

existing wood fuel business. The garage will be 40 x 60 ft. It will be used to store and conduct minor repairs to Mr. Calvin's trucks used for the wood fuel business.

Slides were shown of the property.

The property is situated within the Mixed Use Designation which is intended to retain the traditional rural uses within the communities of North Preston and East Preston. The base zone within this designation is the RS1 (Rural Settlement) zone which permits the development of residential, institutional, commercial, and resource uses.

The plan supports the development of light industrial activities within the Mixed Use Designation such as wood fuel businesses by development agreement in accordance with Policies P-43 to P-120.

In the opinion of staff, the proposed development is consistent with the intent of the Municipal Planning Strategy and will not negatively effect the surrounding properties.

Due to extensive use of this portion of the property and the lack of vegetation, the development agreement will require Mr. Brooks to screen his wood fuel business along Highway #7 and the Old Preston Road.

To provide access to the garage, a bridge/culvert will be constructed across the brook as shown. To avoid flooding of the site and the proposed garage by the installation of the bridge/culvert, the Municipality's Engineering Department has advised that the elevation of the garage floor and the sizing of the culvert are to be determined by a Professional Engineer. The Department of Environment was also contacted on the application but they did not anticipate any problems with the proposed construction of the bridge or culvert, but has requested Mr. Brooks to exercise caution when constructing the culvert and operating the fuel business near the brook.

The addition of the garage to the existing wood fuel business for the purpose of repair and truck storage is consistent with the intent of the planning strategy and will not have a negative impact on the surrounding area. The provision of screening and other controls placed on the operation will serve to maintain this compatibility. It is, therefore, recommended by Staff that the attached development agreement be approved.

QUESTIONS FROM COUNCIL

Councillor Adams referred to the screening mentioned. He asked

what type of screening was recommended.

Mr. Pyle stated there were three options described on Page 2 of the development agreement. You can put a solid fence, a board fence, or some type of fence for screening purposes, vegetation which is the second option, or a combination of either/or.

Councillor Sutherland referred to the rural settlement zone. He asked if this zone would be similar to the old original general zoning which permitted quite a multitude of uses such as residential, institutional, commercial and a number of other things.

Mr. Pyle stated this zone did cover a great number of uses, some uses by development agreement and some by amendment.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

It was moved by Councillor Adams, seconded by Councillor Bates

"THAT Application # DA-LM-15-90-08, Mr. 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 Old Preston Road, East Preston be approved."
MOTION CARRIED.

APPLICATION PA-SA-23-90-22 & ZAP-SA-23-90-22 - APPLICATION BY KIEL DEVELOPMENTS LIMITED TO AMEND THE SACKVILLE MUNICIPAL PLANNING STRATEGY BY REDESIGNATING AS GENERAL COMMERCIAL AN APPROXIMATELY ONE ACRE PARCEL OF LAND AT THE SOUTH EAST CORNER OF BEAVER BANK AND STOKIL DRIVE, IN LOWER SACKVILLE, IN ORDER TO PERMIT ITS REZONING TO ACCOMMODATE A PROPOSED COMMERCIAL DEVELOPMENT

Ms. Susan Corser, Planner, advised this application had been received by Miller Group Architects on behalf of Kiel Developments Limited to amend the planning strategy for Sackville. The applicants are requesting that a parcel of land approximately one acre in size located at the South East corner of Beaver Bank Road and Stokil Drive be redesignated from urban residential to general commercial. The applicants are also requesting the rezoning of the

same property to permit a new commercial development. They are proposing a single storey structure in the range of 13,000 square feet. Kiel Developments has constructed similar projects in Cole Harbour and Eastern Passage.

In April of 1989, a report was tabled with the Plan Review Committee which reviewed commercial development in Sackville. This report identified the lands in the vicinity of the Beaver Bank and Stokil Drive intersection as an area which may be appropriate for an intermediate level of commercial development. This report noted the presence of new residential development in the area and indicated that this area is not currently served by any commercial facility. At that time, the Plan Review Committee, when they dealt with the report, they concluded that more evaluation would have to be carried out before an amendment through Plan Review could be recommended. The Committee indicated this evaluation would have to examine existing and proposed transportation systems for the area, site development potential, and any site limitations.

The property constitutes part of a larger 5 acre parcel which is currently owned by the Sackville Pentacostal Assembly. Kiel Developments has an option to purchase the subject property which would then be subdivided from the main 5 acre parcel. The lands are currently undeveloped. Surrounding land uses are comprised mainly of single unit dwellings, however, there are no residential dwellings that actually abut this site. A Church and a parking area is proposed for the upper portion of the adjacent church lands.

As indicated earlier, the property is currently designated Urban Residential and the basis of this designation is intended primarily for residential environment with some ability to provide local commercial type uses on a limited scale. Such uses within this designation are limited to a maximum 1500 square feet and the designation makes no provision for commercial facilities larger than 1500 square feet. The Planning Strategy encourages these large type facilities to locate an area specifically designated for large scale commercial such as the General Commercial and Commercial Core Designations.

Kiel Developments is suggesting that the subject one acre parcel be redesignated from General Commercial and rezoned C-2 (General Business) zone. Presently in Sackville, the general commercial designation is applied primarily to the developed area along Sackville Drive as well as a few other small areas throughout the plan area. Within the designation, the C-2 zone allows for a wide range of general commercial activity and places no limits on gross floor area within the zone. The C-2 places only limited control on things like outdoor display and open storage. General

Commercial Zoning is considered appropriate and compatible in specific areas along Sackville Drive, however, due to limited controls, the zoning may not be appropriate in areas where residential development requires protection from the impacts of commercial development.

