEARING

PROPOSED NOISE BY-LAW

MONDAY, JANUARY 15, 1989

PRESENT WERE:       Warden Lichter  
                      Councillor Meade  
                      Councillor Poirier  
                      Councillor Fralick  
                      Deputy Warden Baker  
                      Councillor Ball  
                      Councillor Deveaux  
                      Councillor Bates  
                      Councillor Adams  
                      Councillor Randall  
                      Councillor Bayers  
                      Councillor Smiley  
                      Councillor Reid  
                      Councillor Horne  
                      Councillor Merrigan  
                      Councillor Morgan  
                      Councillor Snow  
                      Councillor Eisenhower  
                      Councillor MacDonald  
                      Councillor Boutilier  
                      Councillor Harvey  
                      Councillor Sutherland  
                      Councillor Richards  
                      Councillor 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 hearing to order at 7:00 PM. Mr. Kelly called the Roll. Warden Lichter then explained the procedures followed during public hearings and asked Council not to debate with the public because of the number of people present and therefore making the meeting longer. Council agreed.

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

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

Mr. Cragg then explained the intent of the proposed by-law. Mr. Cragg stated that Council has attempted to deal with this issue for a number of years. He stated that prior to 1978 the Municipality did not have legislation which enabled it to deal with this area of the law and as a result secured special

legislation from the province in 1978 which specifically allowed the Municipality to deal with noise and nuisances caused as a result of it. He stated that that legislation, known as Bill 85, was passed through the legislature in April of 1978. He stated that since that time the Municipality has drafted a Noise By-Law on several occasions and we have dealt with them at a number of different times. The draft by-law before Council this evening, and which to a great extent has been circulated to the public attempts to define in effect what a noise nuisance is and having defined that noise nuisance it attempts to state that certain noise nuisances will not be allowed in certain areas and between certain hours. It as well, attempts to deal with the regulating of noises coming from animals (dogs in particular), attempts to regulate noise nuisances both in industrial and commercial and general business areas as well as residential areas. In particular it attempts to regulate to some extent noise nuisances carried out in business, commercial and industrial establishments which will cause annoyance to residents living in nearby residential areas. He stated that in effect we are trying to protect the essential residential nature of much of our municipality and at the same time, attempting not to unduly stifle the business and commercial and industrial areas.

#### Questions from Council

Councillor Deveaux asked if the reference to animals Page 2 (e) was already covered under the Dog By-Law.

Mr. Cragg stated that this was covered, but is worded differently in this draft. He added that this reference does not have to be included here.

Councillor Ball asked if the term 'annoyance' was to be determined by the Courts.

Mr. Cragg stated that there was case law already on the books which have upheld the objective test when attempting to define what annoyance or noise nuisance is.

Councillor Ball asked how one would determine if a person is a 'reasonable person of normal sensitiveness' as everyone has a different tolerance level.

Mr. Cragg stated that this would be dependent of the timing and circumstances involved.

Councillor Horne asked if districts could opt in or out, should this be approved.

Mr. Cragg stated that they could.

Councillor Morgan questioned the mention of a 1000 foot distance and asked if this would mean a 1000 foot buffer between every business if it continues to operate. Councillor Morgan also asked if these businesses could be required to close if they caused a disturbance.

Mr. Cragg stated that according to the general intent, yes.

Councillor Boutilier asked, if this is passed, if existing businesses will be exempt from it.

Mr. Cragg stated that if the business was non-conforming, yes.

Councillor Boutilier asked how the Municipality could penalize businesses that operate in the county, especially those business that have been long-standing in the communities. Councillor Boutilier questioned the ability to enforce this by-law.

Mr. Cragg stated that practical problems would be dealt with if and when this passed.

Councillor MacDonald stated that he agreed with Councillor Boutilier, for those who make their money after hours. He stated that he wanted to be on record as being in opposition. He added that the courts may not be able to handle the resulting case loads from this by-law.

