

It was moved by Councillor Deveaux, seconded by Councillor Sutherland

"THAT Council hold one meeting in the months of July and August, on the 3rd Tuesday of the month."

Councillor Boutilier stated the Sackville Community Committee had not discussed this as yet.

Councillor Bates expressed difficulty with respect to not having a Council meeting the first Tuesday of the month. He stated at the last Council meeting, water installation was approved for the Cherry Brook area. He stated people have waited years and years for this service. He stated monies have been approved. However, there was a hang up with the Province as they did not want to pay their fair share until Council indicated that they would allow extension and service to Caldwell Road. He stated he was not prepared to wait an additional month with respect to this matter. He stated he would appreciate staff going back to the Province requesting that these two projects be dealt with immediately or that the Caldwell Project be considered a separate item.

Warden Lichter suggested that the motion read that the first meeting in July not be held. He stated this would give adequate time to work out the rest of the meeting schedules.

Mover and seconder agreed.

It was moved by Councillor Deveaux, seconded by Councillor Sutherland

"THAT the 1st Council Session in July not be held and that Warden Lichter and Mr. Meech work out the schedules of various other meetings."

Councillor Cooper advised a minor variance appeal was scheduled for July 2nd which would have to be an item addressed.

Warden Lichter requested Solicitor's advice as to a Minor Variance Appeal if notice was given.

Mr. Crooks responded if notice was given, the appeal would be difficult to reschedule. He suggested an inquiry be made to Planning Staff to determine whether or not the notice was given.

MOTION CARRIED.

ADDITION OF ITEMS TO JULY 16, 1991 COUNCIL SESSION

1. Metro Transit - Deputy Warden Ball.
2. DOT - Councillor Fralick.

IN CAMERA ITEM

The Committee agreed to go in Camera.

The Committee agreed to come out of Camera.

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

"THAT implementation of the procedures and recommendations respecting the eight (8) applications for tax relief outlined in the staff report be approved."
MOTION CARRIED.

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

"THAT approval of the report be granted subject to receiving factual information with respect to #1 of the report as requested."
MOTION CARRIED.

ADJOURNMENT

It was moved by Councillor Adams, seconded by Councillor Meade

"THAT the Committee adjourn."
MOTION CARRIED.

Time of Adjournment: 8:00 p.m.

COMMITTEE OF THE WHOLE

MONDAY, JUNE 17, 1991

PRESENT WERE:

Warden Lichter
Councillor Meade
Councillor Poirier
Councillor Fralick
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Morgan
Councillor Eisenhauer
Councillor MacDonald
Councillor Boutilier
Councillor Harvey
Councillor Sutherland
Councillor Cooper



ALSO PRESENT:

Mr. Ken Meech, Chief Administrative Officer
Mr. G. J. Kelly, Municipal Clerk

SECRETARY:

Mrs. Sandra Shute

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Warden Lichter called the meeting to order at 6:00 p.m.

The Committee of the Whole was called in order to hear three presentations:

1. Halifax County/Bedford District School Board - Curriculum Initiatives and Community Education Program
2. Presentation re Shubenacadie Pollution Control Study
3. Council Guidelines for Minor Variance Appeals

HALIFAX COUNTY/BEDFORD DISTRICT SCHOOL BOARD

Curriculum Initiatives

The Curriculum Presentation was made by Don Trider, Ed.D, Superintendent of Program, Halifax County/Bedford District School Board. Mr. Trider circulated a report to each member of Council and used an overhead projector to outline program initiatives, categorized as the implementation, development and evaluation stages. System responsibilities of each stage were also explained.

Councillors were especially interested in the initiatives deemed to be in the development stage for 1991-92 and asked questions of Mr. Trider on these items and Mr. Trider responded. Of particular interest were Child Sexual Abuse, Secondary Mathematics, Reporting Student Progress to Parents and Teacher Evaluation Policy. Mr. Trider agreed to provide Councillors with a copy of the Evaluation process for teachers.

Mr. Trider outlined the requirements for graduation for a student who entered Grade 10 during the 1990/91 school year and the changes in the requirements for graduation for a student entering Grade 10 in 1993/94 and also entering Grade 10 in 1996/97.

Mr. Trider also spoke on School Based Inservice Activity for teachers and explained the importance of the teachers taking these Inservice days. He explained that the School Board is considering compressing these days into the January to March period in future - a high cost period due to sickness, transportation costs, etc.

Warden Lichter thanked Mr. Trider for attending and giving his presentation.

Community Education Programs

The Community Education Program Presentation was given by Mr. Gordon Michael. He provided Councillors with written information on the Community Learning Centre.

The Community Learning Centre is concerned with high school dropouts who would have the time and opportunity to return to school to either receive a high school diploma or upgrade their education to the point where they would be accepted into a trade school or equal. Mr. Michael touched on the program with regard to referral/assessment, scheduling, program offered, community placement, location of school, staffing, funding, and options available upon completion. He also answered questions posed by Councillors.