The Department of Transportation & Communications has reviewed this proposal and has indicated from their perspective, the site is suitable for commercial development. They have pointed out that the existing intersection at Beaver Bank Stokil is well designed and allows for easy and efficient vehicle movement. They feel that the proposed development would not impact or limit the use of Beaver Bank Road or Stokil Drive. They recommend that a single access on Beaver Bank Road be located no less than 200 feet from the intersection illustrated on (Map 4, pg. 7) of the original staff report. They have also indicated that they own a (100) foot wide right-of-way along the front of the property which will allow for future widening of the Beaver Bank Road. Therefore, the proposed development would not impact on this future widening.

Storm Water Management is a significant part of this application. Both the Department of Transportation and Halifax County's Engineering & Works Department have indicated that the storm drainage in this particular area is sensitive and that any development could have an impact on the existing storm drainage system which drains towards the Sunnyvale Subdivision area and also into a water retention area located on the southern portion of the adjacent church lands. Both DOT and the Engineering Department recommend Kiel Developments take the necessary measures to limit storm water flows from the property. The Staff recommended that site specific measures needed to control and manage the storm water can best be addressed through a development agreement. Simple application of the zone may not allow for the necessary controls to be applied.

In the original staff report, staff concluded that a community commercial scale development is reasonable and supportable at this location. However, because of the potential conflict in terms of overall scale and compatibility, the necessity to manage storm water, regulate site access, a greater degree of control is needed and provided through simple application of the zone. Staff recommended in the original staff report that a development agreement would be the appropriate mechanism to address those site specific details. Further to that staff report, the Planning Advisory Committee directed Staff to prepare amendments which would support the Plan Amendment as well as would permit the rezoning of the property from R-6 (Rural Residential) to C-2 (General Business). As directed, the amendments were prepared and are attached in the addendum report dated February 25, 1991. The

Planning Advisory Committee is recommending to Council that these amendments be approved allowing for the redesignation and rezoning of the subject lands.

Since the Planning Advisory Committee dealt with the application, an agreement has been negotiated between the Sackville Pentacostal Assembly, the land owner, and the Municipality through the Engineering & Works Department. This agreement addresses the issue of storm water management relative to the development of the subject property and the future church. They feel these issues can be resolved through that agreement.

QUESTIONS FROM COUNCIL

Councillor Sutherland stated reading through the report, it appears that commercial development would be supported. The only concerns would be the size and the drainage.

Ms. Corser responded this would be correct.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

Councillor Sutherland stated the second process would add another year to approval. The access did not appear to present much problem, and the applicant wished to comply with the DOT.

It was moved by Councillor Sutherland, seconded by Councillor Morgan

"THAT Appendix "A", a by-law to amend the Municipal Development Plan for Sackville be approved."
MOTION CARRIED UNANIMOUSLY.

It was moved by Councillor Sutherland, seconded by Councillor Snow

"THAT Appendix "B", a by-law to amend the Zoning By-law for Sackville be approved."
MOTION CARRIED UNANIMOUSLY.

DA-TLB-14-90-02 - APPLICATION BY T. A. PRODUCTS LIMITED TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE MUNICIPALITY TO EXPAND AN EXISTING METAL FABRICATION AND WELDING SHOP LOCATED AT 2892 BAY ROAD, TIMBERLEA

Mr. John Bain, Planner, advised of an application received by Mr. Tom Robertson of Timberlea on behalf of T. A. Products Limited to enter into a development agreement with the Municipality to expand an existing metal fabrication and welding shop located at 2892 Bay Road, Timberlea. The staff report deals with both a zone amendment and a development agreement because Mr. Robertson's company holds three parcels of land in Timberlea/Lakeside/Beechville plan area. One of those properties was actually listed in Appendix B of the Land Use By-law. Appendix B addresses the existing uses in the Timberlea/Lakeside/Beechville Plan area. However, all three of those parcels were owned and a part of the operation prior to the planning by-law being adopted. Therefore, the zone amendment simply adds the other two parcels that Mr. Robertson's company owns.

Appendix B is so the development agreement could be negotiated. This agreement is for expansion of Mr. Robertson's property by approximately 3,000 square feet. This deals with such things as open storage, where storage will be kept, etc. The staff's opinion is that this expansion is within the intent of the Municipal Planning Strategy and, therefore, recommended the development agreement be approved by Council. We have also recommended that the zone amendment also be approved by Council. He stated no constraints were identified on the site that would inhibit Mr. Robertson's expansion.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

It was moved by Councillor Poirier, seconded by Councillor Fralick

"THAT Appendix "A", a by-law to amend the zoning by-law for Timberlea/Lakeside/Beechville be approved."

MOTION CARRIED.

It was moved by Councillor Poirier, seconded by Councillor Meade

"THAT Appendix "B", development agreement between the Municipality of the County of Halifax and T. A. Products Limited to permit the expansion of an existing metal fabrication and welding shop located at 2892 St. Margaret's Bay Road be approved."

MOTION CARRIED.

ADJOURNMENT

It was moved by Councillor Bates, seconded by Councillor Morgan

"THAT the meeting adjourn."

MOTION CARRIED.

Time of Adjournment: 7:30 p.m.

MINUTES & REPORTS
OF THE
THIRD YEAR MEETINGS
OF THE
FORTY-THIRD COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX
MAY COUNCIL SESSION
TUESDAY, MAY 7 & 21, 1991
&
PUBLIC HEARING
MAY 13 & 25, 1991

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MAY COUNCIL SESSION - 1991

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COUNCIL SESSION

May 7, 1991



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

ALSO PRESENT: G. J. Kelly, Municipal Clerk
Ken Wilson, Director of Finance
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 Deveaux, seconded by Councillor Horne
"THAT Christa Pettipas be appointed as Recording Secretary."
MOTION CARRIED.

APPROVAL OF MINUTES

It was moved by Councillor MacDonald, seconded by Councillor Randall
"THAT the April 2, 1991 Council Session minutes be approved as circulated."
MOTION CARRIED.