Councillor Snow stated that the present laws should be able to handle the aspects dealt with by this by-law. He added that this would put neighbour against neighbour.

Mr. Cragg stated that many residents have brought forth problems and the only way to address these problems was to draft a noise by-law. He stated that if the majority are against this, then do not pass it.

#### Speakers in Favour

Mr. Leon Doof, Resident of Riverside Estates, Sackville, stated that he has endured noise problems from the JB Showpalace in Lower Sackville. He stated that these noises are due to an over amplified base drum and guitar, which can be heard between 10:30 PM and 3:30 AM five days a week. He stated that he has complained many times and have asked them to turn this down. He stated that he has made complaints to the RCMP and present Councillor and local MLA agreed that this is a problem. He stated that he has filed complaints with the liquor licensing board, who decided to distance themselves from the situation. He asked how residents can be charged with disturbing the peace, when JB's seems to be above the law. Mr. Doof stated that he was not objecting to the establishment, only the excessive noise. He stated that if those people operating this type of business cannot guarantee peace to the surrounding residents, they should not be there.

Mr. Dennis Bicknell, Riverside Estates, Sackville, stated that he, too, is bothered by the excessive noise. He stated that he has called the RCMP, but has had no success in having the noise level reduced. He stated that he had asked for a copy of the existing By-law No. 8, Section 3, did not allow noise

after 12 Midnight, and the proposed will not allow this after 10:00 PM, and is slightly more restrictive. Mr. Bicknell stated that good laws make good neighbours and stated that he would support this by-law if it is enforced and the fines are appropriate. He stated that the RCMP should be allowed to give out tickets, or have a person in each district with this authority. He also stated that the fines should be progressive so that habitual offenders will be penalized.

Mr. Melvin Harris, Cole Harbour, stated that he has problems of a similar nature, which involves the noise from a liquor outlet. He stated that loud music can be heard between 10:00 PM and 1:30 AM, 3-4 nights per week. He stated that after a thick layer of snow was down, no noise was heard, and therefore proves that these establishments should be built with better insulation to keep the music in. He stated that he was in favour of the by-law.

#### Speakers in Opposition

Mr. Jack Rowe, President of the Construction Association of Nova Scotia, stated that his company represented a large constituency in the province which carries on a large amount of business in the county. Mr. Rowe complimented the comments of the Councillors with respect to this ordinance. He stated that the ordinance is drafted ambiguously and leaves a lot of questions with regard to practical application. He stated that no one disagrees to the need for peace and quiet, but he must strenuously and strongly object to the proposal that is now before council.

Mr. Victor Pittman, Head of St. Margaret's Bay, stated that he must applaud the efforts of Council for trying, but he was not in favour of the proposal as it stands. He stated that companies have never been entirely quiet. He stated that the proposal, as is, seems to be a way to put businesses out of business. He stated that he, too, was concerned with the terminology of a person of 'normal sensitiveness'. He stated that he was concerned about the definition of mechanical devices, in-so-much that it does not include power boats. He stated that also the definition of a neighbour is needed for 4.2.a. He stated that 4.2.c. & f. have no time limit, which could mean that use of a chainsaw, lawnmower or vehicle at any time of the day or night could be at stake.

Mr. Pittman stated that in densely populated areas, even the noise of a central vacuum could be classified as a noise nuisance. He stated that the 1000 foot buffer could mean that existing business would have to close unless they conform. He suggested amending the by-law so that existing businesses were not affected. Mr. Pittman stated that 5. a. & c. is a prohibition and stated that these activities could be carried out with the consent of neighbours. He used the example of a person who works all day and then in the evening is building his house, which could require working until late into the night.

Mr. Pittman stated that this proposal is much too strict and inflexible, although there was some merit for the effort to control noise. He stated that one man's noise is another man's music and this by-law as written could put a



lot of people out of business.