Mr. Michael said he hoped that at least one location could be operational by next fall. He asked that consideration be given to the appointment of a couple of Councillors who would be interested in serving on a Committee to consider the set up of the Centre in more detail.

Warden Lichter thanked Mr. Michael for attending and asked Mr. Michael to write him a letter advising him when the committee is ready to be set up, at which time Warden Lichter will look into the matter of appointments to the committee.

PRESENTATION RE SHUBENACADIE POLLUTION CONTROL STUDY

The above study had been tabled at Council meeting two weeks ago. Dr. Bill Hart, Project Coordinator of the Study, from TUNS was available to make the presentation.

Dr. Hart went through the highlights from the report which studied five lakes, namely Lake Charles, Lake William, Lake Thomas, Lake Fletcher and Grand Lake. In the study, they looked at the present trophic status of the aforementioned lakes, a primary treatment plant at Lake Fletcher, a possible septic system on all potential lots, central services based on predicted population in 2001 and central and on-site systems. A number of recommendations had been presented which included careful consideration of findings and implications, identifying other sources of pollution, servicing options, attention to potential development within other watersheds and the state of the lakes after a one-year period.

Dr. Hart and Rick Scott, who did the field work and liaison on the project, answered pertinent questions from Councillors regarding these five lakes and also with regard to other particular lakes in Halifax County. Dr. Hart also advised that he was working with the Department of Health on this research project and hopes that they will be making note of the recommendations and taking action therefrom.

Warden Lichter thanked Dr. Hart for attending and said that Council approved of the work done in the document and was looking forward to the next phase.

COUNCIL GUIDELINES FOR MINOR VARIANCE APPEALS

The Staff Report dated April 2, 1991 from Department of Planning and Development re Council Guidelines for Minor Variance Appeals was previously tabled by Council.

Valerie Spencer, Director of Planning and Development, addressed Councillors on this matter. She highlighted the important items in the Staff Report and explained that the minor variance appeal is the only appeal power granted to Council under the Planning Act - that all other appeals are to the Municipal Board.

She said that minor variance requests are made, in the first instance, to the Development Officer who has the independent authority to grant or reject them. Both rejection and approval can be appealed to Council and Council's decision is final. The Planning Act asked that Council deal with three things:

1. The variance has to be minor in that it does not violate the intent of the ByLaw.
2. The difficulty the property owner is experiencing is not a difficulty that everyone else faces.

3. The difficulty a person is having in obtaining a permit for a minor variance should not be from intentional disregard for the regulations.

Ms. Spencer further explained the above three items in detail. She then answered questions posed by Councillors as well as listened to comments provided.

Warden Lichter commented that appealing a minor variance to Council was simpler than going to the Municipal Board. He said, however, that he would like to see the Development Officer who had been involved with a particular variance appeal make the presentation to Council. He also noted the point that had been raised regarding the fact that considering the number of residents in Halifax County, there have not been a large number of variance appeals.

Meeting ended at 8:45 p.m.

PUBLIC HEARING

June 24, 1991

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

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

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

APPOINTMENT OF RECORDING SECRETARY

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

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

APPLICATION #PA-PD5-26-90 & ZAP-PD5-26-90 - APPLICATION BY SPRYFIELD LUMBER MART LIMITED TO AMEND THE RESIDENTIAL DESIGNATION OF THE MUNICIPAL PLANNING STRATEGY FOR PLANNING DISTRICT 5 (CHEBUCTOR PENINSULA) IN ORDER TO PERMIT THE EXPANSION OF AN EXISTING BUILDING SUPPLY CENTRE, LOCATED AT 751 HERRING COVE ROAD, BEYOND THE MAXIMUM FLOOR AREA STIPULATED IN THE C-2 (GENERAL BUSINESS) ZONE

Mr. John Bain, Planner, advised the application before Council dealt with a plan amendment for planning District 5, Chebucto Peninsula, of the Municipal Planning Strategy. He advised the application made by Mr. Fred O'Hearn related to the Spryfield Lumber Mart located at 751 Herring Cove Road, at the boundary of

Halifax County and the City of Halifax. The reason for expansion of this existing Lumber Mart was because the applicant had requested to allow for larger showrooms, improve warehouses, and to provide space for other retail establishments.

Mr. Bain advised the property was zoned C-2 (General Business Zone) and was located within the residential designation. He stated the residential designation supported and protected the existing low density residential development. He stated the existing commercial properties within that residential area prior to the plan coming into force, were given C-2 (General Business Zone). Mr. Bain stated the maximum size of the floor area within that zone was 5,000 square feet. He stated Spryfield Lumber exceeded that.