It was moved by Councillor Richards, seconded by Councillor Horne

"THAT the April 8, 1991 Public Hearing minutes be approved as circulated."

MOTION CARRIED.

LETTERS AND CORRESPONDENCE

1. Solicitor General, Province of Nova Scotia Re Fine Option Program

Mr. Kelly outlined the above mentioned letter.

It was moved by Councillor Horne, seconded by Councillor Poirier

"THAT the letter be received."

MOTION CARRIED.

Warden Lichter stated that Honourable Joel Matheson's letter required a reply from Halifax County Municipality. He stated that the Fine Option Program had been deleted from Halifax County's Budget. He asked if Council wished to inform the Minister of this decision.

It was moved by Councillor Richards, seconded by Councillor MacDonald

"THAT the Solicitor General, Honourable Joel R. Matheson, be informed that the Fine Options Program was deleted from Halifax County's Budget."

MOTION CARRIED.

2. Department of Lands and Forests Re C.N. Rail Lands, Eastern Shore

Mr. Kelly outlined the above mentioned letter.

It was moved by Councillor Randall, seconded by Councillor Horne

"THAT the letter be received."

Councillor Horne asked if all C.N. properties and railroads not being used were going to be transferred to the crown, or the Province/Municipalities.

Warden Lichter stated it was requested that the abandoned CN Rail lands in certain areas be transferred to the Department of Lands & Forests while in other areas it was requested that the lands be

transferred directly to abutting property owners by Canadian National Railway.

MOTION CARRIED.

3. Department of Transportation & Communications Re Investigation to Determine the Need for a Speed Zone Reduction Along the Mineville Road

Mr. Kelly outlined the letter.

It was moved by Councillor Randall, seconded by Councillor Richards

"THAT the letter be received."

MOTION CARRIED.

4. Department of Transportation & Communications Re Field Surveys for Sidewalk Construction on Holland Road and Brook Street, Wellington

Mr. Kelly outlined the letter.

It was moved by Councillor Horne, seconded by Councillor MacDonald

"THAT the letter be received."

MOTION CARRIED.

5. Department of Transportation and Communications Re Improvements to the Shoulders on Pleasant Drive, Gaetz Brook

Mr. Kelly outlined the letter.

It was moved by Councillor Randall, seconded by Councillor Deveaux

"THAT the letter be received."

MOTION CARRIED.

6. Department of Transportation & Communications Re Traffic Signals, Intersection of Lake Major Road and Trunk 7

Mr. Kelly outlined the letter.

It was moved by Councillor Bates, seconded by Councillor MacDonald

"THAT the letter be received."

MOTION CARRIED.

7. George E. Richards, County Representative, Re Absence from three Consecutive Board Meetings of the Halifax-Dartmouth Port Development Commission

Mr. Kelly outlined the letter.

It was moved by Councillor MacDonald, seconded by Councillor Fralick

"THAT the letter be received."
MOTION CARRIED.

8. Federation of Canadian Municipalities Re Consent Form and Membership to National Board of Directors

Mr. Kelly outlined the letter.

It was moved by Councillor by Councillor Deveaux, seconded by Councillor Richards

"THAT the letter be received."
MOTION CARRIED.

Warden Lichter asked for nominations.

Councillor Boutilier asked how many nominations were involved. He asked if Warden Lichter had to be re-nominated as he was presently on the Board of Directors.

Warden Lichter stated in the Metro area, two directors were permitted on the FCM Board. He stated this was the purpose for the nomination paper. He stated there may be nominations from other units as well but it was Council's decision if they wished an individual nominated from Halifax County Council.

Councillor Boutilier asked if Warden Lichter had one year remaining as a Board Member.

Warden Lichter stated it was a one year term.

Councillor Boutilier asked if Warden Lichter was interested in reoffering his name for the position or would this require a nomination.

Warden Lichter stated he was interested in being a Member of the National Board of Directors, FCM.

It was moved by Councillor Boutilier, seconded by Councillor Bates

"THAT Warden Lichter be nominated as a Member of the National Board of Directors, FCM."
MOTION CARRIED.

9. Halifax County-Bedford School Board Re Motion to Declare the following Schools: Wellington (new), Clarence Park, St. Andrews, Lakeside Surplus to the use of the Board, Returning them to Halifax County Municipality Effective August, 1991.

Mr. Kelly outlined the letter.

It was moved by Councillor Horne, seconded by Councillor Poirier

"THAT the Schools declared surplus by the District School Board be returned to the Municipality."
MOTION CARRIED.

10. Minister of Fisheries and Oceans Re Repairs to the Breakwater at Three Fathom Harbour

Mr. Kelly outlined the letter.

It was moved by Councillor Randall, seconded by Councillor Fralick

"THAT the letter be received."
MOTION CARRIED.

11. Commander, Maritime Command Re Letter of Appreciation to Naval Task Group

Mr. Kelly outlined the letter.

It was moved by Councillor Deveaux, seconded by Councillor Fralick

"THAT the letter be received."
MOTION CARRIED.

12. Department of Municipal Affairs Re Adoption of the 1990 National Building Code as the Provincial Building Code Amendments to Building Code Regulations Effective June 17, 1991

Mr. Kelly outlined the letter.

It was moved by Councillor Richards, seconded by Councillor Horne

"THAT the letter be received."
MOTION CARRIED.

Warden Lichter advised this package was quite bulky. He advised if any Councillors wished to review the regulations, they should check with Mr. Joseph Hefler, Building Inspection.

13. Metro Volunteer Resource Centre Re Points of Clarification Respecting Closing of the Centre

Mr. Kelly outlined the letter.

It was moved by Councillor Bates, seconded by Councillor Poirier

"THAT the letter be received."
MOTION CARRIED.