Mr. Tom Robertson, President of the District 2 Business Association, stated that he has received a number of calls on this issue as a result of the ad that appeared in the newspapers. He stated that he sought legal advice after reading the ad, to determine the effect this would have on his business. He stated that he had no opposition to some control between the hours of 10 PM and 7 AM as people do need their security.

Mr. Robertson read the letter from his solicitor which stated that his association could be charged under all four sections. The letter stated that there was a question as to the test to determine what was a noise nuisance. The letter stated that this by-law appears to create a subjective test, and businesses would not know what is acceptable. The letter went on to state that not everyone has the same tolerance level. It stated that it appeared to be the intention of council to put local industry into an industrial park or ensure adequate sound insulation is provided, which is of concern to existing businesses. The by-law as drafted does not give protection to existing businesses. Mr. Robertson stated that based on the information in this letter from his solicitor, he could not support the by-law in its presented form.

Mr. Frederick Crooks, on behalf of National Gypsum Ltd., stated that the form of the proposed by-law was of major concern. He stated that National Gypsum does not oppose general noise regulation, but this by-law shows particular areas of concern. Mr. Crooks stated that National Gypsum operates at Milford Station and has been operating a quarry since 1954 and employs approximately 100 people. The process includes stripping away the soil, drilling for explosives, blasting, crushing and loading of railway cars and much heavy equipment use.

Mr. Crooks stated that Milford Station is primarily an agricultural area and the quarry operations may pose a noise disturbance from time to time. He stated that the company makes every effort to respond adequately to any complaints received. He stated that it is mindful to ensure that noise is maintained at an appropriate level. He stated that National Gypsum is not against the general concept of noise regulation and control, but in the way it is presented under this proposed by-law.

Mr. Crooks stated that the most fundamental concern is in Section 4 a. b. c. and f. which refers to a noise nuisance which is a noise level which causes annoyance to occupants of neighbouring properties. He stated that this by-law is subjective and vague. He stated that under the proposed by-law, just the report of a nuisance is enough to establish a violation. He stated that the standards can differ radically as some people have a lower tolerance than others. He stated that laws which regulate conduct are usually based on objective and definable standards. He stated that there are two broad and legitimate interests that have to be balanced: the general interest of citizens for a peaceable environment and the need of citizens and business alike to engage in activities which create wealth, employment, and recreation. He stated that some of these activities create noise. He stated that the

interests of all affected groups have to be taken into consideration.

Mr. Crooks stated that the specified activities could be limited if the noise were given a decibel level. He stated that no definable standards creates concern. Businesses will not know what level is acceptable. He stated that this by-law creates uncertainty and people have the right to know what the law is, how it will affect them and what they must do to comply. He also stated that enforcement will be a great administrative concern. He stated that there is no criteria for distinguishing between frivolous and serious complaints.

He stated that based on the preliminary review, the municipality may exceed its authority with implementation of the by-law. Firstly, the enabling legislation contemplates an object standard of noise regulation and not a subjective one of the individual annoyance type which is proposed. Secondly, it is recognized that a by-law, in order to be valid, must be certain in its meaning. Those subject to the by-law can only plan activities if they can tell what they must do to comply with the by-law. He stated that the validity of the by-law is questionable.

Mr. Allan Hayman, Lawyer representing B.H. Fancy Construction Ltd. and Bernard Fancy of Harrietsfield, stated that if this draft is deemed enforceable and is strictly enforced, then hundreds of businesses could be in violation. He stated that this is a serious situation. He stated that B. H. Fancy is a large company and has a number of heavy equipment, which would be covered under 3b, and this equipment makes noise. He stated that Mr. Fancy also has a small industrial park in Harrietsfield with 23 buildings and the tenants of these buildings have mechanical and electrical devices that make noise when they are being used. He stated that the present zoning for Mr. Fancy's operations is C-5 and he has been there since 1966. Mr. Hayman stated that he has looked at the Land Use By-Law for this district and in particular page 60, allows these particular uses in his area: industrial/commercial mix. He stated that Mr. Fancy is in compliance with the zoning and he and the residents have been able to get along reasonably well. Mr. Hayman stated that if this by-law is approved then Mr. Fancy will be in violation of Section 4.2 (b), 4.2 (c), 4.2 (f), and 5 (a). Mr. Hayman asked Council if they wanted to put Mr. Fancy out of business and release the employees.