Mr. Bain advised the Planning Advisory Committee recommended that this property be permitted to expand beyond the 5,000 square foot requirement as long as it met all other zone requirements. He advised of the amendments attached.

QUESTIONS FROM COUNCIL

Councillor Cooper questioned the type of businesses that would be permitted on this property.

Mr. Bain responded the C-2 general business zone applied to this property. This allowed for retail stores, foodstores, service and personal service shops, banks and financial institutions, restaurants, nurseries, medical type clinics, post offices, building supply and factory outlets, marines and boat yards, welding, plumbing, heating, as well as residential and institutional uses.

Councillor Cooper questioned the lot coverage.

Mr. Bain responded there would be a 50% lot coverage. He stated this would have to meet all of the side yard requirements. He stated the lot was approximately 115,000 square feet, so half of this amount.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

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

"THAT Appendix "A" be approved."

Deputy Warden Ball advised a public participation session was held in the community and the community did not voice any objections in looking at the status of this project.

Councillor Cooper expressed difficulty with the application with respect to the perimeter set out in the by-law.

Deputy Warden Ball reiterated a public participation session was held within the community. He advised the community had no objections to the expansion of that particular piece of property. He advised the property had already been zoned C-2 before this amendment was applied for. He reiterated there were no objections from the community whatsoever.

MOTION CARRIED.

16 IN FAVOR.

2 AGAINST.

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

"THAT Appendix "B" be approved."

MOTION CARRIED UNANIMOUSLY.

APPLICATION #RA-SA-20-90-20 - APPLICATION BY SEVEN OAKS CONSTRUCTION LIMITED TO REZONE PROPERTY ON FIRST LAKE DRIVE IN SACKVILLE NEAR THE OUKER CRESCENT INTERSECTION, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE.

Mr. Bill Butler, Planner, advised this public hearing was relative to an application made by Seven Oaks Construction Limited to rezone an approximately two acre parcel of land located on First Lake Drive, Sackville from R-1 (Single Unit Dwelling) to R-2 (Two Unit Dwelling) Zone. The stated purpose of the rezoning was to permit the construction of four semi-detached structures which would total eight semi-detached dwelling units as well as one duplex to the rear. He advised the four lots would directly abutt First Lake Drive, with the duplex to the rear.

Mr. Butler advised the property was situated within the urban residential designation of the Sackville Municipal Plan. He advised the scale and location of the R-2 (two unit dwelling) was not inconsistent with existing neighborhoods. He advised the

development of this particular piece of land had some drainage concerns which would have to be resolved at the subdivision stage, but those concerns would be there whether or not the property was rezoned. He advised, in that sense, the difficulties were not enhanced relative to rezoning of R-2. He advised the Department of Transportation had advised that the property met the stopping site distance requirements but it expressed some concern that First Lake Drive was a collector road within the Sackville community which was undergoing heavier and heavier traffic problems. He stated the DOT indicated in correspondence to them that the "No Parking" regulations would be strictly enforced on this particular area of First Lake Drive.

He advised the Planning Department shared the concerns of the Department of Transportation relative to the traffic situation on First Lake Drive. He reiterated the road was a significant collector road within the community and that approval of this rezoning would increase from a potential 5 to 9 number of direct accesses on this particular roadway.

Mr. Butler advised it was Staff's opinion that, given the importance of this road as a collector road, the number of direct road accesses should be minimized to the greatest possible extent. For that reason, the Planning Department recommended rejection of this particular application.

QUESTIONS FROM COUNCIL

Councillor Morgan referred to a report of the Planning Advisory Committee that suggested that there was a time when this particular parcel of land was designated for an apartment building. He asked how many units could be located on a piece of land this size.

Mr. Butler responded at one time, this land was designated by the Department of Housing for apartment buildings. He stated he believed, at one point, it was also designated as church property. He stated this was the intention the Department of Housing hoped to sell it for. He advised on a two acre parcel of land, 55 to 56 units would be permitted.

Councillor Morgan questioned the number of cars permitted in that sized operation.

Mr. Butler responded 1.5 cars per unit were permitted.

Councillor Morgan felt this proposed application was much more preferable of what could be developed in that particular area.

Councillor Boutilier stated the majority of individuals who purchased homes in the area purchased them through the Department

of Housing. He expressed concern with respect to the church and the zoning.

Mr. Butler stated the Department of Housing indicated in the subdivision plan what they intended the property to be used for. He stated it was noted on the subdivision plans that the Department of Housing changed the property from a multi-family dwelling to a church. However, the zoning with respect to that did not change to his knowledge.

Councillor Boutilier requested Mr. Butler to clarify what possibilities may have existed for that piece of land. He stated it appeared that most of these homes were either built or bought through the Nova Scotia Housing Commission as an R-1 (Residential) area.

Councillor Horne asked if Staff wished to reject the application because of too much traffic.