14. United Nations Educational, Scientific and Cultural Organization Re Proclamation of May 31, 1991 as World Day for Cultural Development

Mr. Kelly outlined the letter.

It was moved by Councillor Horne, seconded by Councillor Richards

"THAT May 31, 1991 be proclaimed World Day for Cultural Development."
MOTION CARRIED.

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Union of Nova Scotia Municipalities Re Regional Meetings

Mr. Kelly outlined the letter.

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

"THAT the letter be received."
MOTION CARRIED.

2. Regional Supervisor, Parks & Recreation Department Re Training Sessions for Summer Staff on May 31st, June 1st, and June 2nd at Big Cove Camp, Pictou County

Mr. Kelly outlined the letter. He stated it was suggested in the letter to the Warden and Councillors that a grant of \$100.00 per district be provided to assist in the implementation of this training program.

It was moved by Councillor Bates, seconded by Councillor Richards

"THAT the letter be received."
MOTION CARRIED.

Councillor Richards felt this training session was a worthy project for the Summer Student Program.

It was moved by Councillor Richards, seconded by Councillor Bates

"THAT each Council member support the request and have \$100.00 taken from their District Activity Account towards this Summer Student Program."

Councillor Fralick stated he felt this was a worthy project. However, activity funds were reduced from \$1500 to \$1000 in the budget. He felt each Councillor should review their budget with respect to their own districts as monies may not be available. He stated he did not have monies to support this.

Councillor Reid stated he could not support the motion. He stated the program was for a good cause. However, there had to be a better alternative in which individuals could get their own transportation. He felt this outside session was not appropriate at this time.

Councillor Morgan wished to share the same opinion. He stated District Activity Funds were cut for the purpose of assisting departments in having appropriate budgets. He felt the District Activity Funds were useful to the Councillors in order to support more necessary causes within their districts.

Councillor Bates stated he was very surprised this matter came before Council for discussion. He stated he received a copy of this request, in which he assumed the rest of the Councillors did as well. Due to the difficulties expressed, he felt individual Councillors should decide if they wished to support this on their own. He stated it was understandable if Council wished to withdraw the motion on the floor.

Warden Lichter explained the letter was addressed to himself. There was no indication that the Councillors received this correspondence. He stated this was the reason for bringing the correspondence before Council.

Warden Lichter expressed difficulty with the reasons given in the letter. He stated if the Recreation Department were employing Playground Supervisors for the summer, part of the employment agreement was that they go through a two day training session. He stated he was quite sure there were enough applicants who were willing to attend a training session at their own expense. Also, he felt those who do not want to attend the session for the entire two days, or wish to go home, perhaps should not qualify for that particular privilege.

Mr. Markesino advised in the past this session took place in June during graduation, etc. It was decided this year to start holding it outside of the Metro area. He stated it was not intended to have the request brought to Council.

Warden Lichter advised Council they had two options. One would be to leave the motion and decide collectively or withdraw the motion.

Councillor Richards stated he had no difficulty withdrawing the motion and leaving the decision of supporting the request to each Council Member. He asked if the program would continue if only two or three Councillors could support the request.

Warden Lichter responded that the number of Councillors who would support the request is not known.

MOTION WITHDRAWN.

PLANNING ADVISORY COMMITTEE REPORT

1. File No. ZA-FEN-18-91 - Amendments to the Land Use By-Law For Planning Districts 15, 19, 19.

Mr. Kelly outlined the report.

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

"THAT a public hearing on this file be held Monday, June 24, 1991 at 7:00 p.m."

MOTION CARRIED.

2. Application No.'s PA-PD5-26-90/ZAP-PD5-26-90 - Amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 to Provide for the Expansion of Spryfield Lumber Mart Beyond the Requirements of the C-2 (General Business) Zone.

Mr. Kelly outlined the report.

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

"THAT a public hearing on this application be held Monday, June 24, 1991 at 7:00 p.m."

MOTION CARRIED.

3. Application No. RA-SA-20-90-20 - Application by Seven Oaks Limited to Rezone Property on First Lake Drive.

Mr. Kelly outlined the report.

It was moved by Councillor Sutherland, seconded by Councillor Bates

"THAT a public hearing on this application be held Monday, June 24, 1991 at 7:00 p.m."
MOTION CARRIED.

SUPPLEMENTARY PLANNING ADVISORY COMMITTEE REPORT

1. Application No. RA-FEN-06-91-18 - Application by the Hammonds Plains Fire Commission to Rezone Portions of the Property at 2050 Hammonds Plains Road

Mr. Kelly outlined the report.

It was moved by Councillor Eisenhauer, seconded by Councillor Boutilier

"THAT a public hearing on this application be held Monday, May 27, 1991."
MOTION CARRIED.

Councillor Reid expressed difficulty with respect to advertising a public hearing. He thought three weeks was the required amount of time to advertise for a public hearing.

Warden Lichter advised the requirement was a minimum of 14 days.

PLANNING REVIEW COMMITTEE REPORT

1. Monitoring of Ambulance Service

Mr. Kelly advised the Plan Review Committee had discussed a policy in the Sackville Municipal Planning Strategy which dealt with the monitoring of ambulance service.

The report indicated concern was expressed by Councillor Snow that the level of service was inadequate and felt it should be upgraded. He further indicated the trained personnel were unable by law to use the equipment that would save lives on the road. It was suggested that the Fire Services Officer and the Chairman of the Fire Advisory Board make a presentation to Council on this matter.

It was moved by Councillor Boutilier "that this matter be forwarded to the Executive Committee to determine if there were discrepancies with respect to the monitoring of the ambulance service." No seconder.

