

Councillor Fralick asked if the request was considered, would that affect the tax rate.

Warden Lichter responded this would not effect the rate. The Industrial Commission was basically advising a reduction of \$100,000 in the budget would be made as requested.

Councillor Horne expressed concerns. He stated the decision made last week to consider budget cuts was wrong. He stated it became evident to him that \$1.2 million reduction cut was the main goal. He felt at this point and time where the economy was dropping, that more effort be spent on promoting the Industrial Commission. He felt Council was moving in the wrong direction trying to cut back drastically. He felt support of the industrial development within the County was necessary. He stated most of major debt load was towards Aerotech. He felt a person was required in light of the Marketing Director required to take care of clients Halifax County now has within the Industrial Parks to ensure they are satisfied with the zonings and the goals of the community. He stated they are willing to change their focus as shown in the memorandum. Councillor Reid asked if a motion was required to allow the Industrial Commission to revise their budget in such a way to retain what they wish to retain and cut out other items.

Warden Lichter replied an agreement would be quite acceptable.

Councillor Morgan stated he reluctantly supported the budget cut with respect to the Industrial Commission. He stated at this particular time, they may be able to make up the shortfall resulting in this cut of \$100,000 from the promotional budget by approaching the private sector who may still be willing to put some effort, time, and money into promoting industrial and commercial development.

Councillor Boutilier stated he was not familiar with the total process of the budget sessions that took place relating to the Industrial Commission. He asked if the Industrial Commission were given the opportunity to prepare a budget as other departments of the Municipality were with guidelines and procedures.

Warden Lichter stated they had gone through the same budget process as all departments.

Councillor Boutilier asked if they could make budget adjustments internally themselves.

Warden Lichter responded this had been discussed with Mr. Meech.

Councillor Boutilier stated Councillors have little feedback relating to the Industrial Commission. He stated when you think

of the Industrial Commission, you think of the Aerotech Park. He stated Lorne Denny or Ray Roberts should take a more upfront role. He felt the Aerotech Park may not be receiving enough promotion.

Warden Lichter stated Ray Roberts would still be devoting 50 to 60 percent of his time to projects and industrial promotion within the Municipality.

Councillor Horne stated he agreed with Councillor Boutilier that Aerotech may not be receiving the promotion it should be receiving. He stated as far as the changes with respect to focus, a lot of the budget had been cut previously with respect to travel conferences, etc. He felt it was more important to maintain visibility through a Marketing Director.

Deputy Warden Ball asked when the Director of Marketing for Halifax County was hired and up until that time, who was doing marketing for Aerotech Park. He stated he assumed it was Mr. Lorne Denny. He asked what Mr. Denny's role was at present. He asked if he was going to deal with Hubbards Square, Lakeside Industrial Park, etc. and nothing to do with Aerotech Park. He stated this sounded a little redundant. He stated they have two people, one an alleged expert in marketing the Aerotech Park and the other individual the Executive Director of the Industrial Commission to promote industry.

Warden Lichter advised Mr. Denny took care of all industrial areas when available. He stated when Mr. Roberts was hired, he concentrated mainly on the type of industrial promotions that could first be directed to Aerotech Park. There will be discussions with respect to realigning the usual responsibilities of Mr. Denny to ensure all industrial parks are receiving proper promotion to the extent that the dollars are allocated by this Council. Deputy Warden Ball asked what the debt load was for the Industrial Commission and the debt load for the Aerotech Park.

Mr. Wilson advised most of the debt load was for the Aerotech Park. Lakeside Park was paid off.

Deputy Warden Ball stated there had not been a development in the Aerotech Park since he had been on Council.

Deputy Warden Ball stated if they agreed to this request, they were allowing other departments in the Municipality to change their budget cuts and do what they pleased as well.

Warden Lichter stated as long as it did not infringe on any policy County Council had made, this could be done.

Deputy Warden stated it was to his understanding, the resolutions

made by Council in budget deliberations was \$60,000 for the Marketing Directing Position.

Warden Lichter stated if that was not done, the Industrial Commission would not be asking Council to agree to their request.

Deputy Warden Ball expressed difficulty. He stated every department knew fundamental cuts were being made. Now they are saying they can find \$60,000 elsewhere. He asked why they did not come in previous to budget deliberations and make the proposal. He thought they made a policy decision when they ordered termination of that particular contract. Now they are requesting realignment of their funds. He stated that suggested to him they could have done without the \$60,000 in the first place. He stated he did not agree with realignment of funds. He stated if this right was given to the Industrial Commission, it had to be given to every other department within the Municipality as well.

Warden Lichter stated Council already agreed to realignment.

Deputy Warden Ball requested the decision to be placed in the form of a motion.

It was moved by Councillor Reid, seconded by Councillor Merrigan

"THAT Council endorse a revised budget for the Industrial Commission."

MOTION CARRIED.

#### 1991 TAX RATES

Warden Lichter advised of a package circulated by Mr. Ken Wilson. He stated he would like to call to Council's attention a page also circulated by himself informing the Councillors of what the proposed tax increase would do to their particular district if approved.

Mr. Wilson advised the package circulated contained three sheets. He stated the Page 1-1 showed various rates presented at previous sessions where it the tax rate started at 8.4% which was submitted to Council and reduced to the current rate of 4.9%. This means the amount to be raised by taxes would be \$45,424,437.00.

Mr. Wilson provided further clarification and explanation of the budget information provided.

He stated a tax rate at 4.9%, \$2.59 commercial and \$.97 residential rate would provide a surplus of \$42,442.



Councillor Richards stated he had an opportunity to briefly review the Environmental Services Budget to be discussed at Urban Services Committee this upcoming Thursday. He stated he noted on the staff report included, Halifax County was paying their contribution towards the Halifax Harbour Clean Up. The figure amounting to \$43,750.00. He stated he remembered the debate when the Committee agreed to consider this project. It was the decision of the entire Council that we participate in that project. He stated it was not designated at that time that that amount of money was to be levied upon a specific area or community of Halifax County but that it was Halifax County's contribution. He suggested that that amount of money be taken from the Environmental Budget and included on the General Budget.

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

"THAT the \$43,750.00 be taken from the Environmental Budget as the principle contribution of the entire Municipality, and not levied upon a specific area or several parts of the Municipality as indicated, and placed on the General Budget."

Warden Lichter suggested the Solicitor be asked if that motion could be accepted. He felt the proper motion would be to rescind the motion of Council of November 22, 1990. He stated this motion was moved by Councillor Bates, seconded by Councillor Harvey that the costs be financed through the Environmental Services Budget, an estimated annual cost of 30 to 35 thousand dollars over the next 6 to 7 years. The estimated effect on the Environmental Services area rate would be .02 which amounts to 1/5th of one cent per \$100 of assessment and that the property owners in the serviced area of District, Herring Cove, which currently do not pay the treatment portion of the environmental rate be charged the full environmental area rate including treatment commencing in 1991. This would be in recognition of the fact that County's contribution to the project is based on the assessed values of properties in the Herring Cove area and the Harbour Cleanup is the first step towards sewage for the Herring Cove area.