Mr. Butler responded not because of the increased amount of traffic but because of the number of direct accesses to First Lake Drive. He reiterated the number of the direct accesses to First Lake Drive was the concern.

Councillor Horne asked if he was correct in saying there would be no parking on the streets.

Mr. Butler responded the Department of Transportation had indicated that they would not be enforcing any more parking limitations along that particular stretch of First Lake Drive in light of the busy road that it was.

Councillor Horne asked how many single family dwelling homes could be placed on that particular piece of property.

Mr. Butler responded five direct accesses which would equate to four lots along First Lake Drive and one behind.

Councillor Horne asked what the proposal was at present.

Mr. Butler responded each of the semi-detached units would have a driveway, therefore, there would be eight plus the one for the lot in the rear which would equal to nine.

Councillor Horne asked if that was the nature of the proposal.

Mr. Butler responded that was the nature of the proposal.

Councillor Sutherland asked if Mr. Butler seen any plans for further extension of higher density development.

Mr. Butler stated he had not seen any plans as to what the Department of Housing intended.

SPEAKERS IN FAVOR

Mr. Finlay Evong, President of Seven Oaks Construction, wished to speak in favor of the application. He described the area involved and the locations of the duplexes he wished to propose. He stated the duplexes were at least 200 feet away from the closest single family residence in the First Lake area. He advised where the church was situated.

He illustrated the types of units being proposed.

He stated parking spaces would be provided for two vehicles in the front of these units which would allow three parking spaces per semi.

He advised the storm sewer concern had been addressed with the Department of Engineering & Works. He stated a plan had been drawn up by MacMillan's Engineering.

QUESTIONS FROM COUNCIL

Warden Lichter questioned when Mr. Evong purchased this property from the Department of Housing.

Mr. Evong responded he put an offer in last September to purchase this property.

Warden Lichter asked if the property was purchased after the zoning took place in Sackville.

Mr. Evong responded that was correct.

Councillor Poirier asked if the offer to purchase the property was completed.

Mr. Evong responded this offer would be completed this month.

SPEAKERS IN FAVOR

Mr. Bob Taylor, 48 Crimson Drive, Lower Sackville, wished to speak in favor of the application. He stated Mr. Evong built his home when he worked with Real Estate. He stated he had sold houses as well for Mr. Evong. He stated every time some sort of development in an area was proposed, some individual wanted to stop it. He advised of a petition in relation to this matter residents were

going around with for objection. He stated they were concerned with respect to the traffic. He stated he felt this was a proper concern. He stated he then proceeded to investigate the traffic situation, looking at the report prepared by the Department of Transportation with respect to the property. He stated from that, they concluded that they had no more concern over what they would have for a single family development on that parcel of land. He felt nine entrances to First Lake Drive was minor. He stated the Canoe Club drew traffic, as well as the church next to it. He stated if the church was built on that site and it was an active church, a tremendous amount of traffic could be generated. Therefore, his concern with respect to traffic was diminished.

Mr. Taylor stated he had lived in Sackville for approximately twenty years, he watched Sackville develop, and he also opened a K-Mart there. He stated he was concerned at that time with business in the area. He stated he had been in business in Sackville for a long time. He stated the residents relied on that community for their livelihood. Therefore, residents did not want to see anything detrimental take place. He stated the street he presently lived on was zoned for mobile homes. He stated there was no market for it so that changed to single family homes. He stated, therefore, Crimson Drive, was zoned for single family dwellings. He stated when people move from their mobile homes in Sackville, the natural progression in many cases was to a semi-detached home because that was what residents could afford. He stated he, himself, lived in a mobile home in which they owned one car that the bank owned. He stated he then proceeded to move to a semi and he still had one car. He stated he presently lived on Crimsen Drive in a single family home but had three cars. He stated this example showed who generated the amount of cars. He stated most individuals living in semis did not have four or five cars. He stated there was no reason these individuals should not be able to live in that neighborhood. He stated the conclusion he has is that people do not want people who live in semi-detached homes living in their neighborhood. He felt this was not right. He felt if an individual developed a nice semi-detached home, that should be acceptable. He stated any members of Council, by the pictures illustrated of the homes proposed, could not say this was not one of the finest quality semi-detached units. He stated this semi-detached unit would probably be worth more money than some of the single family homes located on First Lake Drive.

He stated the First Lake Drive area had always been zoned R-1. He advised of an evaluation received from the Appraiser, Mr. Fennell, who had been in the appraisal business since 1974. He stated Mr. Fennell was well qualified to making an opinion.

He read into the record a report received from the Appraiser.