Deputy Warden Ball advised the Fire Advisory Board has arranged for Dr. Mike Murphy to attend a meeting in June with respect to the ambulance service. He advised this meeting was available to all

Fire Chiefs of the Municipality. He advised Dr. Murphy was trying to prepare a coordinated plan to utilize fire service and ambulance service. He suggested Members of Council interested attend this session.

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

"THAT Council await the Fire Advisory Board's recommendation following the meeting in June with respect to the ambulance service."

MOTION CARRIED.

2. Sackville Rivers Advisory Board

This item included correspondence from Shalom Mandaville who advised that all members of the Sackville Review Advisory Board have resigned effective March 16, 1991. The report requested Council to accept the resignation of the Members of the Sackville Review Advisory Board and the Board itself.

It was moved by Councillor MacDonald, seconded by Councillor Sutherland

"THAT Council accept the resignation of the members of the Sackville Rivers Advisory Board."

MOTION CARRIED.

Councillor Sutherland referred to the suggestion in the report by Councillor Harvey that the Sackville Rivers Association should be approved to determine if they were willing to act as a referral group on matters related to the Rivers in the Sackville plan area.

Warden Lichter felt the Sackville Community Committee should discuss the recommendation by Councillor Harvey before Council took a course of action.

Councillor Boutilier stated Councillor Harvey indicated that he had approached the Sackville Rivers Advisory Board. Councillor Harvey expected there would be some members who would be willing to serve on such a Committee. He stated Councillor Harvey suggested this be referred to the Sackville Community Committee and perhaps a sub-committee could be created.

It was moved by Councillor Boutilier, seconded by Councillor Randall

"THAT this item be referred to the Sackville Community Committee."

MOTION CARRIED.

EXECUTIVE COMMITTEE REPORT

1. Employees' Benefits Package

Mr. Kelly outlined the report.

Councillor Richards and Councillor Smiley declared a conflict of interest.

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

"THAT the Employees' Benefits Package be approved."

Councillor MacDonald stated it was to his understanding there had been some changes to this package. He requested clarification.

Warden Lichter advised Mr. Mike Sampson was present to speak on this matter. He advised this item had been discussed by the Executive Committee.

Councillor MacDonald questioned the funding for prescriptions.

Mr. Sampson advised prescriptions would remain at 20%.

Councillor MacDonald asked for clarification of other changes made.

Mr. Sampson advised the plan had improvements regarding the provision to obtain eye glasses every two years, the cost paid would increase from \$100 to \$125. Physiotherapy would be increased from 20 sessions to 25.

Councillor MacDonald asked if there was any coverage for students living at home.

Mr. Sampson responded students were recognized while attending university.

Councillor MacDonald asked if there was an age limit.

Mr. Sampson responded up to age 25. He advised of one other improvement referred to as "Natural Path". He stated this was basically for individuals with allergies.

Councillor MacDonald asked if Halifax County changed a lot of companies.

Mr. Sampson responded SunLife was changed to Confederation Life under coverage for life insurance, dependent life coverage, long

term disability.

MOTION CARRIED.

2. Request from Canada Post for a License to Occupy Land

Mr. Kelly outlined the report.

It was moved by Councillor Horne, seconded by Councillor Bates

"THAT the request from Canada Post for a license to install a community mailbox mini park on County property adjacent to Wellington/Fletcher Lake Fire Hall subject to the following conditions be approved:

- (a) The license to occupy would be for a 10 year period with a 10 year option to renew,
- (b) Canada Post maintain the site,
- (c) Lighting, including power consumption, to be the responsibility of Canada Post,
- (d) Garbage receptacle container to be supplied and emptied by Canada Post,
- (e) Snow clearing to be the responsibility of Canada Post.

Councillor Sutherland stated there appeared to be no fee involved. He asked if it was policy to permit Canada Post to use the property for this purpose without a fee.

Warden Lichter advised it was Council's decision whether a fee would be applied. An amendment to the motion with respect to a fee could be made if so desired. Councillor Sutherland did not wish to make an amendment to the motion.

MOTION CARRIED.

3. Temporary Borrowing Resolution

Mr. Kelly outlined the report.

It was moved by Councillor Bates, seconded by Councillor Deveaux

"THAT the following temporary borrowing resolution be approved:"

91-01 Water (Supplement to TBR 88-01) \$125,000 - Sackville Storage Reservoir.

MOTION CARRIED.

4. Issuing Resolution Re Debenture Issue

Mr. Kelly outlined the report.

It was moved by Councillor Sutherland, seconded by Councillor Deveaux

"THAT an issuing resolution for a Debenture Issue in the amount of \$3,400,000 (\$1,875,000 Sackville Fire Stations and \$1,525,000 Sackville Storage Reservoir) be approved."

MOTION CARRIED.

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

1. Request for Grants

Mr. Kelly outlined the report.

It was moved by Councillor Horne, seconded by Councillor Bates

"THAT the following grants be approved:

A. A General Parkland Grant in the amount of \$4000.00 and a District 4 Parkland Grant in the amount of \$7886.00 for improvements to the boat ramp and skid way, Terence Bay.

B. A General Parkland Grant in the amount of \$6950.00 and a District 14 Capital Grant in the amount of \$6950.00 for improvements to the basketball court, Wellington Fire Hall.

C. A General Parkland Grant in the amount of \$750.00 and a District 17, District Capital Grant in the amount of \$750.00 for improvements to the playground, Windsor Junction Elementary School.

D. A District Capital Grant, District 21 in the amount of \$400.00 for landscape improvements, Riverside Estate Residents Association (on DOT right of way).

E. A General Parkland Grant in the amount of \$3100, a District Parkland Grant, District 17 in the amount of \$3100, and District Capital Grant, District 14 in the amount of \$3100 for the purpose of resurfacing a community skateboard ramp.

MOTION CARRIED.