Councillor Bates stated they were talking about less than a dollar for property tax on \$100,000 property.

Warden Lichter responded this was true but principles were important. He asked if Council wished to await the Solicitor's ruling on this. Council agreed.

Councillor Randall stated he had a question with respect to Personal Comfort allowance for Ocean View. He asked if this item should have been discussed before the budget session was concluded because an expenditure was being proposed.



Councillor Richards agreed to put this motion aside for a moment with respect to the Environmental Budget, with the seconder's approval for the purpose of discussing the Personal Comfort Allowance Issue.

Councillor Randall advised of letters received with respect to Personal Comfort Allowance. He requested this allowance be increased from \$83.00 per month to \$90.00 per month amounting to approximately \$10,000. He advised of a list of comparison figures to what was being paid by other Municipalities. He stated Halifax County was paying about the lowest per month. He stated this allowance would effect all County residents (425) who were in nursing homes, or homes for special care, not just Ocean View Manor. He stated the last increase given to these residents was back in 1988. He felt this increase in allowance to these residents was long overdue. He requested that the increase be approved.

It was moved by Councillor Randall, seconded by Councillor Deveaux

"THAT the Personal Comfort Allowance for County residents located in nursing homes/homes for special care be increased from \$83.00 per month to \$90.00, the cost to Municipality approximately \$10,000."

Councillor Smiley indicated she to received letters and a telephone call expressing concern with respect to this allowance. She felt this motion should be passed.

Councillor Merrigan asked what the maximum figure meant shown on the report circulated.

Councillor Randall advised the maximum allowable was \$105.00.

Councillor Cooper stated these people seemed to be forgotten. He felt efforts should be made to assist these people.

Councillor Bates stated there was an estimated \$42,000 surplus in the budget. He had no difficulty supporting the estimated \$10,000 for this purpose.

Warden Lichter stated this item was not a forgotten item. He stated he and Mr. Mason examined these rates included in the Social Services Budget. Mr. Mason stated they were unable to recommend that it be taken to Council because of the coordination of the rates between Dartmouth and Halifax.

MOTION CARRIED.

Warden Lichter asked the Solicitor's opinion on the motion with

respect to the Environmental Services Budget.

The Municipal Solicitor stated it seemed clear that the proposed motion was one which would involve an effect rescinding a previous motion. His view was before that could be validly done, either an advanced notice would have to be given to all Councillors or there would have to be unanimous consent on the part of Councillors to deal with the matter at present in the absence of advanced notice. He stated it was not possible to validly pass a resolution rescinding a previous resolution without that notice requirement being made unless all Councillors were present and prepared to consent to a different approach.

Warden Lichter stated all Councillors present to vote on this matter was impossible.

Mr. Crooks replied in the absence of that, the Interpretation By-law provided all Councillors present could agree to suspend any rule of order. He was uncertain if follow up provision was valid. It seemed the purpose of the provision was to ensure that every Council had opportunity by prior notice to be made aware of any action which would have the effect on doing something that was already done so they would have an opportunity to speak on the matter and participate in the debate. If there is advanced notice given, a motion for restriction could be dealt with in the ordinary way by majority vote. If no advanced notice, it is a matter of unanimous consent.

Councillor Richards stated he did not disagree with the legal position. However, Council had appealed a previous By-law #18 located in the Executive Committee report without any advanced notice to Council. He stated the fact that they did it once should put them in the position to do it twice.

Mr. Crooks stated at a previous Council session, a report was presented by the Executive Committee which indicated an intention supported by the Council at that same meeting to repeal the Dangerous & Unsightly Premises By-law and to confirm the conferral of authority on the Executive Committee. There was detailed consideration given to that item which would satisfy any notice requirement that might exist.

Warden Lichter stated he would accept a motion of rescindment in spite of the Solicitor's opinion.

Warden Lichter stated he could accept Councillor Richards withdrawing the motion and accept a motion to rescind.

Councillor Richards requested that the current motion be withdrawn only to present a new motion. The seconder agreed.

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

"THAT Council rescind the first part of the motion made on November 22, 1990 moved by Councillor Bates, seconded by Councillor Harvey that the costs be financed through the Environmental Services Budget."

Councillor Eisenhauer voted against the motion to rescind. He stated County Council should be very careful in this situation.

Deputy Warden Ball stated on November 22, 1991, he was one of the first to vote against the second half of that particular motion. He stated District 5 should pay their fair share towards the Harbour Clean Up. However, Council agreed to participate in the Halifax Harbour Cleanup. He stated who benefits by it could be argued. However, in the budget presently, there was \$75,000 allocation there for lagooning. He asked if the purpose of lagooning was not to deal with the sewage, sludge, etc. from septic fields throughout Halifax County. He asked if that was not benefitting the entire Municipality. He stated it was being paid for out of the general rate. He stated if that is being paid out of the General Rate, then Halifax Harbour Cleanup is of the fact that the Municipality, as a whole, agreed to be partners in that process. He felt because Halifax County Municipality agreed to being a partner in that process, it was incumbent on the Municipality as a whole to be paying its share. He stated the residents in District 5, Herring Cove who were paying their fair share for lagooning were not receiving the benefits of the lagoon because they were getting the effluent from the fishery but they were paying the "shot" like everybody else in the Municipality by a general rate. He stated Halifax Harbour Cleanup should have been applied in General Rate. He stated in areas of the Municipality where environmental rates were paid, residents paid a Pollution Tax. He asked if that statement was correct.

Mr. Wilson responded there was an environmental rate which included the collection of sewage and the pollution control. However, once a plant is started to be built, at that time, those particular people in those areas pay the total environmental rate. He stated the County's portion was based on the assessment of the other that would be served which was .0041 of the total cost.

Deputy Warden Ball referred to Lakeside and Timberlea, Musquodoboit, etc. He stated no decision had been reached to the residents of District 5 as to what would happen to the particular trunk sewer in that area. He stated all they knew with respect to the Harbour Cleanup was that McNab's Island had become the chosen site in the Metropolitan area as the recipient of a major regional system. He reiterated no decision had been reached at this point



as to if Herring Cove would receive the service or not. He stated he did not agree with the residents in that circumstance paying for a service they did not even know if they were going to get.

Warden Lichter called a point of order. He stated the motion before Council suddenly turns into whether District 5 residents should pay anything at all. He stated what was being talked about was putting the Halifax Harbour Cleanup in the general rate. He said now Deputy Warden Ball was saying it should not be put anywhere.

