

DECISION OF COUNCIL

It was moved by Councillor Adams, seconded by Councillor Bates

"THAT the amendments to the Municipal Planning Strategy for Planning Districts 8&9, to clarify the intent of the Lake Echo Community Designation regarding the expansion of Wonderland and Mountainview Mobile Home Parks, attached as Appendix "A", be approved."

MOTION CARRIED UNANIMOUSLY.

APPLICATION BY CHANNING AND MARY GILLIS TO AMEND THE REQUIREMENTS OF THE C-1 (LOCAL BUSINESS) ZONE

Mr. Kurt Pyle, Planner, advised that the hearing was with respect to two applications submitted by Mr. & Mrs. Gillis. The first application is to rezone the property on the Beaver Bank Road from R-2 (Two Unit Dwelling) to C-1 (Local Business Use) to permit a convenient store in a residential dwelling unit. To permit that request, a second application has been made which is to amend the C-1 zone so as to permit 1500 square feet of commercial floor area exclusive any residential component. At the present time, the C-1 zone restricts the maximum size of the building to 1500 square feet inclusive of commercial and residential components. The property is situated within the Urban Residential Designation which has been applied to residential areas in order to protect the residential character while allowing for uses which are compatible with residential development. The property is zoned R-2 which, in addition, to single unit and two unit dwellings permits local commercial uses within the dwelling. Council may, therefore, consider permitting local commercial uses within residential neighbourhoods by amendment to the Land Use By-law in accordance with Policies P-34, P-63 and P-104.

Slides were shown respecting the property.

Staff have reviewed the proposal and are of the opinion that the rezoning should be rejected, primarily based on the unsuitability of the site itself, a requirement of Policy P-104. The applicant proposes site grading to reduce the nearly 30% slope to 25% for the driveway serving the property. The Department of Transportation has advised that commercial driveway accesses are required to have a grade of no more than 2% in the first 40 feet and maximum grades of 8-10% overall. Both the Municipal Engineering Department and the Provincial Department of Transportation have expressed concern respecting storm runoff and erosion from the site due to its steepness as well as the amount of grading necessary to accommodate the development. Also, unsafe winter driving conditions resulting from a combination of steep

slopes and service drainage. In terms of compatibility with surrounding land uses, an impact on services, the proposed use would be considered compatible. On the second application, the applicant requests to amend the size provisions within the C-1 zone consistent with the recommendations made by staff through the plan review process as well as with recent amendments to the Cole Harbour/Westphal and Timberlea/Lakeside/Beechville Land Use By-laws. In the staff report, the site proposed by the applicant for a convenience store is not, in the opinion of staff, an appropriate lot for commercial development. Therefore, it is recommended that the application be denied. It is further recommended that the application to amend the requirements of the C-1 (Local Business) Zone to Permit a maximum of 1500 square feet of commercial floor space be dealt with through the current Plan Review Process. This report was presented to the Planning Advisory Committee on January 14, 1991. At this meeting, the Planning Advisory Committee wanted to know whether or not Mr. Gillis could obtain the commercial access permit onto the Beaver Bank Road if all constraints were satisfied. The Department of Transportation was contacted and the Division Engineer gave approval that access could be given onto the property if those conditions were met. In the February 25, 1991 report and a March 11, 1991 memorandum, the second application in terms of defining the proposed amendments were given to Council to permit 2000 square feet of commercial floor space in a C-2 zone.

QUESTIONS FROM COUNCIL

Councillor Cooper asked with regard to the permitted size of the commercial area, under these amendments, how much commercial area would be permitted.

Mr. Pyle advised that in terms of this lot, he would have 2000 square feet of commercial.

Councillor Cooper stated he was talking about a 6,000 square foot lot.

Mr. Pyle advised this would be the maximum lot coverage.

SPEAKERS IN FAVOR.

None.

SPEAKERS IN OPPOSITION.

None.

DECISION OF COUNCIL

Councillor Sutherland stated he had an opportunity to talk with the applicants. He stated this was a very difficult site to develop. He referred to speak further with both applicants to discuss this situation at a greater length and advising of their options at the present time.

It was moved by Councillor Sutherland, seconded by Councillor Morgan

"THAT Council defer a decision with respect to this hearing in order to provide an opportunity to discuss this situation further with the applicant."

Councillor Morgan stated that he concurred with Councillor Sutherland.

Mr. Crooks stated if there was to be further discussion or deliberation within Council how the application is to be disposed of, that should be within the framework of the public hearing process even though further representations may not be Council's intention. In order to be safe in doing that, Council should defer the matter to a fixed date rather than to leave the matter open ended.

Warden Lichter suggested the May 21, 1991 Council session. Council Agreed.

MOTION CARRIED UNANIMOUSLY.

APPLICATION #RA-FEN-23-90-19 - APPLICATION BY LARRY WATTS TO REZONE PROPERTY AT 1406 LUCASVILLE ROAD FROM MU-1 (MIXED USE) ZONE TO C-4 (HIGHWAY COMMERCIAL ZONE)

Mr. Kurt Pyle, Planner, advised that an application had been submitted by Mr. Larry Watts to rezone his property at 1406 Lucasville Road from MU-1 (Mixed Use) Zone to the C-4 (Highway Commercial Zone) to permit a used car lot on his property. Associated with the car lot will be a two car garage for maintaining cars available for sale. Mr. Watts property is located on the east side of Lucasville Road and abuts a water line and power corridor to the north and a vacant lot to the south.

Slides were shown of the property.

This subject property is situated within the Mixed Use "B" Designation which supports the continuation of existing semi-rural mixed use environments. The base zone within this designation is the MU-1 (Mixed Use) Zone which permits single and two unit

dwellings, home business uses, small scale commercial and resource uses and most institutional uses (policy P-2).

