

as an expression of thanks to the servicemen. The Warden also has been invited as a participant as part of the welcoming party in Halifax on Sunday.

Councillor Boutilier did not feel Halifax County participated on an equal basis with respect to welcoming the Armed Forces home.

It was moved by Councillor Deveaux, seconded by Councillor MacDonald

"THAT a letter be forwarded to the Admiral of the East Coast expressing thanks and appreciation on behalf of Halifax County for efforts made by the Armed Forces with respect to the conflict in the Persian Gulf,

AND FURTHER THAT a message be placed in the local newspapers expressing thanks and appreciation to the Members of the Armed Forces."

MOTION CARRIED.

2. Housing Authority - Councillor Deveaux

Councillor Deveaux asked, with respect to earlier correspondence of the Housing Authority, if a motion was made to have Mr. Schofield speak before Council.

Deputy Warden Ball responded that no motion was made.

Councillor Deveaux advised he had been speaking with one of the Members of the Housing Authority with respect to remuneration. He suggested that Mr. Schofield be requested to speak before Council to answer questions.

Mr. Meech stated the letter included in the Council agenda answered the question with respect to priority to Halifax County Residents. He advised the letter indicated the policy had not changed, that residents of the Municipality had first priority for facilities within Halifax County Jurisdiction under amalgamated administration.

It was moved by Councillor Deveaux, seconded by Councillor Randall

"THAT Mr. Schofield, Nova Scotia Housing Commission, be requested to attend a Special Council Session with respect to the newly established Housing Authority."

MOTION CARRIED.

ADDITION OF ITEMS TO APRIL 16, 1991 AGENDA

1. Department of Transportation & Communications - Deputy Warden Ball.

TABLING OF 1991/1992 BUDGET ESTIMATES

Mr. Meech stated the budget information circulated was a summary of the budget estimates. He advised Council would receive the booklet with the background details at a later date.

He stated that it was indicated in the report, that Council set aside Wednesday, April 17, 1991, and Thursday, April 18, 1991 beginning at 3:30 p.m. for two budget sessions which would be in the form of Committee of the Whole Sessions.

Councillor Reid advised of a School Board meeting on April 17, 1991 which started at 6:00 p.m. He advised of a meeting on April 18, 1991 at 7:00 p.m. in Musquodoboit Harbour. He suggested that, perhaps, sessions could start around 1:00 p.m.

Mr. Meech suggested 2:00 p.m.

It was moved by Councillor Eisenhauer, seconded by Councillor Reid

"THAT Budget Sessions take place on Wednesday, April 17, 1991 and Thursday, April 18, 1991 at 2:00 p.m.
MOTION CARRIED.

ADJOURNMENT OF ANNUAL SESSION

It was moved by Councillor Eisenhauer, seconded by Councillor Adams

"THAT the annual session be adjourned."
MOTION CARRIED.

ADJOURNMENT

It was moved by Councillor Adams that the meeting adjourn.

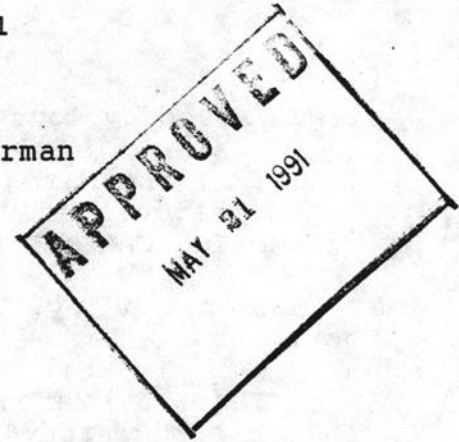
Time of Adjournment: 8:30 p.m.

Mr. Meech advised that a public hearing was scheduled for April 8, 1991. He suggested that the second session to discuss the Halifax County Charter would follow the two public hearings. Council Agreed.

COUNCIL SESSION

April 16, 1991

PRESENT WERE: Deputy Warden Ball, Chairman
Councillor Meade
Councillor Poirier
Councillor Fralick
Councillor Deveaux
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Merrigan
Councillor Morgan
Councillor Snow
Councillor Eisenhauer
Councillor MacDonald
Councillor Boutilier
Councillor Sutherland
Councillor Richards
Councillor McInroy



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 Meade, seconded by Councillor Deveaux

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

APPROVAL OF MINUTES

It was moved by Councillor Sutherland, seconded by Councillor Poirier

"THAT the March 18, 1991 Special Council Session minutes be approved as circulated."
MOTION CARRIED.

It was moved by Councillor Horne, seconded by Councillor Boutilier

"THAT the March 19, 1991 Council Session minutes be approved as circulated."
MOTION CARRIED.

It was moved by Councillor Fralick, seconded by Councillor Boutilier

"THAT the March 25, 1991 Public Hearing minutes be approved as circulated."
MOTION CARRIED.

LETTERS AND CORRESPONDENCE

1. Department of Education Re Additional Tuition Payment for Students from Halifax County Attending High Schools in Halifax City.

Mr. Kelly outlined the above noted letter. He stated the Minister also included a copy of a letter he had written to Mr. David MacAdam, Chairman, Halifax District School Board with respect to this matter.

It was moved by Councillor Meade, seconded by Councillor Reid

"THAT the letter be received."
MOTION CARRIED.

2. Department of Transportation & Communications Re Upgrading to Highway Shoulders, Old Beaverbank Road, Lower Sackville.

Mr. Kelly outlined the letter.

It was moved by Councillor Snow, seconded by Councillor MacDonald

"THAT the letter be received."
MOTION CARRIED.

3. Department of Transportation & Communications Re Petition of Residents of the Old Sackville Road for Repaving and Repairs.

Mr. Kelly outlined the letter.

It was moved by Councillor MacDonald, seconded by Councillor Adams

"THAT the letter be received."

MOTION CARRIED.

4. Department of Transportation & Communications Re Improvements to Skyridge Avenue from Sackville Drive to Hillside/Kave Streets.

Mr. Kelly outlined the letter. He also advised of a petition previously submitted to the Department of Transportation by area residents.

It was moved by Councillor MacDonald, seconded by Councillor Meade

"THAT the letter be received.
MOTION CARRIED.

Councillor Morgan asked if the petition had not been received as indicated in the letter but had been forwarded.