Deputy Warden Ball stated he was not saying that at all. He stated he had no difficulty with Herring Cove paying their fair share. However, if Herring Cove was going to pay its fair share for a lagoon system as part of the Municipality in which some of those areas are not utilizing it, he felt the general rate should be bearing the costs at present in reference to the Halifax Harbour Cleanup. He stated it was this Municipality on February 14, 1989, not the Urban Services Committee agreed unanimously to be a partner in the Halifax Harbour Cleanup. He felt, therefore, in conjunction with Councillor Richards motion, the motion to rescind and have the 43,500 applied to the general rate under the environmental section was a proper one.

Warden Lichter stated Deputy Warden Ball felt Herring Cove residents should not be paying area rates.

Deputy Warden Ball responded that was not correct. He stated Herring Cove should not be paying the full environmental rate. He stated this matter would have to be dealt with by the Urban Services Committee. He stated right now, they were specifically talking about a \$43,500 per year for the next 6 or 7 years in reference to the Halifax Harbour Cleanup.

Warden Lichter asked for clarification on the motion.

Councillor Richards stated it was his attempt to take the particular part of the budget that is located under the Urban Services Section of the Environmental Budget and move it to the General Budget of the Environmental Services. He stated he believed, in principle, that was where it rightfully belonged.

Councillor Merrigan stated he would not object to putting a notice of motion on the floor tonight for debate at the next Council meeting. He stated there was no since in "fighting" all night. He strongly expressed this matter should be dealt with at Urban Services.

Councillor Boutilier stated the motion to rescind should be examined to see if it was worthwhile. Warden Lichter stated that

was what they were trying to do.

Councillor Boutilier stated he did not understand why they wouldn't deal with the motion already there.

Councillor Reid stated it was to his understanding when Solicitor gave ruling, unanimous Council consent was required to have the motion for reconsideration put on the floor.

Mr. Crooks stated in order for Council to deal tonight with a motion previously passed, it was necessary to have it done on the basis of the unanimous consent of all Councillors. Councillor Reid did not agree.

Warden Lichter advised rescindment of motion was not allowed legally.

Councillor Richards asked if the \$43,000 involved was capital.

Mr. Ken Wilson responded part of it was capital.

Councillor Sutherland felt the motion on the floor should be dealt with or referred to the Urban Services Committee.

Councillor Deveaux suggested this matter be referred to the Urban Services Committee and a notice of motion given.

MOTION NOT CARRIED.

Councillor Richards stated he was giving notice that at the next Council session, he could bring a motion to rescind the first part of the motion made November 22, 1990 with respect to this matter.

Warden Lichter proceeded with the 1991 tax rates. He stated the recommendation before Council was a 4.9% tax increase for the year of 1991.

Councillor Cooper asked how much the general overall debt payments increased this year compared to last year. He stated Council should be looking seriously at controlling this.

Mr. Wilson stated on net recovery when annexations have taken place, the average per month after recovery for 1990 was \$274,000. The average per month for the fifteen months for 1991/1992 is \$284,000, 3.6% increase. He advised the gross increase over the gross debt charges last year were \$14,847,000. This year \$16,218,000.

It was moved by Councillor Boutilier, seconded by Councillor Deveaux

"THAT the 1991/92 property tax rates, commercial rate of \$2.59, and Residential Rate of \$.97 per \$100 of assessment be approved."  
MOTION CARRIED.

DEPARTMENT OF TRANSPORTATION - COUNCILLOR EISENHAUER

Councillor Eisenhauer requested this item be deferred to the next Council Session.

DEPARTMENT OF TRANSPORTATION - COUNCILLOR BOUTILIER

Councillor Boutilier requested this item be deferred.

DEPARTMENT OF TRANSPORTATION - COUNCILLOR DEVEAUX

Councillor Deveaux requested this item be deferred.

DEPARTMENT OF TRANSPORTATION - COUNCILLOR FRALICK

Councillor Fralick requested this item also be deferred.

URGENT ITEMS

1. Halifax Harbour Cleanup - Councillor Deveaux

Councillor Deveaux stated to the best of his knowledge a public meeting was held in various areas with respect to the Halifax Harbour Cleanup but not within his district.

It was moved by Councillor Deveaux, seconded by Councillor Bates

"THAT a letter be forwarded to the Environmental Control Panel dealing with the Halifax Harbour Cleanup Issue requesting that a public hearing be held in Eastern Passage."  
MOTION CARRIED.

2. Pulp Wood Export - Councillor Smiley

Councillor Smiley advised in February, 1991, Forest Carriers Limited, established a much needed pulp wood export yard at the Sheet Harbour Industrial Park. She advised that this yard provided an opportunity for the local pulp wood cutters and contractors of the Eastern Shore area to sell pulp wood to this company. This



project injected approximately \$500,000 in the local economy over a two month period. Councillor Smiley further advised that over 200 cords of wood were gathered, paid for and delivered to the yard. Approximately 100 cords were loaded on to a pulp boat to be shipped to Italy. However, the shipment of pulp wood destined for Italy has been delayed as a vital sanitary certificate has been denied due to nematodes organism in the wood.

Councillor Smiley advised that she understood the problem was between the Canadian Federal Government and Italian Government; and stressed the need for the Federal Government to resolve this problem. She further stated that this initial shipment was very important to local economy and to the future survival of this export yard.

It was moved by Councillor Smiley, seconded by Councillor Reid

"THAT a letter be forwarded to the Honourable Elmer MacKay requesting his support so that this issue is satisfactorily concluded."

MOTION CARRIED.

ADDITION OF ITEMS TO THE MAY 21, 1991 COUNCIL SESSION

1. DOT - Councillor Horne.

IN CAMERA ITEM

It was moved by Councillor Falick, seconded by Councillor Boutilier

"THAT Council go in Camera."

MOTION CARRIED.

It was agreed to move out of Camera.

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

"THAT the Municipality terminate the garbage collection contract with Ansel Barkhouse, Contractor as soon as a replacement can be obtained."

MOTION DEFEATED.

10 IN FAVOR.

10 AGAINST.

It was moved by Councillor Richards, seconded by Councillor Bates

"THAT staff meet with Ansel Barkhouse, Contractor, to reiterate the serious concerns of the Municipality with regard to the pattern of deficient performance and breach of the garbage collection contract;

AND FURTHER to indicate that any continuation of these problems would result in a withholding of payments under the contract and/or termination of the contract.

MOTION CARRIED.

It was moved by Councillor Richards, seconded by Councillor Bates

"THAT the Municipality accept the Staff recommendation to offer Dennis Rodgers an amount of \$6,000.00 in full settlement of the property tax sale issue."

MOTION CARRIED.

ADJOURNMENT OF ANNUAL COUNCIL SESSION

Council agreed to adjourn the annual Council Session.

ADJOURNMENT

Council agreed to adjourn.

Time of Adjournment: 10:15 p.m.