Mr. Taylor indicated Mr. Fennell, Appraiser, felt the semi-detached units would not effect the property values of surrounding properties. He felt the units proposed were above average in design and quality of the Lower Sackville area. The report indicated units of similar design were viewed in the Bedford area, all of which had marketed in excess of \$100,000 which had appealed to middle and upper classed income. The report made reference to the Millwood area of Lower Sackville where a mixed residential development had taken place over the last three years. The report indicated that these semi-detached units in this area had not detracted from the overall desirability of the neighborhood or property values from single family detached homes. He referred to Bedford Basin Subdivision, and Nantucket - Cole Harbour. The report prepared by Harty Appraisals with respect to construction of the proposed development would not negatively effect the desirability of the subject neighborhood, the utility of the subject neighborhood, or the level of market values exhibited in the area and that the proposed development would provide a slight benefit to the residential nature as this would remove a considerable large parcel of land within the neighborhood that could be used for low density residential use such as an apartment house, multi-residential institutional facility, commercial or institutional facility which could help to negatively effect the residential nature of the neighborhood.

He stated for clarification, a single family unit dwelling was being proposed for the property located at the rear of the building.

Mr. Taylor stated this was a professional opinion. He felt this development would not negatively effect the neighborhood.

QUESTIONS FROM COUNCIL

Councillor Morgan asked if Mr. Taylor could leave a copy of the report.

Mr. Taylor advised that he would leave a copy of the report for Councillors' review.

Warden Lichter questioned the relationship of Mr. Taylor and Mr. Evong.

Mr. Taylor stated as he mentioned, Mr. Evong built his home, as well he had worked for Mr. Evong selling real estate.

Warden Lichter asked why Mr. Evong presented the report and not Mr. Taylor.

Mr. Taylor stated the applicant, which he did not know why, asked

him to present the report. He stated Mr. Taylor was nervous speaking in front of people.

Councillor Eisenhauer stated he found the report confusing. He stated the Department of Housing were planning on having this land serve as church property. However, the proposal today was that the zoning be changed to R-2.

Mr. Taylor advised of a number of residents supporting the proposal. He stated Mr. Evong planned to build homes in that location that he could make a profit on. He stated if Mr. Evong was unable to do this, he would be like many other builders today - out of business. He stated it made economic sense to build semi-detached homes in that location based on the value of the land, and the cost of the land. He felt the community needed to support local business.

Councillor Eisenhauer stated the question was why the report was in comparison with this development verses apartment buildings or the R-1 zone.

Warden Lichter stated semi-detached units would not detract from the value of the properties in the vicinity. Also, if an apartment was put there, it would be more detrimental.

Councillor Horne asked if Mr. Taylor was saying that if this R-2 zoning was approved, it would not significantly change the values of the properties in the neighborhood.

Mr. Taylor responded that was correct.

Councillor Horne asked if all R-1's were changed to R-2's on First Lake Drive, would that make a difference in his opinion with respect to the remainder of the available lots in the future. Mr. Taylor stated there was no vacant land there. He believed lots had been approved. He stated there was plenty of vacant land for future development. He stated if the land was zoned all R-2, it probably would have an effect on the neighborhood.

Councillor Horne asked if Mr. Taylor saw R-1 lots mixed in with R-2 lots detrimental.

Mr. Taylor responded no, he saw no difficulty with this.

Councillor Boutilier stated R-4 apartment building development did not have anything to do with the R-2 zone being proposed. He felt a market analysis should not be brought in comparing R-4 zone to R-2 zone.

Mr. Taylor made mention of the church.

Councillor Boutilier stated that would be probably only one day per week, Saturday or Sunday.

Mr. Taylor responded perhaps at Mr. Boutilier's church. He stated the church in the area was very active and operated every night of the week.

Councillor Boutilier stated neighborhoods when they bought property as R-1 wished to keep it as R-1. He stated most do not want mixed neighborhoods.

Warden Lichter urged Councillors not to argue with the speakers.

Councillor Morgan stated there were churches very active and ongoing that created traffic situations. However, residents have indicated they would rather have an apartment building than a church. He stated it depended on what the residents wanted. He asked if Mr. Taylor was aware of the Municipal Development Plan that would permit a request for rezoning in First Lake Drive of this particular piece of R-1 property to R-4 to permit the construction of an apartment building.

Mr. Taylor stated he was unaware of this. He stated to answer Councillor Boutilier's question, when he bought in that area, along First Lake, a townhouse development was being proposed. He stated that was not single family and he still bought in the area.

Councillor Boutilier asked what became of the proposed development.

Mr. Taylor stated this had not been developed to date.

Councillor Boutilier responded it probably would not be if the residents spoke as forcefully as they did at present.