Mr. Hayman stated that this by-law does not deal specifically with the residential areas of the county. He stated that the County has spent millions of dollars to promote industry. We have industrial park and encourage people to come to the area. He stated that during the next few years there will be severe competition among municipal units including the cities and towns to lure industries to the area. He stated that this Council should be encouraging new industry, not take efforts - as under this by-law - to discourage it.

Mr. Hayman also questioned the enforcement, and stated that the land mass of Halifax County is slightly less than the whole province of PEI. He stated that there are 208 communities and approximately 130,000 inhabitants. He asked how the municipality could respond to complaints under a noise by-law without a fleet of vehicles and an army of enforcement officers. He stated that you

cannot. He stated that if this by-law is implemented it would cost the taxpayers thousands of dollars and will be a nightmare to enforce. He stated that other areas may have noise by-laws, such as the City of Halifax, Dartmouth and the Town of Bedford, but stated that these areas are small in land mass and are mostly residential.

Mr. Hayman stated that the whole question of a noise by-law should be put on the shelf for the next 10 years. He suggested that if Council wished to proceed they should draft a noise by-law which deals with 2 different types of noise. The first general category can deal with the issues raised tonight by those in favour - stereos and loud music. There should be a second category of noise created by trade, industry and commerce and any noise created by such should be restricted only in residential areas as defined under district by-laws and only then during restricted periods of time. He stated that there must not be any provision in the Noise By-Law which restricts noise in industrial or commercial areas of this council.

He stated that if this by-law is not defeated, then representatives of the business community should have input or be on a committee to review this legislation.

Mr. Steven Johnston, Lawyer representing Conrad Brothers Ltd., stated that this company operates a large quarry business in Portobello which includes blasting, crushing and transporting of rock. He added that Conrad Transport Ltd. (Cole Harbour) employs over 125 people and has been in operation since the 1940's. He stated that under the proposed by-law, this company is in violation under 4.2 (a), (b), (c) and 5 (a) and would have a serious affect on this business. He stated that they are in direct violation as this by-law stands and would suffer if this is passed. He stated that the company is not opposed to some form of noise control, but cannot support the by-law in its present form.

Mr. Archie Fader, former Councillor, stated that Council has heard from companies and corporations, but not from the small business movement - those who work from their homes and back pockets. Mr. Fader stated that there are a lot of small businesses of this type in the County. He stated that these types of businesses employ a fair amount of people and some employees are illiterate, but can drive a truck. He stated that this employment is a lot better than welfare. Mr. Fader stated that something is needed in the way of noise control, but could not support this proposal. He stated that he hoped that there would be a grandfather clause put into the next draft to protect existing businesses.

Mr. Thomas Young, Jr., stated that for 20 years he has run a construction business and has never seen a by-law that would put businesses out of business before. He stated that Council should shelf this issue and look towards working with local business people as to what should be included in a noise by-law. He suggested having a plebiscite on the matter.

Mr. David Boutilier, Seabright, stated that if this by-law was approved, next door neighbours would complain, even if they never had before. He asked

Council if they wanted to put all small business employees on welfare and stated that this by-law did not make sense. He stated that this is fine with respect to music and dogs, but in the machinery business, one needs all hours of the day that they can squeeze in.

Mr. Brian Kelly, Lower Sackville, stated that he owns a trucking business which includes driving trucks, running loaders and dozers. He stated that if this is passed, it will put a lot of people out of work and eventually the number of people out of work will be more than the people working. He stated that Council should vote on this tonight and throw it out.