2. Council Resolutions

Mr. Kelly advised at the April 16, 1991 Council session, Council endorsed recommendations from the Executive Committee respecting the Dangerous and Unsightly Premises proceedings including the repeal of By-law #18 - The Dangerous and Unsightly Premises By-Law, and the delegation of authority under the Municipal Act to the Executive Committee with respect to Dangerous and Unsightly Premises issues.

It was moved by Councillor Deveaux, seconded by Councillor MacDonald that Recommendation A as follows be approved:

A By-Law to Repeal By-Law #18

Be it resolved that By-law #18, the Dangerous and Unsightly Premises By-Law is hereby repealed.

Councillor Deveaux asked for clarification of the recommendation with respect to delegating authority to the Executive Committee.

Mr. Crooks advised the reason for the repeal of the Dangerous and Unsightly Premises By-law was due to a change in the Municipal Act in 1989 under which these matters were no longer dealt with by by-law but in the Municipal Act. The second resolution dealing with the delegation of Council simply confirmed the same power of the Executive Committee that was previously exercised under the by-law. He stated the Executive Committee had essentially the same authority to deal on Council's behalf with respect to Dangerous and Unsightly Premises.

MOTION CARRIED.

It was moved by Councillor Cooper, seconded by Councillor Richards

"THAT Recommendation B as follows be approved:

B Be it resolved that for the purposes of Section 124 of the Municipal Act, Chapter 295 of the Revised Statutes of 1989, Municipal Council hereby authorize the Executive Committee to undertake all actions respecting Dangerous and Unsightly Premises in the Municipality.

MOTION CARRIED.

It was moved by Councillor Cooper, seconded by Councillor Deveaux

"THAT the Executive Committee notify those Councillors when their Districts are involved as a result of this resolution."

MOTION CARRIED.

DATE FOR MINOR VARIANCE APPEAL

Mr. Kelly advised of a minor variance application #MV 8-2-91 - MDP #6745 submitted by Roy Group Construction Limited requesting a reduced rear yard lot 42B, Greenwood Avenue, Timberlea.

It was moved by Councillor Meade, seconded by Councillor Sutherland

"THAT the Minor Variance Appeal be held at the June 4, 1991 Council Session."

MOTION CARRIED.

UNSM REGIONAL MEETINGS

Mr. Kelly advised of correspondence received with respect to Union of Nova Scotia Municipalities Regional Meeting. He advised the Regional Meeting would be hosted by the City of Dartmouth and would be held on Wednesday, May 22, 1991, 6:30 p.m. in the Helen Creighton Room, Second Floor, Dartmouth Regional Library. He advised each municipal unit was entitled to five voting delegates to the regional meeting.

Councillor Sutherland asked if resolutions could be brought forward to UNSM.

Warden Lichter stated he expected to have the resolutions completed on May 8, 1991.

It was moved by Councillor Sutherland, seconded by Councillor Fralick

"THAT G. J. Kelly, Municipal Clerk and Warden Lichter prepare resolutions and forward to the Union of Nova Scotia Municipalities."

MOTION CARRIED.

Councillor Fralick agreed with Councillor Sutherland's motion respecting resolutions. He advised any Councillors wishing to attend the Regional Meeting were welcome.

Councillor Deveaux asked if Warden Lichter had a list of appointees for the upcoming conference.

Warden Lichter responded any Councillors could attend but the Municipality has five voting delegates at the regional meeting.

Councillor Fralick hoped that alternates would be appointed.

Warden Lichter did not agree. He suggested no more than five delegates would attend the U.N.S.M. Conference in Sydney. the Councillors attending the U.N.S.M. Conference in September would be named at a later date and not necessarily the Councillors attending the Regional Meeting would attend the conference.

MOTION CARRIED.

Councillor Richards suggested that delegates to attend the UNSM Regional Meetings be chosen at tonight's Council session.

It was moved by Councillor Richards, seconded by Councillor Fralick

"THAT Councillor Sutherland be appointed a voting delegate at the Regional Meeting."

MOTION CARRIED.

Councillor Deveaux asked Warden Lichter had a list of the nominees from last year.

Warden Lichter advised the information was available in his office.

It was moved by Councillor Bates, seconded by Councillor Poirier

"THAT Councillor Richards be appointed a voting delegate at the Regional Meeting."

MOTION CARRIED.

It was moved by Councillor Boutilier, seconded by Councillor MacDonald

"THAT Councillor Eisenhauer be appointed a voting delegate at the Regional Meeting."

MOTION CARRIED.

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

"THAT Councillor Bates be appointed a voting delegate at the Regional Meeting."

MOTION CARRIED.

It was moved by Councillor Horne, seconded by Councillor Bates

"THAT Councillor Merrigan be appointed a voting delegate at the Regional Meeting."

MOTION CARRIED.

It was moved by Councillor Deveaux, seconded by Councillor Boutilier

"THAT nominations cease."
MOTION CARRIED.

MEMBERSHIP TO ENVIRONMENTAL COMMITTEE RE LAKES

Councillor Horne advised the Environmental Committee presently consisted of two members. He stated the Committee wished to have one more Councillor elected.

It was moved by Councillor Boutilier, seconded by Councillor Sutherland

"THAT Councillor McInroy be appointed to the Environmental Committee Re Lakes."

Warden Lichter advised Councillor McInroy was absent at tonight's session and Council might wish to defer this item until next session.

Councillor Horne stated this matter had been put off for quite some time. He preferred that an appointment be made at this Council session.

Warden Lichter accepted the nomination.

MOTION CARRIED.

RESOLUTION RE COUNTY CHARTER

Councillor Cooper advised of difficulties with respect to this issue. He requested that this item be discussed after the Minor Variance Appeal.

REQUEST FOR SIDEWALKS, WALKER CONNECTOR ROAD

Warden Lichter advised of a letter submitted by Real Estate Management Limited as well as a petition signed by the residents of Walker Connector Road in Lower Sackville, N. S., requesting the construction of a sidewalk.