In order to provide increased flexibility in considering commercial uses, two general types of commercial activities are distinguished within the planning strategy. The first are small scale C-2 uses which involve no outdoor storage or display areas while the second are larger scale C-4 uses which does involve outdoor storage and display areas. The MU-1 zone permits all C-2 Zone uses but not C-4 zone uses. Therefore, Mr. Watts is requesting that his property be rezoned C-4 in accordance with Policies P-17 and P-120. Staff have reviewed the proposed development and are, in the opinion, that the rezoning should be rejected. In the opinion of Staff, the proposal is not in keeping with the intent of the Planning Strategy to maintain a semi-rural environment on the Lucasville Road nor does it satisfy the requirements that highway commercial uses must have direct access on a collector highway. Policy P-17 requires that the property must have direct access to a collector highway as identified on Map 2, Transportation of the Planning Strategy. The Lucasville Road is classified as a local road and not a collector road and is identified within the Planning Strategy as having traffic problems. However, the Department of Transportation has indicated they have no concerns with proposed development in terms of stopping sight distance, road grade or drainage. The intent of the Planning Strategy is to maintain the semi-rural mixed use environment on Lucasville Road by permitting only small scale commercial uses that do not involve outdoor storage or display. The C-4 zone, however, permits large scale commercial uses that have twice the commercial floor area as the C-2 zone and the use of 50% of the lot area for outdoor storage and display. Therefore, Mr. Watts proposal is not consistent with the intent of the planning strategy for Lucasville Road. Therefore, it was the opinion of Staff, that Mr. Watt's application to rezone his property MU-1 zone to C-4 be rejected by Municipal Council. However, on February 25, 1991 the Planning Advisory Committee recommended approval of the application and the holding of a public hearing.

QUESTIONS FROM COUNCIL

Councillor Richards asked if the Lucasville Road was considered to be a collector road as opposed to a local road, and would that have changed the position of staff with regards to this application.

Mr. Pyle stated that the C-4 zones were eliminated to prevent more truck traffic along the road or anything that would cause more traffic.

Councillor Richards asked if it had anything to do with the classification of the roads.

Mr. Pyle advised that it did in part because the intent of the C-4 and the local road classifications are tied together. If the designation of the road was changed, there would be a conflict in the policies.

Councillor Richards felt the Lucasville Road fell in the classification of a collector's road.

Warden Lichter asked what use in C-4 would create truck traffic that is considered dangerous.

Mr. Pyle stated the plan in its wording identifies more specifically truck traffic as the important aspect of traffic but it relates to traffic in general.

Warden Lichter asked if single family dwellings, duplexes and other developments were permitted along the Lucasville Road.

Mr. Pyle answered they allowed single family dwellings.

Warden Lichter suggested this would create traffic.

Mr. Pyle advised that restaurants, building supply outlets, were of concern in this regard.

SPEAKERS IN FAVOR

Mr. Mike Trudeau spoke in favor of the application. He advised he was related to Mr. Watts. He hoped Mr. Watts would succeed. He stated he would like to stress points related to truck traffic. The operation that Mr. Watts has intended is an auto retail outlet. The increased impact of traffic flow is minimum. The traffic generated for an auto retail of this size would be approximately five cars per week. He felt increased traffic was not a concern.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

It was moved by Councillor Eisenhauer, seconded by Councillor Morgan

"THAT the application by Larry Watts to rezone property at 1406 Lucasville Road from MU-1 (Mixed Use) Zone to C-4 (Highway Commercial Zone) be approved."

Councillor Eisenhower stated this was a road similar to Glendale. He suggested that arguments be dismissed with respect to traffic and Mr. Watts request be approved.

MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

It was moved by Councillor Meade that the Committee adjourn.

Time of Adjournment: 9:00 p.m.

MINUTES & REPORTS
OF THE
THIRD YEAR MEETINGS
OF THE
FORTHY-THIRD COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX
APRIL COUNCIL SESSION
TUESDAY, APRIL 2 & 16, 1991

Public & Housing
APRIL 8 & 29, 1991

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COUNCIL SESSION

April 2, 1991

PRESENT WERE: Deputy Warden Ball, Chairman
Councillor Meade
Councillor Poirier
Councillor Fralick
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: K. R. Meech, Chief Administrative Officer
G. J. Kelly, Municipal Clerk
Fred Crooks, Municipal Solicitor

The meeting opened with the Lord's Prayer. Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Boutilier, seconded by Councillor Eisenhower

"THAT Christa Pettipas be appointed as Recording Secretary."
MOTION CARRIED.

APPROVAL OF MINUTES

It was moved by Councillor Poirier, seconded by Councillor Deveaux

"THAT the March 5, 1991 Council Session minutes be approved as circulated."
MOTION CARRIED.

It was moved by Councillor Fralick, seconded by Councillor Meade

"THAT the March 11, 1991 Public Hearing minutes be approved as circulated."
MOTION CARRIED.

LETTERS AND CORRESPONDENCE

1. Department of Transportation & Communications Re Name Change of Coopers Corner Road, Middle Musquodoboit to Sibley Road

Mr. Kelly outlined the letter.

It was moved by Councillor Reid, seconded by Councillor Snow

"THAT the letter be received."
MOTION CARRIED.

2. Department of Transportation & Communications Re Petition Requesting Paving of Brian Drive and Edward Drive, Lower Sackville

Mr. Kelly outlined the letter.

It was moved by Councillor Harvey, seconded by Councillor Sutherland

"THAT the letter be received."
MOTION CARRIED.

3. Department of Housing Re Creation of the Dartmouth/Halifax County Regional Housing Authority

Mr. Kelly outlined the letter.

It was moved by Councillor MacDonald, seconded by Councillor Eisenhauer

"THAT the letter be received."
MOTION CARRIED.

4. Union of Nova Scotia Municipalities Re April 18, 1991 Workshop on the Atlantic Fisheries Adjustment Program

Mr. Kelly outlined the letter identifying that the Federal Government would fund the cost of two individuals to attend a

workshop to be held on April 18, 1991 at the Holiday Inn, Dartmouth.

It was moved by Councillor Fralick, seconded by Councillor Snow

"THAT the letter be received."
MOTION CARRIED.

Deputy Warden Ball asked Members of Council if they wished to send two representatives to this particular workshop.