SPEAKERS

Ms. Chris Giroux, 220 First Lake Drive, wished to speak on behalf of the application. She stated she bought this lot from the Nova Scotia Housing Commission. She stated when she looked at buying a lot in this location, the Nova Scotia Department of Housing had planned for multiple units in the lower part. She stated the reason this was not developed was because development was too costly. She stated this meant four additional driveways. She stated there was no parking on the right hand side of the street because there was no parking in front of her home at present. She stated the church down the street had their parking lot full on Sunday and they parked on First Lake Drive across the street. She stated she had been in real estate for twenty-five years and knew Mr. Evong as she worked with him. She stated no financial

interests were involved with this project. She stated the type of building being proposed was of good quality. She stated he was putting his own single family home in the rear. She stated if he thought the semi-detached homes would decrease the property value, Mr. Yvonne would not build a \$140,000 home in the rear.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN OPPOSITION

Mr. Mel Bartlett advised he lived on First Lake Drive as well. He referred to the petition residents signed objecting to the development proposed, with a detailed letter attached as to what they were signing.

Warden Lichter advised Council Members had a copy of this petition.

Mr. Bartlett stated there were several different issues related to the proposed development. He stated the first concern was the safety issue with respect to traffic around that corner.

Mr. Bartlett referred to a map illustrating First Lake Drive.

Mr. Bartlett stated sidewalks had been put in. He stated when there were no sidewalks, there was concern with respect to individuals walking on the street. He stated the problem shifted from this concern to individuals trying to get out on those accesses. He stated R-1 in that area would better suit that land as opposed to R-2 because of the number of accesses. He stated a park in this particular area would be more preferable as there would be no driveways. He stated land was a scarce resource in Lower Sackville. He did not feel residents of the area would object to meeting halfway in having a limited number of driveway accesses in that area.

Mr. Bartlett expressed concern with respect to property values. He stated residents of the area suspected there would be some potential impact. He stated they felt quite strongly with respect to the development of R-2 on First Lake Drive. Mr. Bartlett felt having R-1 and R-2 zoning scattered throughout the subdivision would have a negative impact on the property values. However, he was uncertain as this was not his field of expertise. He stated residents of the area bought property in the subdivision because it was zoned R-1, as well as paid more money, in most cases. He felt an R-1 zone should be maintained for these reasons.

Mr. Bartlett stated he did not understand why the existing zoning

R-1 could not remain as is and the property developed in that manner.

Mr. Bartlett referred to P-104 with respect to one critical area of parking access. He stated he did not think most people who lived in semi-detached homes owned only one car, many probably owned two. He mentioned company would generate a large number of cars as well. He stated, therefore, the concern of parking was not due to just the individuals who may live in those units.

QUESTIONS FROM COUNCIL

Councillor Morgan asked if Mr. Bartlett was aware of the construction of First Lake Drive and the number of cars per day permitted on that street.

Mr. Bartlett stated he did not know the exact rating for the number of cars on this Drive. He felt having a large number of accesses on the particular corner mentioned would not be wise. He stated it was less likely to have an accident if fewer cars went by.

Mr. Morgan advised of a report circulated that gave an indication of the number of cars per day which were permitted on that particular collector road.

Warden Lichter asked Mr. Bartlett to indicate on the map illustrated where he lived.

Mr. Bartlett responded further out in Lakeside.

Warden Lichter asked what year Mr. Bartlett purchased his property.

Mr. Bartlett stated he purchased his property in 1984.

Warden Lichter asked if Mr. Bartlett thought he would be the first and last house located on that road at the time he purchased the property.

Mr. Bartlett stated he thought there would be a church located on the proposed property.

SPEAKERS IN OPPOSITION

Mr. Mike Fenerty, wished to speak in opposition of the proposal. He stated he was not concerned with the Department of Transportation problem but the safety of his children who travelled that road each day. He stated less traffic lessened this concern. He stated his daughter came home the other day with a letter from the teacher that indicated next year, his daughter would have almost twice the

number of children in her class because the school was not large enough for all the children. He pointed out the school on the map. He made mention of snow removal and drainage problems occurring at the moment. He felt this development would enhance those problems. He questioned what it would cost him for additional schooling and firefighting if R-2 was permitted in that area.

QUESTIONS FROM COUNCIL

Councillor Poirier questioned what Mr. Fenerty meant by no snow removal.

Mr. Fenerty stated they did pay for snow removal but the service provided was limited.

Warden Lichter stated Halifax County provided snow removal for sidewalks not roads. This was the Provincial Government's responsibility.

SPEAKERS IN OPPOSITION

Ms. Colleen Meldrum stated her address wishing to speak in opposition of the application. She stated she had lived at this address for two years but had lived in the Sackville area for five. She stated they had moved thirteen times in the seventeen times they had been married. She stated she had worked very hard to buy a home in an R-1 zone. She stated she wanted this zone to remain R-1. She asked if these homes were going to be worth more than the homes on First Lake Drive presently, how would residents afford them. She made mention of the C section.

QUESTIONS FROM COUNCIL

Councillor Poirier asked how long the duplexes presently existing had been there.