COUNCIL SESSION

May 21, 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 Eisenhower  
Councillor MacDonald  
Councillor Boutilier  
Councillor Harvey  
Councillor Sutherland  
Councillor Richards  
Councillor McInroy  
Councillor Cooper



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

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

APPROVAL OF MINUTES

It was moved by Councillor Sutherland, seconded by Councillor Horne

"THAT the April 16, 1991 Council Session minutes be approved as circulated."  
MOTION CARRIED.

It was moved by Councillor Harvey, seconded by Councillor Richards

"THAT the April 29, 1991 Public Hearing minutes be approved."  
MOTION CARRIED.



APPOINTMENT OF RECORDING SECRETARY

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

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

LETTERS AND CORRESPONDENCE1. Department of Transportation and Communications Re Paving of Streets located in District 5 under the 15 Year Paving Program

Mr. Kelly outlined the letter.

It was moved by Councillor Cooper, seconded by Councillor Eisenhauer

"THAT the letter be received."  
MOTION CARRIED.

Deputy Warden Ball felt the Minister of Transportation and Communications should acknowledge the streets requested to be paved. He stated the response letter made reference to a "number of streets in the County". He felt it was important that the names of the streets be noted.

2. The Salvation Army Public Relations Re The Amazing Grace Campaign

Mr. Kelly outlined the letter.

It was moved by Councillor Adams, seconded by Councillor MacDonald

"THAT the letter be received."  
MOTION CARRIED.

Councillor Richards stated in this letter, it indicated that Halifax County had pledged \$40,000 towards this campaign.

Warden Lichter responded this commitment was for a period of ten years approved by the previous Council. He stated this was the fourth or fifth year.

Councillor Richards asked if funding was available for this commitment from the Grants to Organizations Account. He asked if Halifax county was committed to this \$40,000, where did that leave Halifax County in reference to other grant requests.

Warden Lichter responded that Mr. Wilson and Mr. Meech explained the situation when budget cuts were being made. They indicated Halifax County could cut \$100,000 from the total grant money which would leave \$100,000 for commitments such as these made in previous years. An amount of \$17,000 was left in the budget for additional items.

3. David Smith Re McNab's Island as Siting of the Regional Sewage Treatment Plant

Mr. Kelly outlined the above noted letter as well as two letters contained in the Supplementary Agenda with respect to this siting. Supplementary letters consisted of a reply letter from Warden Lichter and an additional letter from David Smith.

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

"THAT the letters be received."

Deputy Warden Ball felt no further action was necessary as the recommendation had already been made with respect to McNab's Island. He felt Council should await the Environmental Assessment results.

Councillor Deveaux stated decisions had already been made by the Halifax Harbour Clean Up. He stated Ratepayers in his area were certainly unhappy with the decision. He stated he agreed Council should await the result of the Environmental Study being carried out. He stated he did not agree with McNab's Island as the Site for the Regional Sewage Treatment Plant. He asked for Warden Lichter's views.

Warden Lichter responded when the reporter asked him for comment with respect to McNab's Island as the site location, advised this matter was handed over to the Halifax Harbour Cleanup Corporation. He trusted the Cleanup Corporation would examine the situation. He stated if this was the first choice, he had no choice but to accept it. He stated the Environmental assessment would determine whether or not McNab's Island was an environmentally safe site. He stated he favored no particular site.

Councillor Deveaux asked who Mr. David Smith was.

Warden Lichter believed Mr. Smith was the new president of that particular association with respect to protection for McNab's Island.

MOTION CARRIED.

4. Canadian Society of Safety Engineering Re Occupational Health & Safety Week

Mr. Kelly outlined the letter.

It was moved by Councillor MacDonald, seconded by Councillor Sutherland

"THAT June 16-23, 1991 be proclaimed Canadian Occupational Health & Safety Week."  
MOTION CARRIED.

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Union of Nova Scotia Municipalities, Ken Simpson, Re Bill No. 147 Re Creation of Fully Elected School Boards

Mr. Kelly outlined the letter indicating UNSM Officers would appreciate receiving comments on Bill No. 147 regarding the creation of fully elected School Boards.

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

"THAT the letter be received."  
MOTION CARRIED.

Warden Lichter advised he had faxed to UNSM his personal response with respect to this matter.

Councillor Richards stated the bill referenced here had only been announced by the Minister of Education approximately one week ago. He stated County Council had not had the opportunity of reviewing the bill. He felt this opportunity should be given in order to have an appropriate comment forwarded. He asked if copies of the bill could be provided.

Warden Lichter responded he had not received a copy of the bill.

Councillor McInroy stated he supported fully elected School Boards for years. He stated what Council has worked with for years has not worked in the best interest of the education system or the taxpayers. He felt taxing authority should be dealt with on a different basis.

It was moved by Councillor McInroy, seconded by Councillor Deveaux

"THAT further recommendation be reserved until Bill No. 147 is reviewed."



Councillor McInroy wished to direct Council's attention to resolutions made by the Union with respect to taxing authority.

Councillor Reid stated he was in favor of fully elected SchoolBoards with tax powers. However, he felt there were clauses in the bill that were very detrimental to all Municipal Units. He suggested a Committee should be established to study the bill bring a recommendation back to Council. He felt it was difficult to discuss the issue at present as Councillors were unaware of the bill's contents. He advised he could make copies of the bill available tomorrow.

Councillor Boutilier stated he supported the concept of fully elected District School Boards. He felt there would be another shift in terms of funding. He stated there had been no prior discussion with the Municipal units with respect to the anticipated level of funding that would be acquired. He felt it would be easier to support if the Municipality knew the amount of dollars that would be provided from the Provincial Government as the impact could then be reviewed. He made reference to equality of education.

Councillor Boutilier expressed concern with respect to fully elected schoolboards while the general tax rate was being set.

Warden Lichter responded his understanding was that if the Municipality entered into an agreement with the Schoolboard to bill the excess costs, Councillor Boutilier would be correct. He stated either way, the taxpayer would be losing.

Councillor Reid referred to the Core Program identified in the act. He stated this was established and the method of the program would be in place by 1992. Trustees and area rates would no longer exist, this would be levied by the School Board itself. Excess taxation powers would be authorized by the Board. However, this would have to be advertised within 27 days and a plebescite held to approve it. He felt the Committee as suggested previously would be the more appropriate way to proceed.

Warden Lichter stated he liked to point out that an election in the Municipality not including Bedford costed \$200,000 plus. He requested Councillors to imagine the cost each year of holding plebescites to decide if an area rate should be applied.

Deputy Warden Ball stated he found it difficult to talk about this act because nobody in the room, except for Councillor Reid, had any previous knowledge of the particular act. He stated he did not like the idea of a taxation system being created for another division of government. He felt they should start looking at streamlining taxation as opposed to creating more forms of

taxation.

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

"THAT this item be deferred to the June 4, 1991 Council Session until Members have had an opportunity to review Bill #147."

MOTION CARRIED.

Councillor Sutherland asked if there would be any further information with respect to this issue at the next meeting.