Councillor McInroy suggested that the Warden be authorized to select two individuals from those who may express an interest. Council agreed.

Councillor Randall asked if this workshop pertained to only Members of Council or could other individuals who showed an interest attend as well.

Deputy Warden Ball stated the letter did not contain any information restricting this workshop to Members of Council only. If there were a couple of citizens at large who County Council felt would be appropriate to represent the Municipality, he thought they could attend. He suggested that any individuals interested in attending this workshop should indicate their interest to the Warden. Council agreed.

4. The Independent Order of Foresters Re Proclamation of October 1991 as Child Abuse Prevention Month

Mr. Kelly outlined the letter.

It was moved by Councillor Sutherland, seconded by Councillor Adams

"THAT Council approve that October 1991 be proclaimed Child Abuse Prevention Month in Halifax County."
MOTION CARRIED.

SUPPLEMENTARY COUNCIL AGENDA

1. Memorandum Re Washroom Facilities-Playing Field, etc. - John Markesino

Mr. Kelly outlined the memorandum respecting the provision of washroom facilities at recreation fields submitted by Mr. John Markesino. He advised this item was raised at a previous session and Mr. Markesino was requested to provide a report.

It was moved by Councillor Deveaux, seconded by Councillor Richards

"THAT the memorandum be received."
MOTION CARRIED.

PLANNING ADVISORY COMMITTEE REPORT

1. FILE NO. ZA-CH/W-08-90 - APPLICATION BY THORA AND REGINALD GILES TO AMEND THE COLE HARBOUR/WESTPHAL LAND USE BY-LAW

Mr. Kelly advised this application was received from Thora and Reginald Giles requesting amendment of the provisions of the Cole Harbour/Westphal Land use By-law relative to the parking of commercial vehicles on residential lots.

The Planning Advisory Committee recommend to Council that the application to amend the provisions of the Land Use By-law for Cole Harbour/Westphal relative to the parking of commercial vehicles on residential lots be rejected.

Mr. Kelly advised he received correspondence dated April 2, 1991 from Reginald Giles addressed to Municipal Council. Copies of the correspondence were circulated to Members of Council with respect to this application.

Deputy Warden Ball asked if Mr. & Mrs. Giles contacted the Municipality requesting an opportunity to speak before Council.

Mr. Kelly responded that in conversation with Mrs. Giles, it was their intention to request an opportunity to address Council. Mr. Reginald Giles stated he contacted the Municipality approximately 15 months ago requesting a permit to park his truck every 5th week for the 4 months in the winter from approximately 9:00 p.m. to 6:00 a.m. on his residential lot. He stated he could not understand why such a small matter such as this would cause so much disaster to the community. He thanked the Councillors who had offered assistance with respect to this matter.

Councillor Morgan advised when the application was examined by the Planning Advisory Committee, a plan amendment to permit parking of emergency vehicles was being considered. He stated that he, as well as others, requested the Sackville Community Committee to review this application while being reviewed by the Cole Harbour/Westphal Committee. The concerns expressed from his area were with respect to the extent of the definition with respect to the terms "emergency vehicles" and the "uses" of these vehicles. He stated concern was also expressed with respect to oil spills in residential areas. He stated he did not share all of these particular concerns expressed. He stated there should be some solution of addressing this particular situation as Mr. Giles has

indicated. He stated it may not need to be accomplished by a plan amendment as such. He suggested that a by-law be enacted to provide for such emergency types of service throughout the entire Municipality. He asked if this suggestion would require a plan amendment in order for such a by-law to be enacted for the entire Municipality.

Mr. Crooks stated that he would appreciate having the opportunity to review it and consult with the Planning Staff whose analysis would be important in formulating any answer.

Councillor Morgan stated at a recent public hearing, the definition of a "fishery use" was clarified. He stated the definition of this use in his area included retail sales. He stated in the Deputy Warden's plan area, it did not include retail sales. He stated since there were different definitions of the term "fishery use", he suggested Council might establish a narrowly defined use of an emergency vehicle restricting it to particular hours of operation.

Deputy Warden Ball agreed with the Planning Advisory Committee that the application goes beyond the intent of the Municipal Development Plan. Residents don't want oil trucks parked in driveways or want commercial vehicles parked in driveways either. The recommendation from the Planning Advisory Committee is acceptable to me but there should be some way of being able to address this issue.

Deputy Warden Ball referred to the term "Fishery Support Use" mentioned. He advised there was a wider range in the District 5 Plan for "Fishery Support Use" in the R-6 vs the R-2 zone. He stated the R-6 permitted retail outlets whereas the R-2 zone did not. He stated there was a broader scope depending on the zone in which you are located.

Councillor Boutilier stated one of the problems expressed by the Planning Advisory Committee was the definition of an "emergency vehicle". He said considerable examination was given to what constituted an "emergency vehicle". Councillor Boutilier stated there was some support on an individual basis for Mr. Giles. However, a plan amendment would be required in the Cole Harbour/Westphal Municipal Development Plan. Secondly, the small lot sizes do not have sufficient space to permit off street parking and this compounded the situation. Also, most important was this was referred to the Cole Harbour/Westphal Community Committee and was thoroughly reviewed by the area Councillors. Their recommendation was that they did not wish this plan amendment to be approved. He stated there was individual sympathy in this case but in the broader base, it could not receive the support that perhaps Mr. Giles wished.

Councillor Deveaux stated he did not have the answer to this

situation. He said they should find some solution to allow this individual who's livelihood, perhaps, depended on Mr. Giles being able to park this vehicle in his driveway. He felt it was ridiculous this was not permitted. He felt County Council failed in representing Mr. Giles, as well as other individuals who may be in the same situation. He stated if Mr. Giles could not park this vehicle in his driveway, Halifax County could not permit him from parking it on the road. This suggestion would be even more dangerous.

Councillor Cooper said from the discussions on this subject, efforts made by the Planning Advisory Committee in this regard were honourable. The solution was not in the form of a plan amendment considering there were too many areas of the proposals that would certainly go against the community wishes. He stated to accommodate this, we must examine another avenue as suggested by Councillor Morgan.