Mr. Kelly stated it was his understanding, the petition was submitted directly by the residents of the area. He stated Council wrote to the Minister advising of their support.

Councillor Morgan stated it seemed the letter was stating that the Secretary was looking for that particular petition. He suggested that another copy of the petition be forwarded to the Minister's Office in the event they may have lost it. Mr. Kelly agreed.

5. Department of Transportation & Communications Re Study to Determine the Cause of Highway Accidents on Highway #107 Near the Minesville Exit

Mr. Kelly outlined the letter.

It was moved by Councillor Adams, seconded by Councillor Randall

"THAT the letter be received."
MOTION CARRIED.

6. Department of Transportation & Communications Re Paving of Cranehill Road Under the 15 Year Paving Program.

Mr. Kelly outlined the letter.

It was moved by Councillor Adams, seconded by Councillor Snow

"THAT the letter be received."
MOTION CARRIED.

7. Department of Transportation & Communications Re Upgrading of

Highway Shoulders of the Old Beaverbank Road Between Sackville and Glendale Drives.

Mr. Kelly outlined the letter.

It was moved by Councillor Sutherland, seconded by Councillor Horne

"THAT the letter be received."
MOTION CARRIED.

8. Department of Transportation & Communications Re Feasibility Study to Determine the Necessity for Traffic Lights at the Intersection of Lake Major Road and Highway #7.

Mr. Kelly outlined the letter.

It was moved by Councillor Adams, seconded by Councillor Deveaux

"THAT the letter be received."
MOTION CARRIED.

9. Department of Transportation & Communications Re Petition from Residents Requesting Paving of Grady Road, East Chezzetcook, Under the 15 Year Paving Program.

Mr. Kelly outlined the letter.

It was moved by Councillor Randall, seconded by Councillor Adams

"THAT the letter be received."
MOTION CARRIED.

10. Department of Transportation & Communications Re Air Traffic Controllers, Halifax International Airport.

Mr. Kelly outlined the letter.

It was moved by Councillor Horne, seconded by Councillor Sutherland

"THAT the letter be received."
MOTION CARRIED.

11. Department of Lands and Forests Re Designation of MacCormack's Beach, Eastern Passage.

Mr. Kelly outlined the letter.

It was moved by Councillor Deveaux, seconded by Councillor Fralick

"THAT the letter be received."
MOTION CARRIED.

12. The Union of Nova Scotia Municipalities Re Continued Support and Concerns of Halifax County Council.

Mr. Kelly outlined the letter.

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

"THAT the letter be received."
MOTION CARRIED.

13. Town of Shelburne Re High Price of Oil in Nova Scotia.

Mr. Kelly outlined the letter. He also made mention of the attached report.

It was moved by Councillor Horne, seconded by Councillor Deveaux

"THAT the letter be received."
MOTION CARRIED.

14. East Hants Federation of Agriculture Re Tour of Farms within Halifax County Municipality.

Mr. Kelly outlined the letter.

It was moved by Councillor Reid, seconded by Councillor Snow

"THAT the letter be received."

Councillor Reid suggested this subject be referred to the Warden for the purpose of arranging a tour. Council Agreed.

MOTION CARRIED.

15. Writers' Federation of Nova Scotia Re Designation of May 11, 1991 as Write Canada Day.

Mr. Kelly outlined the letter.

It was moved by Councillor Boutilier, seconded by Councillor Horne

"THAT the letter be received."
MOTION CARRIED.

It was moved by Councillor Adams, seconded by Councillor MacDonald

"THAT Council designate May 11, 1991 as Write Canada Day."
MOTION CARRIED.

Deputy Warden Ball requested that the 10th item of the agenda be discussed at present. Agreed.

NOTICE OF MOTION, COUNCILLOR COOPER RE COUNTY CHARTER

Deputy Warden Ball advised Councillor Cooper was not present to speak on this matter.

Mr. Meech advised there were two sessions held with respect to the Charter with Mr. Cameron in attendance. He advised a number of changes resulted from the last review. He stated if desired by Council, Mr. Cameron could be requested to review changes since the last session. He stated Council should give notice of their intention of this resolution at tonight's session.

Deputy Warden Ball requested that Mr. Cameron review the changes made, following entertainment of notice of the motion presented.

Mr. Cameron advised replacement pages of the changes were made available to Council. He stated most of these changes were as a result of discussion with Council.

Councillor Horne commented on the resolution. He referred to the 1st paragraph of the motion with respect to allowing the communities of Sackville and Cole Harbour/Westphal to participate in the provision of services to their communities; he asked if other communities could be added at some time in the future.

Mr. Cameron responded the draft Charter did not provide for it. The structure would have to be duplicated and the Charter amended.

Deputy Warden Ball felt Councillor Horne was suggesting that the way it was worded, it closed community committees off to those two particular communities and did not leave the door open for others.

Councillor Horne agreed.

Mr. Cameron stated there would be no objection to add the words Councillor Horne suggested.

It was moved by Councillor McInroy, seconded by Councillor Boutilier

"THAT the motion presented be amended to read as follows:

THAT the following motion be presented for approval at the May 7, 1991 Council Session:

"WHEREAS it is necessary and expedient to provide in legislation for a means of allowing communities in Halifax County to participate more directly in the provision of their services;

AND WHEREAS it is expedient to provide for the legislative basis for the municipal government of the Municipality of the County of Halifax in a consolidated and modernized form, taking into account the special requirements of the Municipality through a Municipal Charter;

THEREFORE BE IT RESOLVED THAT the Council of the Municipality of the County of Halifax approve in principle the proposed Halifax County Charter as presented to the Council;

AND BE IT FURTHER RESOLVED THAT the Charter Committee be empowered to approve such changes in wording and detail in the Charter as may be necessary or desirable, provided that any change in principle, together with any recommendation of the committee thereon, shall be presented to the Council for its approval."

Councillor Richards stated he spoke at the first session and the second session with respect to the definition of "community". He noted in the draft, there was no reference to it. He requested Mr. Cameron's comment.

Mr. Cameron advised that he gave this a lot of thought. He referred to produce another word. He stated he has not found an appropriate word that would be better than the word already being used. He stated this term was generally comprehensible in spite of the potential conflict.