Warden Lichter advised Councillor Reid would provide the bill which would be circulated to all Councillors.

It was moved by Councillor Reid, seconded by Councillor Fralick

"THAT a committee be appointed to study the bill and bring recommendations on certain aspects of the bill at the June 4, 1991 Council Session which could be presented to the Union of Nova Scotia Municipalities."

MOTION CARRIED.

Warden Lichter suggested that Committee Members be nominated.

It was moved by Councillor Bates, seconded by Councillor MacDonald

"THAT Councillor Reid be appointed to the Bill Committee."  
MOTION CARRIED.

It was moved by Councillor Deveaux, seconded by Councillor Randall

"THAT Councillor McInroy be appointed to the Bill Committee."  
MOTION CARRIED.

Councillor Cooper wished to volunteer as a Member of the Committee. Agreed.

It was moved by Councillor Sutherland, seconded by Councillor MacDonald

"THAT Warden Lichter be appointed to the Bill Committee."  
MOTION CARRIED.

It was moved by Councillor MacDonald, seconded by Councillor Merrigan

"THAT Councillor Boutilier be appointed to the Bill Committee."  
MOTION CARRIED.

It was moved by Councillor Deveaux, seconded by Councillor Fralick

"THAT nominations cease."  
MOTION CARRIED.

Boy Scout Troop, Timberlea

Warden Lichter welcomed the first Boy Scout Troop of Timberlea to Council.

Councillor Poirier also welcomed the troop and introduced each member. She also presented the Troop with County of Halifax pins.

2. C. J. Woodford Re Minister of Community Services, Closing of the Four Children's Training Centres in the Province of Nova Scotia

Mr. Kelly outlined the letter.

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

"THAT the letter be received."  
MOTION CARRIED.

Councillor Deveaux stated he had not spoken to anybody that was happy with the decision to close the schools. He felt this issue should be protested as requested in the letter of correspondence.

It was moved by Councillor Deveaux, seconded by Councillor Richards

"THAT Halifax County Council protest the Minister of Community Services' announcement to close the four Children Training Centres in the Province of Nova Scotia."

Councillor MacDonald stated he agreed with Councillor Deveaux. He felt a letter should be forwarded to the Provincial Government asking for reconsideration of the four training centres in the Province. Agreed.

MOTION CARRIED.

3. Victorian Order of Nurses, Dartmouth Re Appointment to Board of Directors, Dartmouth Branch

Mr. Kelly outlined the letter.

It was moved by Councillor Sutherland, seconded by Councillor Adams

"THAT the letter be received."  
MOTION CARRIED.



Warden Lichter advised this could be tabled if desired by Council for consideration at the next session.

Council agreed.

#### DATES FOR MINOR VARIANCE APPEALS

##### 1.

Mr. Kelly advised of a minor variance application MV-10-3-91 submitted by Mr. Robert Parker requesting a variance to the required setback from a watercourse on his property, Paddy's Head Road, Indian Harbour.

It was moved by Councillor Meade, seconded by Councillor Merrigan

"THAT the Minor Variance Appeal be held at the July 2, 1991 Council Session."  
MOTION CARRIED.

##### 2.

Mr. Kelly advised of a minor variance application #MVS-02-91-022 property of Michael Powell to allow a 2.5 foot variance to build a car port on his property, Riverside Drive, Lower Sackville.

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

"THAT the Minor Variance Appeal be held at the June 18, 1991 Council Session."  
MOTION CARRIED.

#### PLANNING ADVISORY COMMITTEE REPORT

1. Application No.'s ZA-TLB-15-91/RA-TLB-03-91-02/DA-TLB-17-90-02 - Development Agreement - J. A. Walker Funeral Homes Limited, 1565 St. Margarets Bay Road; Application by J. A. Walker Funeral Homes Limited to rezone the property at 1562 Bay Road, Lakeside; Amendment to the Timberlea/Lakeside/Beechville Land Use By-law.

Mr. Kelly outlined the application.

It was moved by Councillor Meade, seconded by Councillor Cooper

"THAT a public hearing on this application be held June 24, 1991."

MOTION CARRIED.

EXECUTIVE COMMITTEE REPORT

1. Montague Mines Road - Expropriation of Property

Mr. Kelly outlined the report.

It was moved by Councillor Bates, seconded by Councillor Reid

"THAT lands owned by Gerald Cooper comprising 400 sq. ft. + be expropriated in order to have Montague Mines Road taken over and maintained by the Nova Scotia Department of Transportation, and further that costs relative to the expropriation be funded by by the General Fund."

MOTION CARRIED.

2. District 4 Fire Protection Committee

Mr. Kelly outlined the report.

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

"THAT the District 4 Fire Protection Committee's mandate be extended another 60 months from the current date of termination."

MOTION CARRIED.

3. Fall River Recreation Centre and Fall River Community Bible Chapel

Mr. Kelly outlined the report.

It was moved by Councillor Horne, seconded by Councillor Reid

"THAT the request from the Fall River Community Bible Chapel to grant an easement over the Fall River Recreation property to gain access to their land for the purpose of constructing a church be approved with the provision that all legal and survey costs will be borne by the Organization, and further that all Municipal regulations be adhered to."

MOTION CARRIED.

4. Temporary Borrowing Resolutions

Mr. Kelly outlined the report.

It was moved by Councillor Sutherland, seconded by Councillor Bates

"THAT the following temporary borrowing resolutions be approved.

91-02	Fire Hall (Hammonds Plains)	\$350,000
91-03	Sewer (Humber Park)	\$900,000
91-04	Sewer (Loon Lake)	\$100,000
91-05	Water (Loon Lake)	\$10,000

Councillor Cooper asked if these borrowing resolutions would affect the interest payments with respect to the budget.

Mr. Meech stated these were capital projects and would not affect the operational aspect of the budget.

Councillor Cooper asked if the fire hall resolution was payable under an area rate.

Mr. Meech responded that the fire hall was funded by an area rate.

MOTION CARRIED.

Warden Lichter advised Item #8 was deleted from the agenda.

DEPARTMENT OF TRANSPORTATION & COMMUNICATIONS - COUNCILLOR HORNE

Councillor Horne advised of a request for paving.

It was moved by Councillor Horne, seconded by Councillor Reid

"THAT a letter be forwarded to the Department of Transportation & Communications Requesting Paving of Kelly Road, Wellington under the 15 Year Paving Program and the road between Oldham and Goff's, District 14."

MOTION CARRIED.

It was moved by Councillor Horne, seconded by Councillor Reid

"THAT a letter also be forwarded to the Department of Transportation & Communications Requesting that a crosswalk be installed at the intersection of Holland Road and Highway #2 between the crosswalk and Edgemere Grocery, District 14."

MOTION CARRIED.