It was moved by Councillor Cooper, seconded by Councillor Eisenhauer

"THAT Application #ZA-CH/W-08-90 by Thora and Reginald Giles to amend the provisions of the Cole Harbour/Westphal Land Use By-law relative to the parking of commercial vehicles on residential lots as recommended by the Planning Advisory Committee be rejected."

Councillor Eisenhauer expressed difficulty with respect to the implications as a result of amending the by-laws for allowance of commercial vehicles to be parked in residential areas. He stated if this application was approved then various types of trucks would be permitted to operate as well during the night.

Councillor Morgan responded this area would not have to be left open because they make a provision for an emergency oil truck or an emergency delivery. He stated "It is not an Emergency Until it is Your Emergency." He would support allowance of parking of these vehicles but not as a result of a plan amendment.

Councillor Morgan advised he would like to approve this issue on an individual basis to provide for parking permits that would allow for the parking of such vehicles on a County-wide basis. He stated he supported the motion on the floor but gave notice he wished an opportunity to make a motion following a vote. He wished to seek direction from the Solicitor in obtaining a solution since the plan amendment was not acceptable.

Deputy Warden Ball indicated that this issue has been reviewed for some time and was certain the Planning Advisory Committee had examined every avenue possible to accommodate Mr. Giles and

concluded the application be rejected.

Councillor Randall indicated the Planning Advisory Committee examined all possible alternatives. However, it was determined from measurements that the length of the driveway would not accommodate the truck.

Councillor Randall felt that a County-wide special permit of some sort should be established. He stated he considered this vehicle as a "Special Services Vehicle" as opposed to a "Commercial Vehicle".

MOTION CARRIED.

Councillor Morgan stated in many driveways in the urban areas, in order to accommodate this particular length without parking on the highway right-of-way and to permit this parking would require an additional plan amendment that would permit parking of a commercial vehicle which encroached on the highway right-of-way. He said he approached the Department of Transportation to determine if they were opposed to commercial vehicles parking off the travelling portion of the highway right-of-way but within the highway right-of-way as designated. They had no objection to this. The Department of Transportation advised they were only interested in ticketing those vehicles parked on the road bed itself hindering the snow removal during the winter parking ban.

It was moved by Councillor Morgan, seconded by Councillor Merrigan

"THAT the Municipal Solicitor, and Staff, examine how this situation and similar situations for emergency parking of commercial vehicles on the highway right-of-way areas could be accommodated considering that these vehicles have to be parked within the Provincial Highway Jurisdiction as well as the Municipal Jurisdiction."

MOTION CARRIED.

2. APPLICATION NO. DA-LM-15-90-08 - APPLICATION BY CALVIN BROOKS TO ENTER INTO A DEVELOPMENT AGREEMENT

It was moved by Councillor Adams, seconded by Councillor MacDonald

"THAT a hearing on this application be held April 29, 1991 at 7:00 p.m."

MOTION CARRIED.

REPORT OF THE PLANNING REVIEW COMMITTEE

1. Posting of Political Signs

Mr. Kelly outlined the report with respect to this matter.

It was moved by Councillor Boutilier, seconded by Councillor Meade

"THAT correspondence be forwarded to the Provincial/Federal Governments respecting the Canada Elections Act/the Elections Act of Nova Scotia requesting that appropriate amendments be made to require that all election signs be removed within fifteen (15) days after an election."

MOTION CARRIED.

REPORT RE MINOR VARIANCE APPEALS AND GUIDELINES

Mr. Meech advised of a report circulated with respect to Minor Variance Appeals and guidelines.

It was moved by Councillor McInroy, seconded by Councillor Bayers

"THAT the Report Re Minor Variance Appeals and Guidelines be received for perusal, and this item be placed on a future Council session agenda for further discussion."

MOTION CARRIED.

EXECUTIVE COMMITTEE REPORT

1. Hammonds Plains Fire Commission - \$350,000 Debenture Issue Re Firehall Construction

Mr. Kelly outlined the report.

It was moved by Councillor Eisenhauer, seconded by Councillor Reid

"THAT Council approve that the Municipality act on behalf of the Hammonds Plains Fire Commission in securing a \$350,000, twenty (20) year debenture including the necessary temporary borrowing resolutions, through the Municipal Finance Corporation for purposes of constructing a new firehall in Hammonds Plains. Principal and interest repayments, related to the debenture, to be recovered by the Hammonds Plains Fire Commission Area Rate. Council reserves the right to levy an area rate in default of debenture principal and interest repayments."

MOTION CARRIED.

REPORT, DEVELOPMENT INFILL LOTS IN URBAN AREAS

Mr. Meech advised this report was a request of Councillor McInroy at a previous Council session. He stated it was being tabled for information with staff's suggestion as to what, if anything should be done.

It was moved by Councillor McInroy, seconded by Councillor Richards

"THAT this report be referred to the Planning Review Committee for consideration of the items contained in the report."

Councillor McInroy advised the suggestion that caused him some concern was that nothing could or should be done about having infill development. He felt this blended in to some extent to the setbacks. He felt they should incorporate something in this regard. He stated he would like to review the plan for Cole Harbour/Westphal with respect to this matter.

He stated in a development area, this was very significant. He stated it would take a lot of time to check out the dwellings on either side of the proposed buildings to see whether a 30 foot setback is 10 feet out of the way or whether it isn't. He expressed concern with respect to having a new building constructed between two existing ones. The concern is with the abutting property owners only. He stated he disagreed totally with this. He stated he recognized they could not control and should not control heights, color of siding, etc. Another reference that caused him some difficulty was that the plans and by-laws permitted different types of development within specific communities but does not control setbacks. He felt they should have some control over setbacks.

Councillor Morgan stated he had no objection to PRC with respect to this. He stated as far as whether or not, everybody should be made to live in bungalows on a particular street or whether they all should be made to live in split entries or underground houses, he thought this went well beyond the mandate that Council should be considering. I believe in a free and democratic society, we should not be considering that somebody cannot set a house back 30 feet on a lot if everybody else's house is set back 20 feet. Cole Harbour/Westphal Councils can certainly consider for their own areas and they may have that support there. He stated he hoped this would not be recommended for the community of Sackville. Councillor McInroy stated Councillor Morgan misunderstood the point he was making. He stated it was not uncommon in other jurisdictions.