Councillor Richards stated he gave this some consideration as well. He expressed concern that if this was defined as such within the definition regulation, they were closing the gap particularly with respect to community committees in another section of the Charter. He felt they were forced to find a better word. He stated they could not leave the definition as is.

Mr. Cameron stated the concern was not a legal one. From a legal perspective, it was not necessary to make the change as explained. He stated he accepted Councillor Richards point. He stated he would appreciate some assistance of what might be an appropriate word.

Councillor Richards stated prior to the draft being forwarded for final approval, some alternative to the definition must be provided. He stated he did not wish this Charter to be approved with the reference as such.

MOTION CARRIED.

PLANNING ADVISORY COMMITTEE REPORT

1. Application No. DA-CH/W-04-91-07 - Request by City Group to Amend the Development Agreement on the Cranberry Square Development Property, Cole Harbour.

Mr. Kelly advised the Planning Advisory Committee reviewed the attached request by City Group Properties to amend the development agreement on the Cranberry Square Development property located near the Highway No. 7 - Highway No. 107 By-pass intersection in Cole Harbour.

At the request of the Cole Harbour/Westphal Community Committee and the Planning Advisory Committee, Appendix "A" was amended to require the developer to obtain a development permit each year to locate the temporary facial wall sign. The Planning Advisory Committee recommend that the amended wording as outlined in Appendix "A" be approved.

It was moved by Councillor Richards, seconded by Councillor MacDonald

"THAT the amended wording as outlined in Appendix "A" be approved."

MOTION CARRIED.

2. Application No. RA-SA-02-91-22 - Application by Audrey Barrett, 937 Sackville Drive.

Mr. Kelly outlined the report.

It was moved by Councillor Sutherland, seconded by Councillor Deveaux

"THAT a public hearing on this application be held May 13, 1991 at 7:00 p.m."

MOTION CARRIED.

3. Application No. DA-SA-02-90-22 - Development Agreement Between the Municipality and Tony Maskine and Jean Goshn.

Mr. Kelly advised the Planning Advisory Committee debated an application by Tony Maskine and Jean Goshn to enter into a development agreement with the Municipality to permit a 26 unit apartment building on Riverside Drive in Lower Sackville.

The Planning Advisory Committee recommend that this be forwarded to Council for the holding of a public hearing.

It was moved by Councillor Meade, seconded by Councillor Morgan

"THAT a public hearing on this application be held May 27, 1991 at 7:00 p.m.

Councillor Boutilier stated that a public information meeting was held with respect to this matter. The number of individuals who spoke on the application were sufficient enough to express communities desire in this particular matter. He advised the recommendation of the Sackville Community Committee was that this not be recommended for a Public Hearing.

Councillor Sutherland stated in further consultation with the residents there, no complaints had been received from them with respect to holding another hearing of Council. He stated the Sackville Community Committee may have to rethink the decision of the Community Committees as to holding public information sessions within the community. Part of the difficulty is, they attempt to localize the issue and deal with it in their local communities to save the rest of Council from going through the long lengthy process of a public hearing. He supported a public hearing.

Councillor Morgan stated he also supported a public hearing. He felt the meeting held in the Sackville Community was certainly an important meeting for the benefit of Councillors and public to receive a full presentation as far as information was concerned from Staff. Time was allotted at that time for speakers.

MOTION CARRIED.

EXECUTIVE COMMITTEE REPORT

1. Request to Lease Municipal Parkland - Allen Heights.

Mr. Kelly outlined the report.

It was moved by Councillor Meade, seconded by Councillor Fralick

"THAT approval be granted to Halifax County Municipality to lease Municipal Parkland situated on Parklea Drive, Allen

Heights to Allen Heights Water Development Association for a one year term, with the option to renew for further one-year terms."

MOTION CARRIED.

2. Loan Request - District 4 Fire Services

Mr. Kelly outlined the report.

It was moved by Councillor Reid, seconded by Councillor Horne

"THAT a \$100,000 ten (10) year loan advance to the District #4 Fire Service for the purpose of constructing a fire sub-station in the Shad Bay area be approved. The loan is repayable, with interest, with Council reserving the right to levy an area rate in default of principal and/or interest repayment."

MOTION CARRIED.

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT.

1. Waste Disposal Sites, Litter Abatement Act and Regulations.

Mr. Kelly outlined the report.

It was moved by Councillor Reid, seconded by Councillor Deveaux

"THAT Council reaffirm the Municipality's role with respect to dangerous and unsightly premises by delegating these functions under the Municipal Act to the Executive Committee and further the Municipality will take action directly under the statute and therefore By-law #18, the Dangerous and Unsightly Premises By-law be repealed."

MOTION CARRIED.

2. Employee Computer Purchase Program.

Mr. Kelly outlined the report.

It was moved by Councillor Boutilier, seconded by Councillor Sutherland

"THAT the Employee Computer Purchase Program as outlined be approved:

1. Use its purchasing power to obtain a good price,

2. Ensure all taxes, G.S.T. and Health Services, are paid
3. Borrow the necessary funds from the bank to cover all purchases for a term of three years, estimated at \$300,000
4. Recover all principal and interest on borrowing from employees over three years by payroll deduction,
5. Employee to sign an agreement to terms outlined in the program

AND FURTHER this program be reviewed annually for the benefit of new employees or other employees wishing to participate in the program."

Councillor Boutilier asked if the Purchase Plan was a discounted type of purchasing plan or was it simply a convenience through Payroll Deduction.

Mr. Meech stated because of the Municipality's purchasing power, employees were getting the benefit of Halifax County's purchasing capability.

Councillor Boutilier asked if this program would be specifically of IBM software, hardware.

Mr. Meech stated there were two companies selected. The employees are given the option of selecting from those two companies.

Mr. Wilson stated one company was CrownTech and the other Dime-Action.

Councillor Eisenhauer referred to the report attached. He stated the report said the companies were selected by an "exit survey". He asked what this was.

Deputy Warden Ball stated this term referred to the users who participated in the operations of these machines through a workshop.

Mr. Meech stated the machines were put on demonstration one Friday afternoon and Saturday. At that time, those employees who showed an interest, came in and received the benefit. Based on indication of interest by those people, two companies were narrowed down.