It was moved by Councillor MacDonald, seconded by Councillor Boutilier

"THAT this item be referred to the Sackville Community

Committee."
MOTION CARRIED.

Warden Lichter suggested that Mr. Kelly write to Mr. Richard Carrier, President of the Real Estate Management Limited, advising of the action taken by Council.

A four minute recess was agreed.

MINOR VARIANCE APPEAL

Janice MacEwen, Planning Department, advised this was an application dealing with a minor variance request on behalf of Mr. Kenneth Strugnell at Gloria Avenue to permit the construction of an above ground swimming pool four (4) feet from Gloria Avenue right-of-way instead of the required twenty (20) feet. On March 26, 1991 Mr. Strugnell applied for a Building and Development Permit and on the same day, a minor variance and Department of Transportation permit to go a minimum of four (4) feet from Gloria Avenue Right-of-Way. A Department of Transportation permit was issued to allow the pool to be located four (4) feet from Gloria Avenue right-of-way.

Site inspection revealed an existing shed, sun deck, and mature stand of trees in the rear yard which restricted the location of the proposed pool. She advised it was a corner lot and the required twenty (20) foot setback also restricted the building zone in the left side of the rear yard.

She advised although the lot was unique in nature and the location of the proposed pool restricted, a sixteen (16) foot variance request was not considered minor.

The Planning act has the following general restrictions with regard to Minor Variance requests. No variance shall be granted where the variance is not minor in that it violates 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.

Upon review of this application, it was determined that the request was not minor in that it violates the intent of the Land Use By-Law. Therefore, it is recommended that the application be rejected.

Slides of the property were shown.

QUESTIONS FROM COUNCIL

Councillor Poirier asked if it was necessary to have a fence with an above ground swimming pool.

Ms. MacEwen responded a fence of four feet was required.

Councillor Poirier stated this was not a temporary structure and she would support it.

Councillor Sutherland asked if Mr. Strugnell would be permitted to install a fence but not a pool because of the trees, etc. located on the property.

Ms. MacEwen responded that was correct.

SPEAKERS IN FAVOR

Mr. Kenneth Strugnell, property owner, stated when he constructed his house eight years ago, he positioned the house the way it presently is thinking he would have a full backyard. However, on the corner, it is restricted by twenty (20) feet. He stated this was pointed out when he went to apply for a permit. He stated he proceeded to ask around to see what he could find out with respect to this. He stated he then examined the yard to determine if there was an alternative means of repositioning the pool. However, that was impossible without cutting down four or five maple trees, moving the shed and the deck. He stated he then asked about erecting a fence, which posed no problems. He stated if this fence was erected, the pool would not even be seen. He stated the Department of Transportation had no problem with this request. They did not feel it would interfere with traffic, etc. He indicated he spoke with all surrounding neighbors within 200 feet.

Mr. Strugnell read to Council a letter from area residents indicating they had no objection to the request.

He advised he requested Councillor Sutherland to examine the lot. He hoped it would be approved by Council.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

It was moved by Councillor Sutherland, seconded by Councillor Meade

"THAT Minor Variance Application MVS-01-91-22 by Mr. Kenneth Strugnell to erect an above ground swimming pool four (4) feet from Gloria Avenue Right-of-Way instead of the required twenty (20) feet be approved."

MOTION CARRIED.

RESOLUTION RE COUNTY CHARTER

Warden Lichter advised the following motion was passed at the April 16, 1991 session for presentation to Council at this session.

It was moved by Councillor McInroy, seconded by Councillor Boutilier

"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 nay change in principle, together with any recommendation of the Committee thereon, shall be presented to the Council for its approval.

It was moved by Councillor Cooper, seconded by Councillor Deveaux

"THAT the following amendment to the motion be approved:

"THAT Section 159 as follows be stricken from the Charter with respect to provisions of the Education Act:

"No Board of Trustees shall have the authority to levy or require an area rate pursuant to the Education Act."

Warden Lichter stated he was informed last Tuesday that the Charter would not be introduced in the legislature at the spring session. Hopefully, it would be introduced in the legislation at the fall session. He stated he was trying to avoid the lengthy debate Council has gone through for ten years plus whether school area rates were approved or not. He stated this Council had gone on

record many times saying the Education Act should be changed. If this fall it is introduced in the legislature and there are still trustees, he felt it would be appropriate to reconsider Halifax County's entire position. Since it is not going to the legislature at this session, he suggested Council analyze the particular desire of do they or do they not want school area rates. He asked Councillor Cooper if he could word his motion in a way that that particular section be stricken at the time of introduction or just before introducing the legislature if, indeed, at that time, trustees still existed under the Education Act.

Councillor Cooper stated the Municipality was not in control of education. He felt they should not interfere with the act as they did not deal with School Board rates.

Councillor Merrigan stated he had been opposed to the school area rates for years. He felt thirty people should not have the right to be able to enforce a school rate. He stated he could not support the amendment to the motion.

Councillor Deveaux stated a few years ago, the figure was a lot lower than thirty voting on a rate. He stated he wholeheartedly supported the motion on the floor. He stated he would not see the day when all services required in the education system would be totally paid for by the Feds, Provincial Governments or SchoolBoard. He stated if the community wished to put on an area rate, he did not see anything wrong with that. He stated the decision should have been their prerogative.

Councillor Boutilier stated in relation to area rates, the minimum number required to vote on an area rate was thirty. He stated eighty percent of that was twenty-four in which could put the area rate through. He stated he did not agree with all of the residents paying an area rate. He advised of older individuals who did not have students in school, seniors, etc. He felt this was a very unfair type of taxation to those people. He felt this undermined the purpose of the District SchoolBoard and, therefore, did not agree with the amendment.