#### Decision of Council

Councillor Boutilier stated that this is the third time Council has attempted to deal with this matter and there were many points brought out by those in opposition. He stated that he agreed that one man's noise is another man's music. He stated that unless Council has a by-law with a definition of noise, and nuisance and that states how it will be enforced, then there is no hope for it. He stated that the Executive Committee should have done its homework in the first place and listened to the concerns of other councillors. He stated that this all started because of residential concerns. He stated that also a grandfather clause is a must. He stated that a great deal of businesses will be adversely affected. He stated that drastic changes need to be made, and as it stands this will pit neighbour against neighbour.

Councillor Merrigan stated that he did not want to see this go back to the Executive Committee. He stated that there was a recommendation made that we need something to look at residential noises.

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

"THAT Council reject this proposed by-law and form a committee of staff, three Councillors, and business people in the community to look at trying to collectively develop a by-law for Halifax County."

Councillor Merrigan stated that if Council wishes to address residential problems then Council should throw this document out. He stated that this would put people at ease.

Warden Lichter stated that if this is thrown out then not one phrase of it could appear in a new proposal.

Councillor Boutilier stated that he did not agree with the total package, but the solicitor has put a lot of time and effort into this and rather than start from square one, we could use some of it to continue.

Deputy Warden Baker stated that some control was needed and it may not be necessary to throw this out completely.

Councillor MacDonald stated that this by-law was not appropriate but there were

some aspects that could be used and it should go back to Executive as a place to start from.

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

"THAT this by-law be referred back to the Executive Committee for further examination."

Councillor Ball stated that if this is referred to the Executive then we would be referring the whole by-law. He stated that there were only 2 in favour of the proposal and for very specific reasons. He stated that most people are in complete disagreement with the definitions and the terminology.

Councillor McInroy stated that if this is rejected then Council will not be able to use any clauses contained in it.

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

"THAT Council reject the present draft and refer the concept of the discussions here back to the Executive which would strike a subcommittee to proceed to deal with a noise by-law in those area where we sense appropriate, such as entertainment uses and particular restrictive hours."

Councillor Merrigan felt that this was the same motion.

Councillor Deveaux stated that he had hoped that Council would get rid of this by-law this evening.

Councillor Morgan stated that he has difficulty with the context of what would happen to a grandfather clause. He stated that this would be good for existing businesses but may stifle development. He stated that under the existing by-laws the recommendation to having the fines increased and the second, third and fourth offense should be more than the first and then doubled thereafter.

Councillor Bates asked Mr. Cragg of the indications of other solicitors as to the question of validity. Mr. Cragg stated that with respect to his colleagues, 10 lawyers would have 10 different opinions. He suggested that the by-law may not be too vague and may pass the test of time.

Councillor Bates stated that he agreed with Councillor Merrigan and this item should not be referred back.

Councillor Ball stated that if the principle is to go back to the Executive, it should be determined if it is even necessary to proceed.

ALL MOTIONS WITHDRAWN

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

"THAT the by-law brought forth be rejected by Council."  
MOTION CARRIED UNANIMOUSLY

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

"THAT if the Executive Committee or Council looks at a noise by-law, they will strike a committee that will ask business people and residents to take part."

Councillor Deveaux emphasised the word "if" in the motion.

Councillor Horne stated that this should be restricted to residential areas only.

Councillor Cooper stated that the Executive Committee should reconsider this matter and he stated that he did not see how one could definitely restrict it to residential zones.