Councillor Richards stated it is important that Council understand that the County is not buying the computers. The individual staff person who is taking advantage of the program is buying the computer him/herself. The financing is available from the County

at full cost through payroll deduction including applicable taxes.

Mr. Meech stated all taxes would be paid by the individual purchasing the computer.

MOTION CARRIED.

3. CAPITAL GRANT REQUEST - DISTRICT 4

Mr. Kelly outlined the report.

It was moved by Councillor Poirier, seconded by Councillor Meade

"THAT a Capital Grant Request, District 4, in the amount of \$800.00 to cost share in the cost of installing a fence along the roadside in front of Atlantic Memorial's recreational area (School Property) be approved."

MOTION CARRIED.

4. CAPITAL GRANT REQUEST - DISTRICT 17

Mr. Kelly outlined the report.

It was moved by Councillor Horne, seconded by Councillor Boutilier

"THAT a Capital Grant in the amount of \$1,915.00 towards the purchase of composters for Waverley Recyclers be approved."

Councillor Randall expressed concern with respect to the policy of capital grants. He moved that the Executive Committee review this policy. He stated the number of these grants received was ridiculous.

Deputy Warden Ball suggested that this motion be dealt with after approval of this grant.

MOTION CARRIED.

It was moved by Councillor Randall, seconded by Councillor MacDonald

"THAT the matter of District Capital Grants and the present policy in existence be referred to the Executive Committee for review and a follow-up report brought back to Council."

Councillor MacDonald stated Metropolitan Authority had certain amount of monies available for this purpose. He felt this matter should be referred to Metropolitan Authority.

MOTION CARRIED.

DEVELOPMENT OFFICER'S REPORT

It was moved by Councillor Eisenhauer, seconded by Councillor Meade

"THAT the Development Officer's Report be received."
MOTON CARRIED.

DEPARTMENT OF TRANSPORTATION & COMMUNICATIONS - DEPUTY WARDEN BALL

Councillor Boutilier spoke on Deputy Warden Ball's behalf.

It was moved by Councillor Boutilier, seconded by Councillor McInroy

"THAT a letter be forwarded to the Department of Transportation & Communications Requesting Paving of Francie Drive, Williamswood; Acres Road, Williamswood; Harbour View Drive, Portuguese Cove; and Ocean View Drive, Herring Cove under the 15 Year Paving Program."

MOTION CARRIED.

ADDITION OF ITEMS TO MAY 7, 1991 COUNCIL AGENDA

1. Councillor Eisenhauer - DOT.
2. Councillor Boutilier - DOT.
3. Councillor Deveaux - DOT.
4. Councillor Fralick - DOT.

MOTION - EASTERN PASSAGE/COW BAY RATEPAYERS' ASSOCIATION

Mr. Kelly advised of a motion submitted to Council as a result of an Eastern Passage-Cow Bay Ratepayers' Association Meeting held Sunday, April 14, 1991.

Mr. Kelly advised this Association request support from County Council for the following motion:

"THAT Halifax County Council request Halifax Harbour Cleanup Inc. to support the elimination of the existing Eastern Passage Sewage Treatment Plant by providing a pipeline connection system. Also, that Halifax County Council request that this proposal should be included as part of the

Environmental Impact Assessment to be Presented to the Joint Federal/Provincial Assessment Panel."

It was moved by Councillor Deveaux, seconded by Councillor Horne

"THAT Halifax County Council support the motion requesting Halifax Harbour Cleanup Inc. to support the elimination of the existing Eastern Passage Sewage Treatment Plant by providing a pipeline connection system. Also, that Halifax County Council request that this proposal should be included as part of the Environmental Impact Assessment to be presented to the Joint Federal/Provincial Assessment Panel."

Councillor Deveaux stated Council was already aware of the problems with respect to this sewage treatment plant over the years. He felt it was fair to his people to have this issue looked into.

It was moved by Councillor Horne, seconded by Councillor Deveaux

"THAT the motion be amended to read as follows:

"THAT Halifax County Council request Halifax Harbour Cleanup Inc. to support the elimination of the existing Eastern Passage Sewage Treatment Plant by providing a pipeline connection system from Eastern Passage to the proposed regional Collection System.

"AND FURTHER that the Mill Cove Site be included in this request.

ALSO THAT Halifax County Council request that this proposal should be included as part of the Environmental Impact Assessment to be Presented to the Joint Federal/Provincial Assessment Panel.

Councillor Horne stated the money may not be available from the original design of the Harbour Cleanup but for future growth of the County, these should be hooked up to the main treatment plants.

Councillor Richards expressed concern with respect to the resolution. He stated he was uncertain of the final impact as a result of this on the Municipality particularly with respect to the treatment plants in Eastern Passage that serve the community of Cole Harbour/Westphal as well. He suggested before proceeding with the support that is being requested, that a staff report be prepared to indicate the impact both in terms of financial dollars and any other implications on the communities. Councillor Richards moved that this item be deferred until such time as a report is provided by Staff to come back at the next Council session.

Deputy Warden Ball stated there had been no motion adopted as such. He was uncertain if the motion could be deferred as it was not adopted.

Mr. Crooks stated that the matter could be deferred but the amendment should be dealt with so there would be certainty as to what the proposed resolution is whether it includes the Mill Cove matter.

Councillor Richards stated he wished to defer the item not the motion.

It was moved by Councillor Richards, seconded by Councillor Eisenhauer

"THAT this item be deferred to the May 7, 1991 Council session to provide adequate time for a staff report to be prepared with respect to financial dollars and any other implications to communities that may be involved."

Councillor Boutilier called a point of clarification. He asked if there was any cost associated with respect to this.

Mr. Meech stated there definitely was a cost associated.

Deputy Warden Ball suggested that the motion of deferral be dealt with at the present time.

Councillor Deveaux asked when the Environmental Impact Assessment would be presented to the Joint Federal/Provincial Assessment Panel.

Mr. Meech stated it was intended that the panel would be getting together soon.

Councillor Deveaux stated he was aware of the costs involved. He stated he saw no reason for deferment.

Mr. Meech stated the two units mentioned were going to be looking towards Halifax County Municipality to provide dollars. With regard to Mill Cove, arrangements would have to be made to upgrade the tunnel system.

MOTION FOR DEFERMENT CARRIED.

MINOR VARIANCE APPEAL - 7:00 P.M.