DEPARTMENT OF TRANSPORTATION & COMMUNICATIONS - COUNCILLOR EISENHAUER

Councillor Eisenhauer advised of a petition received with respect to Southwood Road, District 18.



It was moved by Councillor Eisenhauer, seconded by Councillor MacDonald

"THAT a letter be forwarded to the Department of Transportation & Communications Requesting Paving of Southwood Road, Highland Park, District 18, under the 15 Year Paving Program."

MOTION CARRIED.

DEPARTMENT OF TRANSPORTATION & COMMUNICATIONS - COUNCILLOR BOUTILIER

Councillor Boutilier advised of a request for paving.

It was moved by Councillor Boutilier, seconded by Councillor MacDonald

"THAT a letter be forwarded to the Department of Transportation & Communications Requesting Repairs and Upgrading of Nelson Drive, Lower Sackville."

MOTION CARRIED.

DEPARTMENT OF TRANSPORTATION & COMMUNICATIONS - COUNCILLOR DEVEAUX

Councillor Deveaux advised of a request for paving.

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

"THAT a letter be forwarded to the Department of Transportation & Communications Requesting Paving of Cleary Drive, Patterson Road and MacKay's Lane, District 6, under the 15 Year Paving Program."

MOTION CARRIED.

DEPARTMENT OF TRANSPORTATION & COMMUNICATIONS - COUNCILLOR FRALICK

Councillor Fralick advised of an intersection of concern to him located in Tantallon. He advised a flashing light was installed two years ago, but the widening of the intersection and signage was never completed. He requested an update on this item.

It was moved by Councillor Fralick, seconded by Councillor Poirier

"THAT a letter be forwarded to the Department of Transportation & Communications Requesting further information with respect to the intersection on Highway #3 and #333,

Tantallon.  
MOTION CARRIED.

EMERGENCY AGENDA ITEMS

1. Senior Citizens - Councillor Adams

Councillor Adams stated he wished to make representation at present on behalf of the Senior Citizens located in Halifax County particularly those located in District 8, North Preston to West Porters Lake. He advised a number of these citizens expressed their dismay and disappointment with the treatment they have been confronted with under the recent Provincial budget. Given the understanding that these measures are not the responsibility of this Municipality or any Municipality, the public cry for help and relief for these seniors could come by way of Halifax County Council. He requested that Council write the Minister of Finance and the Premier for reconsideration of the content of the May 14, 1991 budget. He stated that he would ask that the Minister of Finance would remove the 20% of prescription cost fee to seniors. The difference from \$3.00 to \$8.00 or \$10.00 per subscription is posing a hardship on some of those who tend to be more ill or under Doctor's care more often and are under a small fixed income. He also asked that the imposition of capping the property tax rebate of \$400.00 be reconsidered. He advised of the necessity for this support.

It was moved by Councillor Adams, seconded by Councillor Boutilier

"THAT a letter be forwarded to the Minister of Finance and the Premier requesting reconsideration of the content of the May 14, 1991 Budget with respect to Senior Citizens."

Councillor McInroy felt this was placing Council in a very awkward position and did not agree with the motion on the floor.

Councillor Deveaux stated if the motion was carried, copies of the letter requested should also be forwarded to the MLA's. Mover and seconder agreed to include in the motion.

It was moved by Councillor Adams, seconded by Councillor Boutilier

"THAT a letter be forwarded to the Minister of Finance, the Premier and MLA's requesting reconsideration of the content of the May 14, 1991 budget with respect to Senior Citizens."

Councillor Eisenhower stated if for example there was a prescription of \$15.00, 20% of that would be \$3.00 which is no difference at all. He asked where \$8 came in. He asked where the

dollars were being absorbed. He explained how this was cheaper than present.

Councillor Adams stated he wanted to interject the seniors who contacted him. He advised of bills shown to him with respect to arthrities treatments which were more expensive than he thought.

Councillor Bates stated he agreed with Councillor McInroy.

Councillor Morgan expressed difficulty with supporting the motion. He advised of seniors in his area in which requested a reduction in their taxes. This could not be done so he did not support the motion.

MOTION DEFEATED.

It was moved by Councillor Adams, seconded by Councillor Boutilier

"THAT a letter be forwarded to the Minister of Finance, Premier and MLAs' asking further consideration with respect to the negative impact to Senior Citizens of Halifax County as a result of the May 14, 1991 Budget."

MOTION CARRIED.

2. Department of Transportation & Communications - Councillor Randall

Councillor Randall advised of his request.

It was moved by Councillor Randall, seconded by Councillor Adams

"THAT a letter be forwarded to the Department of Transportation & Communications and area MLA Requesting that a Traffic Survey be conducted with respect to reducing the present speed limit from 70km/h to 50 km/h about 1/3 km between the intersection of the #7 Highway and 207 West Chezzetcook Road down to the intersection of #7 and #107, District 9."

He felt this survey may have already been carried out. He wished to find out what the results were.

Councillor Richards stated the #107 was stretched beyond that particular section of highway, therefore, the survey should be updated to emphasize the greater need for having that speed limit reduced. He requested this be included in the motion. Agreed.

It was moved by Councillor Randall, seconded by Councillor Adams



"THAT a letter be forwarded to the Department of Transportation & Communications and MLA Requesting that a Traffic Survey be conducted with respect to reducing the present speed limit from 70km/h to 50 km/h 1/3 km between the intersection of the #7 and 207 West Chezzetcook Road down to the intersection of #7 and #107, District 9, and further that the survey be updated to reflect the current status of that area."

MOTION CARRIED.

### 3. School Board Budget and Funding - Councillor Harvey

Councillor Harvey asked if the School Board had a plan for the use of the 5%. He expressed concern with respect to the windfall to the Board whether it would be placed in the Reserve Account. He expressed concern with respect to the 1991/1992 budget which was reduced in the amount of additional funding by Joint Councils. Councillor Reid responded they were not officially notified what the Provincial Government intended to do with respect to this matter. He stated it was his understanding that money would be taken away. However, there was no official indication of that. The \$190,000 in cuts were a result of the shortfall because of Halifax County and Bedford reducing the SchoolBoard funding. Also, \$210,000 was allocated to the J. L. Ilesley issue. Approximately \$300,000 came from the teachers account and the rest came from various accounts within the budget. There were approximately two teaching positions cut. The remaining \$200,000 came out of the substitute teachers account.

Councillor Harvey asked if he was correct in saying that two teaching positions had been dropped which were supervisory teaching positions.

Councillor Reid responded one of the supervisory positions was dropped. However, he could not remember which one. He stated there was three anticipated to be dropped but one was retained. He indicated he could provide Councillor Harvey with the information.

Councillor Harvey referred to supervisory personnel returning from various forms of leave. He asked if they were playing musical chairs to accommodate people acting in those positions this year and absorbing those returning.

Councillor Reid stated he could not respond at this time. Councillor Harvey requested that information be provided.