Ms. Meldrum responded the duplexes presently existing had been there for years.

Councillor Poirier asked if she was correct in saying this was a single family neighborhood but there were duplexes in it.

Ms. Meldrum responded there were no R-2 zones located on First Lake Drive.

Councillor Poirier made mention of the duplexes in existence, and the church located there.

Ms. Meldrum responded the duplexes were located on Quaker Drive.

Councillor Eisenhower questioned the C Section mentioned.

Ms. Meldrum responded the C Section included Cavendish, Cavalier, Crimscent, etc. She stated they were developed at the same time. She stated the C Section meant all streets beginning with C were included.

Councillor Eisenhower asked if Ms. Meldrum was addressing the C Section.

Ms. Meldrum responded that was correct.

QUESTIONS FROM COUNCIL

Mr. Kevin Glow advised he was a resident of 84 Cavendish Drive. He stated he was a contractor himself. He stated this was an area R-1 zoned in which the development proposed seemed to be in opposition to the political and diplomatic concerns of the area. He stated the homes in this area were worth approximately \$80,000 to \$90,000. He stated there was a petition in which 300 individuals in the area did not want this development. He stated this one person wanted to rezone four lots subdividing into eight. He stated he would be perplexed if this development went through.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN OPPOSITION

Mr. Carl Burlock advised he wished to speak in opposition to the development and that he lived at 25 Cavendish Drive. He stated he did not wish to talk about traffic flows, real estate appraisals or market values. He stated the First Lake Drive area was their community. He stated they chose that area to live in because they liked it as an R-1 zone. He stated they felt this area was well developed. He stated his wife lived in Sackville all their life. He stated his family lived in a one bedroom apartment for three years. He stated this was where they wanted to live. He felt it was not right that an individual could come in and change the flavour of an area simply because he had a development proposal. He stated he could put in four single family homes that would compliment the existing flavour of the subdivision.

QUESTIONS FROM COUNCIL

Councillor Bayers asked how the flavour of the community would be changed because on one side there was a church and on Quaker

Crescent, there were already semi-detached units. He stated the flavour had already been set with semi-detached units.

Mr. Carl Burlock disagreed. He asked Councillor Bayers to take a walk down First Lake Drive.

Councillor Boutilier stated there was no R-2 development located in the C Section.

Councillor Bayers asked if the single family homes on Quaker Crescent and Queen's Court were built in 1974.

Councillor Boutilier responded the same phase.

Councillor Bayers stated he did not see any difference whether the homes were built in 1974 or built at present.

Councillor Poirier asked if the single family unit being proposed would be zoned R-2 as well.

Mr. Butler responded that was the proposal.

Councillor Poirier asked if the Planning Department was sure this would be a single family dwelling.

Mr. Butler responded no.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

It was moved by Councillor Boutilier, seconded by Councillor Eisenhauer

"THAT the application by Seven Oaks Construction Limited to rezone the property on First Lake Drive, formerly known as Parcel E-2, Phase II, Nova Scotia Housing Commission Lands, in Sackville, from R-1 (single unit dwelling) zone to R-2 (two unit dwelling) zone, be rejected by Municipal Council."

Councillor Morgan stated he had no difficulty with staff's opinion for rejection.

Councillor Merrigan stated he would support the motion not because the R-2 zoning would create a major problem for the residents but he did not believe Council should take a chance on it because

someone wished to make a dollar.

Councillor Bayers asked if the Community Council made any recommendation on this application. He asked why a letter or recommendation was not received from that Committee.

Warden Lichter responded some form of recommendation went to PAC.

Councillor Bayers asked if the Community Committee made a decision whether to approve or not approve of it.

Warden Lichter responded that the Community Committee recommended to Planning Advisory Committee that a public hearing be allowed to take place.

Councillor Eisenhauer stated he agreed with staff to reject the application. He stated he did not agree having some areas zoned R-2 and some areas zoned R-1.

Councillor MacDonald felt the property should remain R-1 and that the application be rejected.

MOTION CARRIED.

12 IN FAVOR.

5 AGAINST.

ZA-FEN-18-91 - APPLICATION BY HALIFAX COUNTY MUNICIPALITY TO AMEND THE LAND USE BY-LAW FOR PLANNING DISTRICTS 15, 18 AND 19 IN ORDER TO CLARIFY THE REQUIREMENTS OF THE MU-1 AND MU-2 ZONES WITH REGARD TO THE MAXIMUM FLOOR AREA PERMITTED FOR COMMERCIAL USES.