Ms. Sharon Bond advised the minor variance application dealt with a request by Mr. Gerald Doucette to construct an attached deck 4.5 feet from his right property line instead of the required 8 feet. On June 2, 1989, Mr. Doucette received building and development permits to construct a deck on his existing house at 189 Colby Drive. The permit was issued subject to the requirements of the R-1 Zone in the Land Use By-law for Cole Harbour/Westphal. On November 26, 1990, the Building Inspector for the area reported that the deck appeared to have been constructed only 4.5 feet from the right line rather than the required 8 feet. The applicant was notified that his deck was constructed in violation of the Land Use By-law, and that it should be altered. In response, a minor variance application was made. Section 86 (3) of the Planning Act states that "No variance should be granted where the variance is not minor, in that it violated the intent of the Land Use By-law; the difficulty experienced is general to properties in the area; or; the difficulty experienced results from the intentional disregard for the requirements of the Land Use By-law. This particular application is not minor in nature, in that it violates the intent of the Land Use By-law with respect to maintaining uniform sideyards in the R-1 zone. The deck was constructed by the applicant with knowledge that the project did not conform to the requirements of the development permit, and that it was not consistent with the original proposal submitted. Therefore, the request for a minor variance was rejected by the Development Officer.

Slides were shown illustrating the property.

Speakers in Favor

None.

Speakers in Opposition.

None.

Decision of Council

Councillor McInroy stated that according to correspondence approved, the abutting property owners were in support of the minor variance.

It was moved by Councillor McInroy, seconded by Councillor Richards

"THAT the Minor Variance Appeal #MV-03-91-24, Gerard Doucette, Colby Village to permit an existing raised wood deck with a 4.5 foot sideyard instead of the required 8 feet be approved."
MOTION CARRIED.

DEPARTMENT OF TRANSPORTATION BILLINGS - CROSSWALK PAINTING

Mr. Kelly advised this situation was with respect to Department of Transportation billings for crosswalk painting. He stated this was discussed at a previous session and the information presented requested.

Councillor Fralick stated the list presented was incomplete. He stated District 3 was not included on the list. He stated it was Council's decision if they wished to approve this as is.

Councillor Richards stated when this item came before Council last fall, he had some major concerns with it. Reading the correspondence presented here this evening, he still had concerns. It seemed to him that this was a dictate from the DOT. He stated his district in particular was being billed for \$10,000 for crosswalk painting, the most expensive of all the districts. He stated the DOT should be paying for this as it is their policy. He stated he was uncertain if he could afford this charge. He stated he was unaware of the impact on other districts. He stated he would not willingly sign the resolution to pass on the money to the DOT. He felt they should have a conversation with the DOT to try and resolve this issue.

Councillor Horne asked which account this funding would be coming from.

Mr. Meech stated this would be charged to either the Sidewalk or Crosswalk Account.

Councillor Horne stated there may be sidewalk accounts but they may not be in the areas where the painting has been done.

Mr. Meech asked if Councillor Horne was referring that there were areas where there were no sidewalks or crosswalks.

Councillor Horne replied in his district, the closest sidewalk was approximately three miles away.

Councillor Horne asked if you were unable to obtain the funds from this account, which account would the funds come out of, specifically the Westphal/Cole Harbour area.

Mr. Meech stated the Cole Harbour area has an account for sidewalks and/or maintenance of sidewalks. This would be where the proposed charge would come from. He advised the agreements stated very clearly that Halifax County were responsible for the ongoing

operation and maintenance of sidewalk construction.

Mr. Meech asked if there were crosswalks in Councillor Horne's area.

Councillor Horne advised there were no crosswalks in his area within three or four miles of sidewalks. He stated he would not like to charge the bill of \$680.00 to that crosswalk because of the distance away from the location of the painting.

Mr. Meech stated the only other option would be to charge it to the District Funds.

Deputy Warden Ball felt if Halifax County Municipality was going to bear the cost of painting of crosswalks, Halifax County should consider doing this themselves through some form of a contract.

Councillor Horne asked if it would be possible to ask the Department of Transportation to indicate which painting areas were going to be done each year in order for Halifax County to have the opportunity to indicate whether or not they wanted it done.

Councillor Sutherland referred to the correspondence received. He advised the letter from the DOT was part of the adjacent sidewalk system. Under the Motor Vehicle Act, any lines painted at an intersection across the road was considered a crosswalk. He advised of the Provincially designated highway routes that were not part of the local community system of roads. He stated they had no choice but to request clarification from staff and the Minister with respect to this.

Councillor Snow stated that it should be made clear to the DOT that where they deem to have a crosswalk, they pay for it. He felt Councillor Richards should not be paying for the Department of Transportation's policy anyway.

Councillor Morgan stated he would speak in support of Councillor Sutherland. He advised of a bill he received approximately \$7,000 based on the cost if Sackville was incorporated as a Town or City and retained by the DOT as Collector Roads. He stated he would have no objection to Sackville being considered a local street at the request of the residents. The residents, therefore, maybe should pay for that street under the extension of the sidewalk if that is the policy.

Councillor Morgan stated in a situation where there is a bill for \$10,000 and the highway abutts two districts and the dividing line is down the centre of the highway. Which district gets charged for the entire four lanes or two lanes.

Mr. Meech stated as far as the DOT were concerned, Halifax County Municipality. It is our decision how we decide to allocate the cost.

Councillor Morgan stated the District Councillors were being asked to approve these crosswalks associated with their districts.

Mr. Meech stated this does not require Council Members to individually sign the agreement. It is a matter of policy how Halifax County wishes to allocate the cost.

Councillor Morgan asked if there was any point in negotiating with the DOT a particular street or collector road forms part of the provincial network and, therefore, should not be charged to the particular jurisdiction as if it were a local street. He asked if there was any point in going to the DOT, Province, respective Staff and Members to argue that point and what was the chance of success in Mr. Meech's opinion.

Mr. Meech stated this was Halifax County's intention with respect to four lane highways where it is suggesting that this is an extension of the sidewalk program. He stated he was not 100% satisfied that this was clearly spelled out. He stated it comes to the question of who made the decision to put the crosswalk there in the first place. If we do conclude this matter, he stated he would pursue this matter with the DOT before he would actually authorize payment. If the four lane highway is considered to be a collector road, it seemed to him it would be the DOT's responsibility.