Warden Lichter indicated the School Board should pay 3/8ths of the total Municipal election costs due to the fully elected School Boards.

ADDITION OF ITEMS TO THE JUNE 4, 1991 COUNCIL SESSION

1. Councillor Sutherland - Roadway Standards.

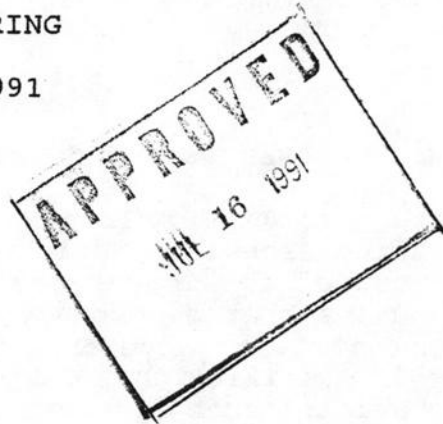
ADJOURNMENT

It was moved by Councillor Meade that this meeting adjourn.

Time of Adjournment: 7:15 p.m.

PUBLIC HEARING

May 13, 1991



PRESENT WERE: Warden Lichter  
Councillor Poirier  
Councillor Fralick  
Councillor Deveaux  
Councillor Bates  
Councillor Adams  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Reid  
Councillor Morgan  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Sutherland  
Councillor Richards  
Councillor McInroy  
Councillor Cooper

ALSO PRESENT: G. J. Kelly, Municipal Clerk  
Fred Crooks, Municipal Solicitor

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

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Reid, seconded by Councillor Deveaux

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

RA-SA-02-91-22 - APPLICATION BY AUDREY BARRETT TO REZONE LOT A OF THE MAPLE GROVE SUBDIVISION, LOCATED AT 937 SACKVILLE DRIVE, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO C-1 (LOCAL BUSINESS) ZONE

Mr. Jim Donovan, Planner, advised Mrs. Audrey Barrett had submitted an application to rezone 937 Sackville Drive from an R-1 (Single Unit Dwelling) Zone to a C-1 (Local Business) zone. Mrs. Barrett intends to lease this property to Mr. David Howe who is proposing to construct a one thousand (1000) square foot food store. Mr. Howe has indicated he intends to sell fruits and vegetables from this outlet. The storage and display aspects of the business will be contained within the building, as is required within the C-1 (Local Business) Zone.



Mr. Donovan gave a description of the property.

The property is located within the Urban Residential Designation of the Sackville Municipal Planning Strategy. This designation is intended to support the existing single unit dwelling environment and associated community uses (Policy P-29). The plan recognizes the need for development of small scale commercial uses. Policy P-34 specifies that Council may consider permitting commercial uses providing such services by rezoning to a C-1 (Local Business) Zone. Policy P-63 specifies that the external appearance must be in keeping with the surrounding uses, that parking areas are graded and the use is contained within a building. Policy P-104 directs Council to consider general planning matters which are pertinent to the application. This including the physical suitability of the site to accommodate the proposed development, the potential for impact on existing services and the adequacy of controls.

The proposed development is designed to service the local area by virtue of the scale of the operation (1,000 sq. feet) and the type of products which will be sold. This small scale operation is consistent with the scale and mix of other commercial and residential development located in proximity to it.

The Department of Engineering & Works have advised that development on this site could have a surface drainage impact on adjacent properties unless properly graded to control the direction of surface drainage flows. The Municipality can only provide advice with respect to grading, since it has no mechanism to control it. However, the proposed development presents no greater impact than any use which could develop under the current zoning.

The Department of Transportation and Communications have advised that access to this site meets stopping site distance requirements for a commercial use and have no objections to the rezoning.

The proposal to construct this food store is consistent with the intent of the Urban Residential Designation. Although surface drainage has been identified as a potential problem, the proposed development will have no more impact than any use currently permitted. It is, therefore, recommended that the application to rezone this property from R-1 (Single Unit Dwelling) Zone to a C-1 (Local Business) Zone, be approved.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOR.

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

Councillor Sutherland advised he was familiar with this site. He felt this use was suitable for the surrounding neighborhood.

It was moved by Councillor Sutherland, seconded by Councillor MacDonald

"THAT the application by Audrey Barrett to rezone Lot A of the Maple Grove Subdivision, Located at 937 Sackville Drive, from R-1 (Single Unit Dwelling) Zone to C-1 (Local Business) Zone, be approved."

MOTION CARRIED.

PA-CH/W-07-90 - PROPOSED AMENDMENTS TO THE SPECIAL AREA DESIGNATION OF THE MUNICIPAL PLANNING STRATEGY FOR COLE HARBOUR/WESTPHAL IN ORDER TO ESTABLISH POLICIES FOR THE COMPREHENSIVE DEVELOPMENT OF LAWLOR'S POINT

James Donovan, Planner, advised an application had been received from Kenneth Burrill of Eastern Forestry Resources Limited to amend the Municipal Planning Strategy for Cole Harbour/Westphal in order to permit low density residential development on lands within the Special Area Designation at Lawlor's Point. He advised the applicant owned approximately 26 acres in the central part of Lawlor's Point and wished to develop 14 residential lots on the basis of on-site services. A previous proposal submitted by the applicant to the Plan Review Committee in 1989 had indicated a total of 21 lots.

Slides were shown of Lawlor's Point. Historical features include the remnants of a dyke system, local trails and the Lawlor's Point Cemetary. Environmental features including a small freshwater stream, mature trees, a rolling topography and two marsh areas.

On Monday, November 5, 1991, the Planning Advisory Committee discussed the above application submitted by Mr. Burrill. At that meeting, the Committee accepted the staff recommendation to not approve the application at this time, but instead, to proceed with the policy amendments recommended by Staff, subject to the provision that a time frame of one year be included in the proposed Policy P-73C on Page 14 of the October 15, 1990 Staff Report.

He advised most of the lands at Lawlor's Point were located within a Special Area Designation and are zoned P-2 (Community Facility) Zone. Lands within 500 feet of the Cole Harbour Road are within the Residential A Designation and are zoned R-1 (Single Unit Dwelling) zone. The Special Area Designation is intended to recognize the potential for compatible development and the community interest in the unique historical and environmental character of the Lawlor's Point and Long Hill areas. In the case of Lawlor's Point, this policy intent is implemented through the application of a P-2 Zone, which permits most open space, recreational and institutional uses, but does not permit residential development. The present P-2 zoning reflects a policy intent to uphold previously established restrictive parks and institutional zoning which has applied to a majority of Lawlor's Point since the early 1970s.

Protecting the unique historical and environmental character of Lawlor's Point has long been the subject of public interest and concern. In response to these concerns, Municipal Council first applied restrictive parks and institutional zoning to the area in 1974, under Zoning By-law No. 24. This zoning was applied in conjunction with a comprehensive zoning plan for the Ross Road and Upper Lawrencetown areas. The zoning proposal was appealed by several property owners, including one from Lawlor's Point. The Provincial Planning Appeals Board, in upholding Council's 1974 decision, stated that it agreed with the Municipality's position that a General Building Zone was inappropriate for the area, and that the restrictive zoning may not be the answer to the problem.