MOTION CARRIED

Adjournment

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

"THAT this public hearing adjourn."  
MOTION CARRIED

The hearing adjourned at 9:00 PM

COUNCIL SESSION

Tuesday, January 16, 1990

PRESENT WERE: Warden Lichter  
Councillor Meade  
Councillor Poirier  
Councillor Fralick  
Deputy Warden Baker  
Councillor Ball  
Councillor Deveaux  
Councillor Bates  
Councillor Adams  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Reid  
Councillor Horne  
Councillor Merrigan  
Councillor Morgan  
Councillor Snow  
Councillor Eisenhower  
Councillor MacDonald  
Councillor Boutilier  
Councillor Harvey  
Councillor Sutherland  
Councillor Richards  
Councillor 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 session to order with the Lord's Prayer at 6:00 PM.  
Mr. Kelly called the Roll.

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

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

APPROVAL OF MINUTES

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

"THAT the Public Hearing minutes of December 4, 1989, be approved as  
circulated."  
MOTION CARRIED

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

"THAT the Council Session minutes of December 5, 1989, be approved as circulated."

MOTION CARRIED

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

"THAT the Public Hearing minutes of December 11, 1989, be approved as circulated."

MOTION CARRIED

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

"THAT the Public Hearing minutes of December 18, 1989, be approved as circulated."

MOTION CARRIED.

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

"THAT the Council Session minutes of December 19, 1989, be approved as circulated."

MOTION CARRIED.

#### LETTERS AND CORRESPONDENCE

##### Department of Transportation and Communications

Mr. Kelly reviewed the letter acknowledging receipt of our letter requesting installation of traffic lights at the intersection of Hillcrest Ave. and Sackville Dr.

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

"THAT this correspondence be received."

MOTION CARRIED.

##### Department of Transportation and Communications

Mr. Kelly reviewed the letter concerning the request for updated traffic counts on Old Beaverbank Road and Irene Avenue, the cost estimates for sidewalks on Old Beaverbank Road, and improvements to shoulders and ditches on Old Beaverbank Road.

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

"THAT this be received."

Councillor MacDonald stated that they may have already done a traffic count report on Irene Ave. Councillor Sutherland clarified that they would not have



the latest reports.

MOTION CARRIED.

Department of Transportation and Communications

Mr. Kelly reviewed the letter concerning a pedestrian crosswalk across Arklow Drive between the intersection of Ashley Crescent and Navara Crescent, Forest Hills.

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

"THAT this item be received."

Councillor Cooper stated that due to the hill involved in the area and the daycare facility along this road, this response is not adequate for the situation. He stated that he will investigate other routes for sidewalk construction for the protection of residents.

Councillor McInroy stated that the Department of Transportation may be reluctant if the area does not meet the required stopping sight distances or if modifications have to be made to the road.

Councillor Poirier stated that she has been having difficulty in getting crosswalks installed in her district as well and suggested that council write to the Department of Transportation asking for their recommendations and clarification on the guidelines.

MOTION CARRIED

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

"THAT Council write to the Department of Transportation requesting them to look at the situation in the Beechville, Lakeside, Timberlea area and give their recommendations as to suitable locations for crosswalks."

MOTION CARRIED.

Department of Fisheries

Mr. Kelly reviewed the letter respecting concern of dredging in Sambro Harbour.

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

"THAT this correspondence be received."

MOTION CARRIED

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

"THAT a letter be written to the Department of Fisheries (Small Harbours and Crafts Division) asking when the dredging of Sambro Harbour will reconvene."

MOTION CARRIED.

Embassy of the United States of America

Mr. Kelly reviewed the response to our letter respecting the anchorage of nuclear supply ships in St. Margaret's Bay.

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

"THAT this item be received."

MOTION CARRIED.

Department of Tourism and Culture

Mr. Kelly reviewed the letter concerning funding for the Metropolitan Area Tourism Association and the Antigonish-Eastern Shore Tourist Association.

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

"THAT this correspondence be received."

MOTION CARRIED

Department of Consumer Affairs

Mr. Kelly reviewed the letter concerning the funding by the Halifax Harbour Cleanup for the outfall extension at Historic Properties if the proposed outfall extension was an integral part of the overall design for the new regional sewage treatment system for Halifax/Dartmouth Metropolitan Area.