Councillor Morgan referred to the crosswalks relating to District 16. He stated the Cobequid Road mentioned was the highway to Truro if you go back far enough in history. The Sackville Drive Old Highway #1 was the highway to Windsor. He felt painting lines across them should not be Halifax County's responsibility. They should be retained as part of the Department of Transportation routes.

Mr. Meech stated they were shared 50/50.

Councillor Boutilier stated he discussed this with Ms. Frizzell. With respect to District 20 and 16, Glendale Drive was assessed to District 20. Yet, abutting district 16 is on the other side of Glendale Drive. He stated he was billed \$5,520.00 for Cobequid and Glendale Drive yet both ends of the crosswalk you enter into is located in District 16. He stated he was also billed for Riverside Drive.

Mr. Meech stated he thought there was one rate for sidewalk maintenance for Sackville.

Councillor Morgan answered there was one rate.

Councillor Boutlier asked why the invoices were submitted by districts.

Mr. Meech stated this appeared to be an administrative error.

Councillor Boutlier stated he had no intention of authorizing these invoices.

Councillor Reid called a point of order. He felt this should not be dealt with here but at Community Committee level because this was a local concern and expenditure of local monies. These committees were set up to discuss these problems.

Councillor Merrigan stated he did not have an agreement in front of him with respect to sidewalks or maintenance. He suggested this item be referred to the Executive Committee for a decision.

It was moved by Councillor Merrigan, seconded by Councillor Snow

"THAT Department of Transportation Billings respecting Crosswalk Painting be deferred to the Executive Committee.

MOTION CARRIED.

DATE FOR MINOR VARIANCE APPEAL

Mr. Kelly advised of correspondence received from Mr. Kenneth Strugnell, Gloria Avenue, Lower Sackville appealing the decision of the Development Officer to locate an above-ground pool four feet from his property line.

It was moved by Councillor Deveaux, seconded by Councillor Sutherland

"THAT the hearing with respect to this minor variance appeal be held at the May 7, 1991 Council Session."

Councillor Morgan stated that the Sackville Community Committee did not always have the benefit of a good lawyer or Chief Administrative Officer at their meetings. He stated they have requested that some issues be referred back to Council.

Deputy Warden Ball stated this pertained to the minor variance

appeal.

MOTION CARRIED.

TABLING OF AUDITED FINANCIAL STATEMENTS

It was moved by Councillor Fralick, seconded by Councillor Adams

"THAT the Audited Financial Statements be tabled."
MOTION CARRIED.

EMERGENCY ITEMS

1. Treatment Plants - Councillor Deveaux.

Councillor Deveaux stated he wished to pass on the item with respect to Treatment Plants.

2. Community Committee, Eastern Passage - Councillor Deveaux

Councillor Deveaux stated that as a result of the Ratepayers meeting held on Sunday the 14th, the Ratepayers agreed to remain with Halifax County Municipality. He stated they were fully aware of the equality and workings of Eastern Passage. He stated they are interested in forming a community committee similar to Cole Harbour and Sackville. He requested that this item be referred to Staff asking for a recommendation over the next several months, perhaps after the election.

It was moved by Councillor Deveaux, seconded by Councillor Boutilier

"THAT this item be referred to Staff requesting a recommendation with respect to a Community Committee in Eastern Passage."

Councillor Boutilier suggested that Councillor Deveaux consider joining the Cole Harbour/Westphal Community Committee. He expressed difficulty with one Councillor representing the entire district.

Councillor Deveaux felt a Community Committee could still be formed, even though the district is run by one Councillor.

MOTION CARRIED.

IN CAMERA ITEM

It was moved by Councillor Adams, seconded by Councillor Morgan

"THAT Council go in Camera."
MOTION CARRIED.

It was moved by Councillor Adams, seconded by Councillor Morgan

"THAT they move out of Camera."
MOTION CARRIED.

ADJOURNMENT OF ANNUAL SESSION

It was moved by Councillor Sutherland, seconded by Councillor Adams

"THAT the annual session adjourn."
MOTION CARRIED.

ADJOURNMENT

It was moved by Councillor Adams that this meeting adjourn.

Time of Adjournment: 8:00 p.m.

PUBLIC HEARINGS

April 8, 1991

PRESENT WERE: Councillor Boutilier, Chairman
Councillor Meade
Councillor Poirier
Councillor Fralick
Councillor Deveaux
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Merrigan
Councillor Morgan
Councillor Eisenhauer
Councillor MacDonald
Councillor Harvey
Councillor Richards
Councillor McInroy
Councillor Cooper

ALSO PRESENT: K. R. Meech, Chief Administrative Officer
G. J. Kelly, Municipal Clerk
Kurt Pyle, Planner
Jan Skora, Planner

APPOINTMENT OF CHAIR-PERSON

It was moved by Councillor Meade, seconded by Councillor Fralick
"THAT Councillor Boutilier be appointed as Chair-Person for
this hearing."
MOTION CARRIED.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Meade, seconded by Councillor Fralick
"THAT Christa Pettipas be appointed as Recording Secretary."
MOTION CARRIED.

1. ZA-F&S-34-90 - APPLICATION BY THE MUNICIPALITY TO AMEND THE R-6 (RURAL RESIDENTIAL) ZONE AND R-7 (RURAL ESTATE) ZONE TO CLARIFY THE REQUIREMENTS OF AGRICULTURE USES.

Mr. Pyle, Planner, advised this application had been initiated by

the Municipality in order to clarify the intent of the Land Use By-law for Planning Districts 14 and 17 relative to agricultural uses within the R-6 (Rural Residential) Zone and R-7 (Rural Estate) Zone. Clarification of the by-law provisions is required to differentiate between small-scale agricultural uses and large-scale or intensive agricultural uses. The Land Use By-law specifies that agricultural uses are permitted within the R-6 and R-7 zones, subject to specific zone requirements (Sections 10.5 and 11.5). These requirements are considerably more restrictive than the base zone requirements for other permitted uses. These zone requirements are applied to all agricultural uses, regardless of scale or intensity. As a result, an individual who wishes to keep a horse, must satisfy the same requirements as an individual who wishes to operate a livestock operation. This situation is felt to be overly restrictive and inconsistent with other planning strategies within the Municipality.