He stated he was not suggesting that people live underground or above ground or two stories above, whatever. His concern was with respect to setback control. He stated this was something that had more impact and a more negative affect if you happen to have a 2 1/2 story house. It is encouraged in other municipal units in this

area.

Councillor Morgan stated his driveway is 45 feet long. He stated this may be the difficulty he was having with it. He stated along with many other people, it should not be suggested that everybody should have their house at the same distance from the street. He stated there are housing designs in his area that he did not appreciate. If 95% of the people want to set their house back 20 feet, so be it. If they want to set their house back 100 feet to get closer to their back property line, what is the difficulty.

MOTION CARRIED.

Councillor Sutherland advised they had received a report with respect to Council Guidelines for Minor Variance Appeals. He asked how it would be appropriate to deal with that issue.

Deputy Warden Ball stated the idea was to table the report so that Council would have an opportunity to peruse the report and bring it back at a later Council session for discussion.

PROCLAMATION OF ANIMAL CONTROL AWARENESS WEEK

Mr. Kelly outlined the correspondence received with respect to this matter.

It was moved by Councillor Reid, seconded by Councillor Deveaux

"THAT the week of April 8, 1991 - April 15, 1991 be proclaimed as Animal Control Awareness Week for the purpose of fostering and promoting responsible pet ownership and the role of Animal Control Services in the Communities."

MOTION CARRIED.

CRTC - COUNCILLOR FRALICK

Deputy Warden Ball advised that this item was deleted from the agenda at Councillor Fralick's request.

DEPARTMENT OF TRANSPORTATION & COMMUNICATIONS - COUNCILLOR MERRIGAN

Councillor Merrigan advised of the excellent job the Department of Transportation & Communications carried out with respect to snow removal on the Beaver Bank Road.

It was moved by Councillor Merrigan, seconded by Councillor Horne

"THAT a letter be forwarded to the Department of Transportation & Communications to express appreciation for the excellent job done on the Beaver Bank Road with respect to Snow Removal, with a copy to Paul O'Brien, P.Eng."
MOTION CARRIED.

FCM STAR COMMUNITY PROGRAM - COUNCILLOR MCINROY

Councillor McInroy stated that the Federation of Canadian Municipalities recognizes individual municipal unit achievement with respect to accessibility in the areas of recreation, education, transportation, housing, unemployment. He advised he was pleased with achievements of the Recreation Department.

He stated that he hoped other areas might achieve more accessibility as the Recreation Department has with respect to the particular criteria that has been set out. He stated that the Coordinator of this Program has spoken in a number of parts of the country trying to initiate the same kinds of programs.

It was moved by Councillor McInroy, seconded by Councillor Richards

"THAT Staff be authorized to pursue the establishment of a Staff Committee within the Municipality to plan out a process as to how Halifax County might address the overall accessibility in the five (5) areas, and also to pursue the possibility of an application based on recreation achievements in order for recognition by FCM."
MOTION CARRIED.

DEPARTMENT OF TRANSPORTATION & COMMUNICATIONS - COUNCILLOR RANDALL

Shoulders of Pleasant Drive, Gaetz Brook

Councillor Randall advised that highway shoulders on Pleasant Drive, Gaetz Brook required upgrading.

It was moved by Councillor Randall, seconded by Councillor Adams

"THAT a letter be forwarded to the Department of Transportation & Communications requesting improvements be carried out on the highway shoulders on Pleasant Drive, Gaetz Brook."
MOTION CARRIED.

DEPARTMENT OF LANDS & FORESTS - COUNCILLOR RANDALL

Lands, Former C N Rail

Councillor Randall expressed concern respecting the lengthy period of time in having the former CN Lands issue resolved. He advised problems are experienced with respect to dumping garbage on these lands. He stated he had requested some access areas be blocked off but that was not done.

It was moved by Councillor Randall, seconded by Bayers

"THAT a letter be forwarded to the Minister of the Lands & Forests requesting the present status of the negotiations respecting the transfer of the abandoned C N Rail lands to the Province."

MOTION CARRIED.

SERVICING - MILLBROOK RESERVE

Deputy Warden Ball advised that Mr. Peter Garrow and Chief Lawrence Paul were present to speak with respect to this matter.

Deputy Warden Ball read into the record a letter received from Mr. Brant, Regional Director, General Indian and Inuit Affairs in Amherst, Nova Scotia. He asked that copies of this letter be distributed to Council.

It was moved by Councillor Sutherland, seconded by Councillor Richards

"THAT the letter be received."

MOTION CARRIED.

Mr. Garrow advised that this had been going on for approximately 1.5 years. He stated that they were trying to establish an arrangement or agreement with respect to providing water and sewer services to Cole Harbour. He advised the Department was underway with a new relationship with Indian people with the Band's First Nations. He stated they were under the impression that the way things were handled before, the Department took the lead. That was not the case. In this case with Cole Harbour, we entered into an agreement for the Band to deliver all services for their Band Members which includes water and sewer, operation and maintenance, housing, Social Development Education, etc. They have been doing that for a approximately twenty - twenty-five years. We will continue with our involvement with the Band. We transfer those dollars to them, they carry on. The agreement that they are trying to enter into with delivery of those services to Cole Harbour is something that people will have to wrestle with to come to some type of compromise. We are here to advise the Chief on what we can

do. Funding goes out to all First Nations and the Maritimes as of April 2, 1991. First Nations provide to us capital plans and we fund them accordingly. The Band will receive very shortly their capital dollars as much as what they had received last year.

Councillor McInroy referred to full services mentioned by Mr. Garrow. He asked if this included storm sewers and paving of streets.

Mr. Garrow responded the services were comparable to the surrounding communities.