Councillor Fralick stated he found school area rates confusing. For example, in his district, he has 200 students, 125 students in Councillor Meade's area and 122 in District 18. He stated the 122 in District 18 were not paying the area rate. He stated he could not support the motion on the floor.

Councillor Sutherland questioned the reason for the Charter not being introduced in the legislature at this session.

Warden Lichter advised the reason it was not being introduced to legislature at this particular session was due to the expensive

study being carried out of the entire document.

Councillor Morgan stated he had a bad experience with trustees and area rates. He stated Councillors were unaware of which district the residents were from, age, and school section. He stated he did not understand the particular approach. He recommended that this ability to levy school rates be taken away.

Councillor Eisenhower stated he was a supporter of area rates, the reason because of the direct education of the students. He stated the problem was the change made to the Education Act. He stated he did agree with area rates put on for hockey uniforms, etc. He stated this rate should be used for education purposes only. He stated he did not support the amendment because of monies spent for non-education purposes due to the change made to the Act. The other problem was one school wanting an area rate put on, and another district not paying at all. He stated this was a situation where you could be taxed "to death".

Deputy Warden Ball stated he supported the motion on the floor. He stated the meetings were advertised in which 30 individuals could vote on an area rate. He stated it was the Councillors responsibility to ensure every resident of their district was aware of such a meeting where area rates were to be put on for education purposes. If they did not support the rate, they should have "their" people present to vote against the rate.

Deputy Warden Ball asked how many Municipalities throughout Nova Scotia presently maintained an area rate for schools.

Warden Lichter stated Halifax County Municipality is the only Municipality that levies area school rates.

Deputy Warden Ball suggested what is contained in the proposed charter is a direction to the Province to amend the Education Act with respect to the abolishment of area rates. He stated we are giving our direction to the Province that we support amendments to the Education Act in this regard. He stated the people of the communities can dictate a certain level of education. He stated when a district does pay an area school rate, the community decides what the money is spent on. Therefore, he did not support school area rates.

Warden Lichter stated this was not the first time Council had given a message of area school rates to the Provincial Government.

Councillor Bates stated he would support the amendment. He stated he did not find it unfair that thirty people could vote if the meeting was advertised. He stated he did not agree with County Council's approach in doing this. He suggested if Council wished

to abolish school area rates, they should have a special motion forwarding the results to the Department of Municipal Affairs.

Warden Lichter responded Council had done as suggested six or seven times in the last ten years but the Province was not in agreement.

Councillor MacDonald stated he found area rates in his school district very effective. However, as already said, when the Department of Education opened up the area rates for football sweaters and so on, he did not agree with it. He stated he agreed with area rates to the degree that the purpose of them would be for school activities, library, etc. He stated for child education purposes, he would like to see area rates remain.

Warden Lichter asked Councillor Cooper to withdraw the motion on the floor to make a motion to approve the Charter, then a separate motion to delete Section 159 as that seemed to be the entire debate.

Councillor Merrigan suggested amending the motion adding that section.

Deputy Warden Ball called a point of order. He suggested the motion be voted on. If the motion is defeated, then Council could make a motion to approve the County Charter as is.

Councillor Boutilier suggested legal advice be obtained.

Mr. Crooks stated either approach was possible either the existing resolution with the addition to what is in the text could be voted on. If it were defeated in that form, it could be considered without additional language. It could also be dealt with as suggested by Councillor Merrigan by way of an amendment to the text with the addition.

Councillor Cooper wished this matter could be wrapped up. He stated personal opinions were expressed. He stated if Halifax County was getting involved with these type of educational items, there was all kinds of options for further control. He stated they were trying to provide services to communities.

Councillor Richards stated he did not think it was fair to have a debate on area rates. He stated he was against area rates in general and school rates as well because of the intimidating process that takes place. He stated the intent of the resolution was with respect to Community Councils. He stated this did not construe to the issue before Council this evening with respect to areas rates in terms of schools. He stated over the last number of years, he has attended one of these meetings where area rates were set in his own community. He stated the Cole Harbour area

consisted of over 4,000 people. Twenty-four people out of all these residents passed an area rate. He stated to set an area rate at the junior high level took three meetings because they could not receive a quorum. He stated provision for setting these rates seemed to create quite a deal of concern. He stated he could not question where money was being spent. He stated the equipment level, however, had certainly been increased. However, he felt each time area rates were being set, the School Board's responsibility was being taken away in providing services for students. He stated he could not support the amended resolution. He felt Halifax County should fulfill obligations and maintain Section 159 within the Charter.

MOTION AS AMENDED DEFEATED.

It was moved by Councillor Boutilier, seconded by Councillor Eisenhauer

"THAT the Halifax County Charter be approved in principle as presented to Halifax County Council."

MOTION CARRIED.

MEMORANDUM RE HALIFAX COUNTY INDUSTRIAL COMMISSION

Mr. Kelly read into the record the letter submitted by the Industrial Commission requesting that Council give consideration to a revised budget.

The Industrial Commission advised the loss of the Marketing Director meant the Industrial Commission's focus on industrial promotion of Aerotech, as well as efforts with respect to six other industrial parks would be greatly affected. Therefore, the Industrial Commission was prepared to suggest alternate but equal reductions totalling \$100,000. This would enable the Commission to continue to promote, albeit at a severely reduced rate, while allowing the Commission to retain, on a part-time basis, the position of Marketing Director. This would require a change in the function of the Executive Director as well as reductions in travel, conferences, advertising, and marketing.

Councillor Fralick stated he was under the impression Mr. Roberts was just responsible for the Aerotech Park.

Warden Lichter responded that was not really the case. He stated when Mr. Denny was away due to illness, Mr. Roberts assumed his duties. He also advised Mr. Roberts duties were not in isolation from Mr. Denny.