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

"THAT this letter be received."

MOTION CARRIED.

Association of Metropolitan Land Surveying Consultants

Mr. Kelly reviewed the letter expressing appreciation for Council not approving subdivision by instrument.

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

"THAT this item be received."

MOTION CARRIED.

Enviro-Care Services

Mr. Kelly reviewed the letter requesting the ability to make a presentation to council regarding recycling.

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

"THAT this item be received."

Warden Lichter stated that this proposal has been sent to the Engineering Department for evaluation and suggested that if feasible, presentations could be made at a February 19, 1990, Special Council Session.

MOTION CARRIED.

SUPPLEMENTARY COUNCIL CORRESPONDENCEDepartment of Consumer Affairs

Mr. Kelly reviewed the letter denying the request for funding from the Halifax Harbour Cleanup Inc. for the construction of the sludge lagoon.

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

"THAT this letter be received."

Councillor Horne asked Mr. Meech his opinion of the response. Warden Lichter stated that we would receive \$450,000 maximum funding, but they did not consider necessary improvements to the road as part of the overall project. Councillor Horne clarified that the \$450,000 would be coming from the province, but nothing from the Halifax Harbour Cleanup Inc.

Councillor Ball asked if this was logical because they have not ruled out Halifax's request, but the request of the County was flatly denied.

Mr. Meech stated that Halifax's request for funding will be accepted if it is deemed as part of the regional system.

Councillor Richards asked if there was an appeal system as the County was not being treated fairly.

Warden Lichter stated that the Minister of the Environment will not consider the sludge lagoon as part of the regional system.

Councillor Richards stated that this lagoon is step one in the project and that Council should send the message back that we may have to accept the statement, but that we do not approve of the decision.

Mr. Meech stated that it was not the Minister who made the decision to deny funding, but the Halifax Harbour Cleanup Inc.

Councillor Ball stated that Council may have the avenue of appeal through the federal government, as the construction of the lagoon was not voluntary, but imposed on us.

Councillor Morgan stated that Council may want to present a case to the Fournier task force as the Halifax Harbour Cleanup Inc. will be taking their report into consideration.

Councillor Horne asked why the County was even involved in the cleanup as 99% of our waste is treated.

Warden Lichter stated that the County is not treating Herring Cove which has servicing and goes into the Harbour. Councillor Horne suggested that the county will be used as a site for the plants and that would be the major reason for our involvement.

Councillor Poirier stated that she had been originally opposed to the construction of the lagoon and she had been given assurances that funding would be forthcoming. Warden Lichter stated that the assurances would be that we could get some funding, but no dollar figures were ever given.

Councillor Ball stated that Herring Cove residents would not have difficulty if the County did a 180 degree turn on this issue and turned the trunk line back to Halifax City.

Warden Lichter stated that he had been directed by Council to enter into the contract to be involved in the cleanup. Councillor Richards stated that this was done in good faith.

Councillor Eisenhauer stated that we have left our options open and therefore we have more control.

Councillor Ball asked if we knew if Halifax City and the City of Dartmouth were dumping in the lagoon. Warden Lichter stated that they were. Councillor Ball stated that they, therefore, should be cost sharing this project as the County put in the capital construction costs. Warden Lichter stated that any trucks that go to the lagoon, arrive with a weigh-bill and pay per gallon (\$130 per 1000 gallons).

Councillor MacDonald asked if there were any recovery costs through these dumping fees. Mr. Meech stated that these funds are put back into the budget as revenue. He stated that we are not charging operators to dump as the charge would be brought back to the homeowners. He stated that it was decided that no user fee would be implemented, but that it would be looked after by the general operating budget.

Councillor Boutilier asked why we could not charge a hauling fee for outsiders.

Warden Lichter stated that a lot of councillors were concerned that shipping