In Planning Districts 8, 9, 1, 3, 15, 18 and 19, agricultural uses are divided into two categories, small-scale agricultural uses and large-scale or intensive agricultural uses, in order to control the impact of large scale uses on abutting land uses. Large scale or intensive agricultural uses are defined as uses intended for the keeping of more than fifty domestic fowl or ten other animals and are subject to more restrictive zone requirements than are smaller scale agricultural uses. Planning Districts 1, 3, 15, 18, and 19 define the large scale use and require such uses to be setback a minimum distance from any residential zone. Similar distinctions are believed to be appropriate within Planning Districts 14 and 17.

At present, the R-6 and R-7 zones in Planning Districts 14 and 17 permit agricultural uses subject to specific zone requirements which are considered to be overly restrictive on small-scale agricultural uses. The Land Use By-law for Districts 14 and 17 should be amended to distinguish between small scale and large scale uses and to define and restrict intensive agricultural uses. Therefore, it is recommended that the application by the Municipality to amend the R-6 (Rural Residential) zone and R-7 (Rural Estate) zone to clarify the requirements of agricultural uses be approved.

QUESTIONS FROM COUNCIL

Councillor Morgan referred to the Comparison of Base Zone and Specific Agricultural Use Requirements for R-6 and R-7 Zones on Page 3 of the report provided. He asked in terms of a barn, was the 1,000 square feet noted with reference to the ground floor area.

Mr. Pyle advised this was the maximum floor area for a barn.

Councillor Morgan expressed difficulty with the number of animals permitted in a 1,000 foot area as mentioned.

Mr. Pyle advised this depended on the barn design. He stated he spoke to the Development Officer with respect to this matter.

Councillor Morgan felt the application should indicate that the building should have dimensions no more than 1,000 square feet.

Councillor Horne stated it was to his understanding, 50 domestic fowl and 10 animals would be permitted.

Mr. Pyle responded yes under the more restrictive agricultural regulations.

Councillor Horne asked if this was permitted in R-6 and R-7 zones.

Mr. Pyle responded if agricultural uses were met, this would be permitted.

Councillor Horne asked if 10 horses would be permitted.

Mr. Pyle advised the 10 animals permitted could be a combination of animals or 10 similar animals such as horses.

Councillor Horne asked if this would be for private use only.

Mr. Pyle answered it was not for the purpose of commercial use.

Councillor Morgan asked if a stable attached by the roofline to a garage, a total floor area of 5,000 square feet, would be permitted to house a horse.

Mr. Pyle asked if the garage mentioned would be attached to the house.

Councillor Morgan advised in his area, for example, the garage has been made into a stable and is attached to the house by roofline.

Mr. Pyle responded this was acceptable.

Mr. Donovan advised this depended on the lot size in terms of agricultural uses with less than 10 animals. He advised a permit could be obtained to house animals. There was no restriction in an R-6 zone with respect to a barn.

Councillor Morgan advised he thought there was a change with respect to the structure. He stated he had no difficulty with the structure having no more than 1,000 square feet in floor area. He advised of sites in District 14 in which have these types of

houses. He stated the horses happen to be in a stable but the total structure is a whole house.

Mr. Donovan advised the by-law amendment was being added to what was already there. No more than 1,000 square feet of any building should be there. He advised this was quite specific already under Section 10.5C.

Councillor Cooper asked what the maximum square footage permitted would be for a stable with more than 10 animals.

Mr. Pyle advised 1,000 square feet would be the maximum square footage.

Councillor Cooper asked if this applied to R-6 and R-7 zones.

Mr. Pyle responded it applied to both zones.

Councillor Cooper asked if there was any limit to the number of animals permitted within this area.

Mr. Pyle responded this depended on the square foot area.

Councillor Cooper felt Halifax County was not achieving what was intended to do with respect to these requirements. He stated it did not seem right that 1,000 square footage was the maximum floor area to house 1 animal or 20 animals.

Mr. Pyle indicated this was the requirement at present.

Councillor Cooper asked if the intention was to recognize the agricultural uses.

Mr. Pyle advised agricultural uses were overly restricted.

Councillor Merrigan asked how Halifax County came up with all these animals housed under a 1,000 square foot area.

Mr. Pyle advised regulations were taken out of various plans to become consistent across Halifax County.

Councillor Merrigan stated if Halifax County was trying to reduce the requirements, they should be making sure the structure suits the number of animals permitted and the intent of Halifax County. He stated an oxen could be a fair sized animal. He asked how 10 or 20 of these could be kept in a 1,000 square foot area.

Mr. Pyle advised this was the responsibility of the Development Officer to deal with this issue.

Councillor Merrigan suggested that the term square footage be defined.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

Councillor Horne expressed difficulty as mentioned with respect to the maximum floor area.

Mr. Donovan advised the 1,000 square feet mentioned was the maximum size of the floor area permitted in the Land Use By-law. He advised the purpose of this application was to clarify the requirements of small-scale agricultural uses as opposed to the large scale operations. Large scale uses are defined as uses intended for the keeping of more than 50 domestic fowl or 10 other animals and are subject to more restrictive zone requirements than the smaller scale agricultural uses. An individual who wishes to keep one horse for example, must satisfy the same requirements as an individual who wishes to operate a livestock operation. The only thing that has been amended is the reference to animals.

It was moved by Councillor Horne, seconded by Councillor Bayers

"THAT Application ZA-F&S-34-90 by the Municipality to amend the R-6 (Rural Residential) zone and R-7 (Rural Estate) zone to clarify the requirements of agricultural uses be approved."

Councillor Cooper suggested that the entire process such as agricultural uses, square footage, etc. be reviewed.

Mr. Donovan reiterated the purpose of the amendments was to clarify the requirements with respect to smaller scale operations. In order to review the entire procedures and regulations with respect to this matter, a separate application would be required.

MOTION CARRIED.