Councillor McInroy stated he was the Councillor of the area where the Cole Harbour reserve lands were located. He said he was to the understanding that whatever the local standards were in terms of services and streets, etc. that the residents of any territorial lands developed within that area would be developed under the same standards. He advised of a letter received from the Minister with respect to this matter. He stated Halifax County were given to understand prior to that letter, there was not sufficient funding available from the Federal Government to permit the Mill Brook Band to totally service these lands. The letter indicated that funding was available for central water and central sanitary sewer, but was not available for servicing the lands to standards required. He expressed concern with respect to the storm sewer.

Councillor McInroy stated to his understanding, eventually, the entire lands would become serviced for a residential, some mixed residential and some commercial use for the entire reserve lands. He advised they were dealing with the initial stages (first phase) of development. He advised it the normal, minimal urban servicing standards were required to every developer in that area.

Mr. Garrow stated this was for Cole Harbour, the Millbrook Reserve in Truro and the reserve in Sheet Harbour. He stated based on the funding they presently have, if they feel it is a priority to put those type of services expanded for potential development, then what would be their return later on from the other developers. Would they be providing money back into Cole Harbour to offset the cost. The money that we provide from the Federal Department goes to the Band and provides services. He stated Councillor McInroy was referring to potential development.

Councillor McInroy stated the total 40 acre land was ultimately what was addressed in the tentative agreement. He stated the urgent requirement was to get central water and sanitary sewer to those homes that were on the reserve lands at present and to some others that may be able to be placed on those same streets. He stated the difficulty was with respect to the outset. He thought as the services went in, the abutting developments would have

central water, central sewer, storm sewer and paved roads.

Mr. Garrow asked if he meant for everybody in the area.

Mr. McInroy stated just for the reserve. He reiterated that it was to his understanding that the funds were not available for this. He stated individuals could receive water and sewer if the street was not paved.

Councillor McInroy asked if there was any room for moving in terms of having the servicing take place at the same level of standards as the abutting lands which, in his view, would be a departure from what he would like to see, for a territorial subdivision in fairness to the people living in the subdivision as well as abutting lands. If there was to be a departure from that, he asked if there could be a commitment from the Federal Government to acknowledge or be party to a phase-in arrangement that Halifax County provide the funds and not make any commitment that they would provide funding for storm sewer and paving within the next few years. Whether it is used in Sheet Harbour or Cole Harbour would be strictly a decision of the Band.

Mr. Garrow stated he wished they could make a commitment over a number of years with the Band in looking into further development. He stated they did have some type of view transactions in place called the ultimate funding arrangements where they could enter into a multi-year agreement with the Bands. He stated that the Chief, however, was not in favor of a multi-year agreement. He stated the Band should not get involved with extravagant costs for purpose of water and sewer hookups. He did not think the Mill Brook Band could afford something at present unless there would be a commitment of a re pay-back. He did not know how the other territorial lands could be hooked up going through Cole Harbour.

Councillor McInroy stated they were all hooked up to the main trunk lines that were in place, lands developed by the Band.

Mr. Garrow stated this would be cutting through and hooking onto both ends of the territorial lands.

Councillor McInroy stated that their lands would be developed service internally. He stated that trunk lines were there at present in which they could connect.

Mr. Garrow asked if it was just a matter of hooking them up from both ends of the reserve.

Councillor McInroy responded probably one end subject to clarification from Ms. Valerie Spencer. He felt the area could be serviced in one direction..

Mr. Garrow asked if they required a commitment from the Band that could be phased in over a number of years.

Councillor McInroy stated the Chief already indicated that he would accept phase in over a few years but he wondered, unless the Chief had some commitment that the monies would be particularly earmarked to bring up to standard the development. He questioned the commitments of the Band.

Mr. Garrow advised the Chief would have to speak with his Councillors and they would have to look at what commitments they have already made for the other reserves.

Councillor McInroy asked if Halifax County approved the funding, would this change.

Mr. Garrow responded this procedure would not change.

Councillor McInroy stated if the Board made the commitment, they could allocate their funds accordingly.

Mr. Garrow advised this was true.

Mr. Garrow stated he had an annual budget which just received approval for March 15, 1991. He stated this was for the normal amount of capital dollars for thirty bands in the Atlantic. He advised they had a needs list for projects that they have to pursue within this year. He stated that \$10,000,000 each year for 30 Bands for capital projects was the amount they had to deal with. This included housing, water and sewer, roads, acquisition of fire trucks, police cars, community buildings, etc. He stated they try to provide these dollars on an equitable basis looking at what has been accomplished in past years. He stated they then allocate to the Bands a per capita share. He advised they allow the flexibility for Bands to make their own decisions based on what their budgets are. He stated the letter sent to the Minister, he felt, was talking about the green plan and they had not received any allocation as yet towards the green plan. He stated \$275,000,000 would be provided over 6 years to Bands Nationally. He stated that priorities had to be met for all 30 Bands.

Councillor McInroy asked if something came available to the Bands of Nova Scotia, was this earmarked for subdivision roads and services as opposed to general.

Mr. Garrow stated its projects were specifically for water and sewer. He referred to the emergency situation. He stated this would be the arsenic poison in the wells in Cole Harbour. He stated that some dollars would be applied here to do some other

type of water lines or what have you. He stated this was an emergency situation that they would have to deal with. He stated his advise to the Chief and Council would be to work out the best deal they can.

Chief Paul stated discussions took place before with respect to this particular subject. He stated he was present to make it clear to County Council that they have a major health hazard in the Cole Harbour area. He stated they tried drilling wells there where they have run into arsenic. He stated there were two wells at present hooked up being used by two families. He stated that they have tried to dig wells in this area but the water is full of coliform. He stated they were trucking water into some of the wells and the rest of the residents were getting water from Sparkling Springs.