In 1980, an attempt to rezone the same lands which are the subject of this application to an R-1 zone under By-law No 24 was denied by Council because it was felt rezoning lands for residential purposes would be premature, given the special status of Lawlor's Point under the revised Porter Plan, and that neither the Municipality nor the applicant could ensure that residential zoning would remain constant. The recommendations contained in the Porter Plan relative to Lawlor's Point were not implemented. Furthermore, the "Regional Park" concept has since been abandoned in favour of a "Coastal Heritage Park System".

In 1984, another application was made to rezone the northern portion of the same property for R-1 (Single Unit Dwelling) Purposes under the Cole Harbour/Westphal Planning Strategy, and to deed the southern half of the property to the Municipality. The 1984 staff recommended approval on the grounds that the proposed limited development of the northern half of the property would not detract from the view from Long Hill. The application was rejected by Council and the decision appealed to the Municipal Board.

In 1989, staff recommended that the Cole Harbour/Westphal Strategy



be amended in order to permit low density residential development at Lawlor's Point by development agreement. This recommendation was supported at various public meetings, however, concerns were expressed by the Cole Harbour Rural Heritage Society, and the Parks Division of the Department of Lands and Forests.

The applicant stated it is his intention to maintain and protect environmental values consistent with a location next to the coastal Heritage Park. He indicates that institutional uses permitted by right under the existing zoning could be potentially more destructive to the environment than would low density residential uses.

The P-2 zone permits a wide range of public or private institutional uses. There have been no plans to develop these lands for such uses, but it is not inconceivable that institutional uses such as churches, schools, or community centres would choose to locate in this area. There are no provisions under the P-2 zoning to protect viewplanes, maintain significant environmental features or provide for increased building setbacks from Cole Harbour. Maintaining the present zoning does not necessarily ensure the development of land uses which are suited to the waterfront location of Lawlor's Point.

The development of the applicant's property for residential purposes will have an impact on neighboring properties, since any amendment to the planning strategy will apply to all properties on Lawlor's Point. Given the various shapes and sizes of the landholdings and their limited accessibility to the Cole Harbour Road, any attempts to develop them on an individual, as-of-right basis should be discouraged, as this would result in a confusing and visually disruptive pattern of development.

The Departments of Health, Transportation, and Environment indicate residential development on Lawlor's Point is feasible.

In considering the potential impact of proposed residential development on the visual, historical and environmental character of Lawlor's Point, it is useful to identify the significant physical factors which could affect, or be affected by the proposed development. Other important factors to consider are the protection of the marine and coastal environments and the retention of natural vegetation along the shoreline. Any proposal to develop Lawlor's Point should take into consideration the need for improved public access to the shoreline, and such that subdivision and building design is complementary to the Long Hill view plane and the conservation objectives for Cole Harbour and the Coastal Heritage Park, as well as features of local historical and public interests.

The major issue of this application is the compatibility of the proposed low density residential development with the objectives of the Cole Harbour/Lawrencetown Coastal Heritage Park System. The Parks Division of the Department of Lands and Forests has indicated that the existing restrictive land use designation is "essentially compatible with the long-range conservation objectives for the Cole Harbour Marsh". The Department has indicated that a detailed examination of potential effects on the cultural history and natural coastal resources merits consideration prior to any amendment of the present land use designation.

The Special Area Designation and the existing P-2 zoning do not prevent the destruction of the natural environment and heritage resources on privately owned land on Lawlor's Point, nor can they ensure that the unique physical characteristics of the area will be considered, should park or institutional development proceed. Full protection of the natural environment and heritage resources can only be guaranteed by the purchase of the lands and their dedication for park purposes, as was done for the adjacent lands in the provincial park system. Although the regional concept for the regional park including Lawlor's Point, the lands were never included in the Regional Development Plan Designation. In 1983, the Department of Municipal Affairs acknowledged attempts by the province to purchase the lands were unsuccessful and that it had no further interest in their acquisition for park purposes. Given that the province is no longer interested in acquiring Lawlor's point for park purposes, and given the prohibitive cost of municipal acquisition, staff have recommended through the Plan Review Process, that the Cole Harbour Municipal Planning Strategy be amended in order to provide for limited low density residential development of the area by development agreement. This method of development would provide for a reasonable level of property development rights while also ensuring that community concerns relative to the unique cultural and environmental characteristics of Lawlor's Point are addressed.

Since it is believed that low density residential development on Lawlor's Point could be considered, strict site planning guidelines and criteria relative to individual developments, some overall guiding principles and objectives should be established if this mechanism is to be utilized for Lawlor's Point. It would first be desirable to identify what the community's objectives are with respect to historical resources, public access and parkland development on Lawlor's Point. The identification of areas reserved for parkland, trails and historical resources would guide the process of parkland dedication through future subdivisions. An overall transportation plan would also have to be prepared in order to guide future development and minimize environmental disruption caused by excessive road construction. The Municipality could establish an internal road design for Lawlor's Point and

designate this through the Cole Harbour Planning Strategy and the Subdivision By-law. The Provincial Government would also have to identify objectives with respect to development occurring in proximity to the Coastal Heritage Park. It is the opinion of staff that no development of Lawlor's Point should be permitted to proceed until these outstanding matters are resolved.

It is, therefore, recommended that the application by Mr. Burrill to amend the Cole Harbour/Westphal Municipal Planning Strategy in order to permit low density residential development within the Special area Designation at Lawlor's Point not be approved. Instead it is recommended that the existing plan policy relative to the Special Area Designation be maintained, but that clear policy objectives be established to guide the future development of Lawlor's Point for public park, institutional and low density residential development purposes. Therefore, it is recommended that the policy amendments, attached as Appendix "A" be approved and implemented.

#### QUESTIONS FROM COUNCIL

Councillor Cooper requested Mr. Donovan to describe the protection forwarded to the Coastal Park System by the Province.

Mr. Donovan responded the protection was due to the Province being the owner.

Councillor Cooper asked if the Province had acquired a fair percentage of land.

Mr. Donovan responded that majority of lands within the Regional Park Designation have been acquired or are being acquired by the Province.

Councillor Cooper asked if there were any financial implications with respect to zoning of the lands.

Mr. Donovan responded the current zoning designation attracted compensation provisions of the Planning Act.

Councillor Cooper asked if there had been any times where the Province had acknowledged the importance of Lawlor's Point to the Park System.

Mr. Donovan responded they had acknowledged the importance. They did not pursue acquiring Lawlor's Point.

Councillor Bates stated it was to his understanding, they had not ruled Lawlor's Point out completely. They were just not interested at this point and time. He asked if that was correct.