DA-F&S-12-90-14 - APPLICATION BY JOHN SHIELDS TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE MUNICIPALITY TO PERMIT THE EXPANSION OF AN EXISTING AUTO BODY REPAIR SHOP, KNOWN AS ENFIELD AUTOBODY, LOCATED ON THE OLD POST ROAD IN ENFIELD

Mr. Skora, Planner, advised Mr. John Shields has applied to enter into a development agreement with the Municipality in order to permit the expansion of an existing autobody shop. The agreement would apply to the existing, partially developed lot situated along the Old Post Road in Enfield. The proposed addition is to be located on the back of the existing structure and constructed of similar prefabricated metal elements. The appearance of the front of the building will not be changed. The main use relates to body work on cars and small trucks. The applicant has recently signed a contract with Air Canada for maintenance and body work for on-ground mechanical equipment and vehicles, which has created the need for expansion.

The autobody shop is located on the North-East corner of the property. Most of this lot is undeveloped and covered with natural forest and vegetation. The development potential of the site is limited due to easements for power lines passing through the property.

Slides were shown illustrating views of the property.

The property is situated within the Rural Designation. This designation has been applied to areas where the growth of a low density residential environment is supported. The main zone within this designation is R-1B (Suburban Residential) zone, which permits single and two unit dwellings, community uses, limited office and daycare facilities within a dwelling.

The Plan supports a number of existing commercial and light industrial activities, including auto body repair shops, which are dispersed throughout the Residential Designation. Any expansion or change of use in these activities is subject to a development agreement (Policy P-76). The primary intention of this policy is to ensure that any expansion or change of use is accommodated on the existing site within an enclosed structure and does not involve the processing, production or storage of hazardous materials. The application should also comply with the general provisions of Policy P-155, which relate to conformity with the intent of the plan, adequacy of services, site suitability, and that controls placed on the development reduce conflicts with adjacent or nearby land uses.

The proposal is able to meet all conditions through the use of appropriate controls in the development agreement. The proposed development is consistent with the planning strategy's intent relative to development within the Residential Designation, and the existing lot can accommodate the proposed expansion.

The existing building is a one storey 40 x 60 feet metal quonset structure in which the proposed addition will be located on the

back. The proposed size of the addition is 40 feet in width and 44 feet in depth. The influence on the abutting properties will be minimal.

The proposed development on the site will reduce outdoor storage and improve the exterior appearance of the property. Outdoor storage related to the operation will be limited to an area on the east side of the building (Section 3.2). The area will be screened by an existing six feet high fence along the east property line.

The scale and use of the proposed extension is generally consistent with the requirements of Planning District 14 and 17 R-1B (Suburban Residential) zone.

Concerns have been raised by the Department of Transportation and Communications regarding the width of the existing access, the lack of a culvert under the existing driveway and the size of the existing parking lot. The development agreement restricts the width of the driveway to a maximum of 40 feet which must be identified by parking stops. It also includes provision for a fourteen (14) car parking area located on the west side of the building. The ditch and culvert, as requested by the Department, are to be located outside the property line and completed based on mutual agreement with the Department of Transportation. The Department of Health & Fitness has no objections to the proposed expansion.

The primary purpose for requiring a development agreement for this development proposal is to ensure that the adjacent properties will not be adversely affected. The landscaping proposed and outdoor storage limits will provide the controls to meet this purpose. The scale and nature of the proposed expansion will not have a negative effect on the surrounding area. It is, therefore, recommended that this proposed development agreement be approved.

QUESTIONS FROM COUNCIL

Councillor Horne asked if the addition to the building would be the exact shape and size of the building presently there.

Mr. Skora responded the addition would be the same shape and size.

Councillor Horne asked if the development agreement was agreed to by Mr. Shields.

Mr. Skora advised the development agreement had been agreed to by Mr. Shields.

SPEAKERS IN FAVOR

Mr. John Shields, Owner, spoke in favor of this application. He stated it has been a lengthy process to reach this point. He advised he had lost a contract with quite a large sized company due to the lengthy process of this development agreement. He felt this shop would not have any adverse affects on the community. He hoped this application would be approved by Council.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

Councillor Horne stated these agreements do take a long time. He felt some priority should be given to them. He advised of concerns that this area may be over-zoned. He advised he requested Staff to look into this.

It was moved by Councillor Horne, seconded by Councillor Merrigan

"THAT the Agreement, as presented in Appendix "A", between the Municipality of the County of Halifax and John Shields to permit the expansion of an existing auto body repair shop, located on the Old Post Road, Enfield, be approved."
MOTION CARRIED.

ADJOURNMENT

It was moved by Councillor Randall, seconded by Councillor Harvey

"THAT this meeting adjourn."
MOTION CARRIED.

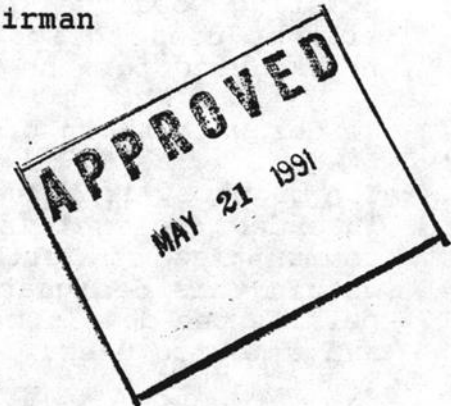
Time of Adjournment: 8:00 p.m.

PUBLIC HEARINGS

April 29, 1991

PRESENT WERE:

Warden Lichter, Chairman
Councillor Meade
Councillor Poirier
Councillor Fralick
Deputy Warden Ball
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Morgan
Councillor Snow
Councillor Eisenhauer
Councillor MacDonald
Councillor Harvey
Councillor Sutherland
Councillor McInroy



ALSO PRESENT:

Fred Crooks, Municipal Solicitor
G. J. Kelly, Municipal Clerk

Warden Lichter called the meeting to order at 7:00 p.m. Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Deputy Warden Ball, seconded by Councillor Fralick

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

DA-LM-15-90-08 - APPLICATION BY CALVIN BROOKS TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE MUNICIPALITY TO PERMIT A COMMERCIAL GARAGE FOR A TRUCKING AND WOOD FUEL BUSINESS AT 1510 BROOKS DRIVE, EAST PRESTON

Mr. Kurt Pyle, Planner, advised an application had been received from Mr. Calvin Brooks to enter into a development agreement to permit the construction of a storage garage for an existing wood fuel business located at the intersection of the Old Preston Road to Highway #7 in East Preston. The wood fuel business has been in existence since 1984 and employs four people. The proposed garage will be located on the property between Mr. Brook's home and the