He referred back to the 1970's. He stated that Halifax County needed to cross their territory in Cole Harbour for a trunk line. He stated the reserve could have flatly refused and said "No" or require Halifax County to install this to their standards. He stated he was a Member of Council at that time. He stated he was adamant that the trunk line would not go through their territory unless they got a commitment from County Council that water and sewer would go up through Caldwell Road. We decided to give the County the right to put this line through our territory. He referred to major developments such as Clayton. He stated they receive per capita dollars based on a per capita basis. He stated their budget this year was \$588,000. He stated this includes infrastructure, water and sewer, railway crossing, warning signals, etc. He stated they already have \$150,000 committed to put water and sewer up Caldwell Road. He stated this did not include the laterals. He stated they were also committed to \$100,000 for warning signals for a major safety factor in this area. He stated that Engineering Associates have to also be paid from this money. He stated they also have to upkeep Millbrook in the community. He stated they have a Municipality agreement with the Town of Truro. He stated the Town of Truro extended water and sewer lines down through the #2 Highway. He stated from there, laterals were put in. He stated the Town of Truro did not say they had to have their community up to standards. He stated they still do not have storm sewage in the main Indian Community in Millbrook. He stated hopefully as funds becomes available, they will be able to do so. He advised of another Indian Community in Beaver Dam approximately 11 miles from Sheet Harbour. He stated, at present, there were septic fields and drilled wells there. He advised of Indian Communities on each side of Sheet Harbour which they also have to maintain. He advised he explained the situation to the Warden of Halifax County, as well as Ms. Valerie Spencer. He advised that the Band had enough money this year to install their share of the sewer line on Caldwell Road and to install laterals. He stated they have no money for storm sewage and they do not have the money to pave the roads, install sidewalks or curbs. He advised that

unemployment in the community hovered around 80-85%. He stated the only work the native people have is through Job Strategy. He stated they have 3 people working for the Town of Truro. They have an Indian Constable and they pay salary. He stated if they had the dollars, he would comply with Councillor McInroy and County Council's request to put the native community up to standards. His major concern at present was the water in Cole Harbour. He advised of the difficulties individuals were experiencing in this area with respect to the water. He stated he asked County Council's permission to be able to extend water and sewer to the community in Cole Harbour. He stated they were willing to enter in an agreement on a five year basis to put their native community in Cole Harbour up to the standards of the surrounding communities. He stated money for the Green Plan would be up to the Regional Office. He stated they were awaiting a report from Mr. Garrow. He advised of the alternatives, this would be to install a water treatment plant and pump water from Meagher's Lake or the agreement with County Council, to fix the trunk line on the upper end of Cole Harbour. He stated they were willing to comply with County Council to place their homes on the North side. He stated if this situation was reversed, he would not refuse Halifax County. He stated there was no way they could put the community of Cole Harbour up to standards immediately. He stated they could do it over a period of time but not immediately. He reiterated the water was the main concern at present.

Councillor Deveaux asked if the Band at the present time had enough money to provide services to the 13 homes mentioned.

Chief Paul stated they had enough money at the present time. He stated it would cost approximately \$150,000 to install this service just on Caldwell Road.

Chief Paul stated they had the money this year to put the laterals in and hookups to the homes. He stated they could not pave the roads this year. He stated Mr. David Nantes was quite concerned with respect to a high hill on Ander's Avenue and the traffic concern involved. He stated they are going to spend \$35,000 on this project to cut the hill down to eliminate the safety factor. He stated they were also going to install a cul-de-sac on the end of Ander's Avenue so plows could turn there. He stated projects mentioned altogether would cost approximately \$350,000.

Councillor Deveaux referred to the first mobile homes put in place roughly 6 years ago. Prior to Members of the Band setting up in that area, he asked if there was any tests on the water system to determine if the water system, did indeed contain arsenic.

Chief Paul stated that up to approximately 1973, three mobile homes were placed in this area. He advised of the Ms. Margaret Phillips,

for example, vacating the property due to the problems experienced as well as several other residents. He stated the other mobiles were placed there last year.

Councillor Deveaux asked when the request came, was it to provide service to the existing homes subject to Federal Grants in the future.

Mr. Meech stated there was some indication that action was needed immediately to respond to the problem situations with regard to existing housing. He stated it was under the understanding that it would be done up to existing standards at that particular time in terms of the infrastructure. Due to the lack of financial resources, it was then requested that we continue to do this over a period of time.

Councillor Deveaux asked how much this would cost if they had enough money to provide services to those existing homes at the present time.

Mr. Meech stated he did not think it was a problem with regard to the situation creating any problems. He stated it was the matter of whether the Band was prepared to accommodate the request and not require the requirements of the present subdivision standards in that particular area on the short term.

Councillor Sutherland asked if there was any such agreement available or in existence anywhere in the Municipality of the County of Halifax with respect to this matter.

Mr. Meech asked if this was with respect to an agreement to phased in services.

Councillor Sutherland advised this would be with respect to phased in services over a given period of time not in accordance with the subdivision by-laws. He asked if there was any such an agreement.

Mr. Meech stated he could not think of any. He stated obviously, there were subdivisions that were being developed outside of the urbanized or serviceable boundary areas that did not require paving of the street because the policy did not comply within the serviceable areas or the urban communities.

Councillor Bates asked if the adjacent residents would be affected if Halifax County agreed to the water and sewer installation.

Mr. Meech stated the upgraded standards do not exist today with respect to storm drainage or street paving. That would be the same situation that would still prevail if the infrastructure is allowed to go. The only thing Halifax County should be keeping in mind is

that the idea is to achieve a certain standard with respect to development standards even though on the short term, there would not really be a difference in terms of service levels.

Councillor Bates referred to the arsenic problems. He stated that the Band did not have the money to install the storm sewer, curbs and paving, but they did have the money to place in the sewer. He stated he did not understand what the problem was. He felt they should go ahead and let him do what he wanted to do.

Mr. Meech stated if Council agreed to the request from Chief Paul to enter into an agreement over a period of 5 years as an example, in which Halifax County could expect those areas where the infrastructure has been put in be brought up to existing standards, it would be the power of Council to decide.

Councillor McInroy stated that concern did not apply to health hazard. He advised Halifax County was looking for a special allocation so that when the servicing went in, it would go in to urban standards. The next thing we were looking for was a commitment from the Minister that funding would be made available over the phase-in period. He stated the Band is at the mercy of the Federal Government with respect to the amount of funding it receives. He felt it was the Band's intention to install a storm sewer when community was up to standards.

Councillor Cooper expressed concern with respect to the length of time it takes to achieve those standards and the effect on the lakes and land in the area. He asked if Chief Paul would consider limiting the development as the Band try to achieve the standards for road and storm sewers, etc.

Chief Paul stated as far as the other side of the road was concerned, they had no intention at the present time to develop a residential/commercial area unless they had the money to install storm drainage, paved roads, etc. that Halifax County requires. He advised of the problems with regard to Meagher's Lake. He felt this area should also be repaired.

Chief Paul made mention of the former Honourable David Nante's impression of the situation when negotiations took place with Halifax County Officials and the Indian Band.

Councillor Cooper referred to the development agreement with the Municipality and the Band. He stated it was to his understanding that this agreement was not signed yet.

Chief Paul indicated they had not signed the agreement with Halifax County as yet. He stated they were trying to weed out the obstacles of concern to Halifax County Council. He stated they

would be willing to have the Band Solicitor as well as Halifax County Council's Solicitor to draft up an agreement that would commit the Band over a five year period to put native community up to standards of surrounding communities.

Councillor Cooper asked if it was possible for the Band to limit the development to the South side of the road and proceed in that fashion, bringing everything up to standards before they commenced development on the North side.

Chief Paul responded this was what they intended to do. He stated they had no intention of developing on the North side. He stated if funding was available in the future, they also planned to replace the five mobiles located out there. He stated they were going to put a by-law into effect that would not allow development in that area.

Councillor Cooper felt this was a good idea. He felt Halifax County should address the problem experienced in this area. He stated the Band were indicating that they were prepared to look at the one side of the road.

Councillor Eisenhauer asked if something could be put in place to avoid infiltration of water coming from sump pumps, etc.

Chief Paul stated they were not allowed to pump anything into the sewer system in Millbrook.

Mr. Meech stated they would still have to abide by the other regulations with respect to the fact that they could not have floor drains for example emptying into the sanitary sewer or sump pump. There has to be some thought put into the drainage. It would probably have to be done from a ditching system in the early stages of the development.

Councillor Morgan asked if particular sewer connection requested at present by the Band was going to be serviced from Caldwell Road and that the prior commitment that the Municipality made in allowing another sewer system to cross the reserve lands is at such great distance that it cannot be achieved by a forest pumping main. He asked if commitment was made with respect to these lands.

Mr. Meech responded that Halifax County did make a commitment with respect to these lands..

Councillor Morgan asked if this was on the same road as the development or on the opposite side of the road from the development.

Mr. Meech stated the easement of the right of ways would be on the

north side or the opposite side of where the existing homes were situated.

Councillor Morgan asked why the Band would not go and utilize without any further agreements from Halifax County or full utilization by putting a force main into that sewer right away.

Mr. Meech did not think this was feasible or practical at this time because it was in a different location.

Councillor Morgan referred to a figure of 40 acres. He asked what kind of distance they were talking about.

Councillor McInroy stated the majority of the lands were on the north or east side of Caldwell Road.

Councillor Morgan asked if it was a question of economics.

Councillor McInroy responded it was economics and also that there were no families living there. He stated that the problems were where the families were living.

Councillor Morgan asked if it was a requirement of Halifax County that in an existing subdivision where health hazards exist and can be demonstrated, that the Municipality by agreement is going to require paving of streets, the inclusion of a storm sewer, and the installation of curbs.

Mr. Meech stated at the present time under the subdivision by-law regulations, if you want to develop a subdivision within the serviceable areas, then you do require it.

Councillor Morgan stated he was referring to existing subdivisions where an existing health problem was being serviced. He asked if it was the requirement of the subdivision by-law and would it be the requirement of this Council that before services are extended, that there would be a requirement to put in paving, storm sewer, and curbs.

Deputy Warden Ball asked if he was referring to a serviced area or unserved area. He stated if you have a specific area that is under subdivision requirements in an urbanized area, than there are certain requirements within that urbanized area. This particular land fits into an urbanized area. He referred to Councillor Reid's area as a rural area. He stated the same subdivision requirements would not apply to both.

Councillor Morgan asked what the definition of urban was. He asked if it was 60 foot lots, 100 foot lots, etc. He asked if this was considered urban because it consisted of 40 acres in total and 13

lots were located on it.

Deputy Warden Ball stated it was considered urban because it was in the planning area of Cole Harbour/Westphal which is recognized as an urban area in Halifax County.

It was moved by Councillor McInroy, seconded by Councillor Bates

"THAT services to the south portion of the reserve land be undertaken phased in over a five year period,

AND FURTHER THAT the Solicitors for the Mill Brook Band and Halifax County, as well as appropriate resource people meet and prepare an appropriate document for execution."

Councillor Boutilier expressed concern with respect to monies available year to year. He stated as priority lists become established, money may change from time to time. He asked if that happened, did that mean that the commitment to this agreement may be broken. He asked if there was any commitment from the Federal Government with respect to guarantee for funding over a period of five years.

Mr. Meech stated this was no different from any other situation of not fulfilling obligations.

Councillor Boutilier stated he would not like to see Chief Paul come back two years from now because of shifting priorities and lack of funding. He stated he mentioned this as a word of caution.

MOTION CARRIED.

EMERGENCY ITEMS

1. Arm Forces Returning from the Persian Gulf

Councillor Boutilier advised of areas such as Shearwater, as well as the Sackville area expressing thanks for efforts made by the Armed Forces with respect to the conflict in the Persian Gulf. He asked if the Municipality was involved in these things.

Deputy Warden Ball advised there was a proclamation that would be coming to the Municipality specifically with regards to the Persian Gulf.

Mr. Meech advised that the Municipality would be placing a message in the Arm Forces Newspaper "Warrior" expressing Halifax County's thanks and appreciation. As well, the Warden has asked that yellow ribbons be placed on trees in front of the Administration Centre