Mr. Jim Donovan, advised the third application was an application by the Municipality to amend the Land Use By-law for Planning Districts 15, 18 and 19 in order to clarify the requirements of the MU-1 and MU-2 zones relative to the maximum floor area of permitted commercial uses in those two zones. He stated both zones permitted up to 2,000 square feet floor area on a property to be used for commercial purposes. However, the existing wording of the by-law relative to floor area differed in both zones and had resulted in some integrity, whereby, applications for permits had been denied. He stated the MU-1 zone under Section 13 25(a) of the Land Use By-law made references to all commercial buildings where no permits would be issued for any commercial building over 2,000 square feet. However, in the MU-2, the references made to all structures could not exceed 2,000 square feet. He stated this wording had created some problems with respect to interpretation in relation to mixed use buildings and zones. He stated the amendments provided were intended to provide consistent wording between the requirements of

the MU-1 and MU-2 zones. (attached)

He stated it was the recommendation of Staff that these amendments be approved.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

It was moved by Councillor Eisenhower, seconded by Councillor MacDonald

"THAT the amendments to the Land Use By-law for Planning Districts 15, 18 and 19, attached as Appendix "A" be approved."

MOTION CARRIED.

ZA-TLB-15-91, RA-TLB-03-91-02, DA-TLB-17-90-02 - APPLICATION BY J. A. WALKER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE MUNICIPALITY TO PERMIT THE CONSTRUCTION OF A FUNERAL HOME, LOCATED AT 1565 ST MARGARET'S BAY ROAD IN LAKESIDE

Mr. John Bain, advised the final application before Council dealt with two properties located in the Lakeside area of the Timberlea/Lakeside/Beechville Community. He stated the development agreement applied to 1565 St. Margaret's Bay Road, between the Municipality of the County of Halifax and J. A. Walker Funeral Homes Limited. He stated the rezoning applied to 1562 Bay Road in Lakeside which was existing funeral home at present. He stated the developer wished to convert this into a four unit apartment building. He stated there were two units there presently. He stated the zone amendment would remove 1562 Bay Road from Appendix B where it was located at present because the commercial use of that property would cease to exist.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

It was moved by Councillor Poirier, seconded by Councillor Eisenhauer

"THAT the development agreement between the Municipality of the County of Halifax and J. A. Walker Funeral Homes Limited to permit the construction of a funeral home located at 1565 St. Margaret's Bay Road be approved."

MOTION CARRIED.

It was moved by Councillor Poirier, seconded by Councillor Reid

"THAT the Application by J. A. Walker Funeral Homes Limited to rezone the property at 1562 Bay Road in Lakeside from R-1 (single unit dwelling) zone to R-4 (multi-unit dwelling) zone be approved."

MOTION CARRIED.

It was moved by Councillor Horne, seconded by Councillor Poirier

"THAT the Timberlea/Lakeside/Beechville Land Use By-law be amended by Municipal Council as shown in appendix "A"."

MOTION CARRIED.

ADJOURNMENT

The Committee agreed to adjourn.

Time of Adjournment: 9:00 p.m.

MINUTES & REPORTS
OF THE
THIRD YEAR MEETINGS
OF THE
FORTY-THIRD COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX
JULY COUNCIL SESSION
TUESDAY, JULY 16, 1991

&

PUBLIC HEARING
JULY 8, 1991

INDEX

Black Nova Scotia Program - - - - -	2 - 3
Business Improvement District Committee - Hubbards - - - - -	13
Beaver Bank Fire Department Truck - - - - -	15
Boundaries Report - U.N.S.M. - - - - -	50
Comfort Allowance - - - - -	6 - 9
Capital Funding - - - - -	32 - 38
Capital Grant, Cultural & Recreational Facilities-Portuguese Cove -	40
Churchill Estates - Herring Cove - - - - -	50 - 52
District 10 East Fire Department - - - - -	12
District 9A Fire Department - - - - -	14
Development Officers - - - - -	52 - 53
Eastern Breeze Kinsmen and Kinettes - - - - -	4
Grants - - - - -	38 - 39
Halifax Harbour Cleanup Project - - - - -	57 - 58
Letters & Correspondence - - - - -	2 - 9
Lakeview Acres - - - - -	15 - 28
Landfill Closeout Committee - - - - -	65
Motion - Recording Secretary - - - - -	1
Motion - Approval of Minutes - - - - -	1 - 2
Motion - Letters & Correspondence - - - - -	2 - 9
Motion - Black Nova Scotian Program - - - - -	2 - 3
Motion - Eastern Breeze Kinsman and Kinettes - - - - -	4
Motion - Shearwater International Airshow - - - - -	4 - 5
Motion - Sewer manholes, Nelson Drive - - - - -	5 - 6
Motion - Comfort Allowance - - - - -	6 - 9
Motion - Public Hearings - - - - -	9 - 12
Motion - District 10 East Fire Department - - - - -	12
Motion - Manhole, Valve Box Repairs - - - - -	12
Motion - St. Margaret's Bay Heights, Drainage Easement - - - - -	12 - 13
Motion - Tax Certificate Costs - - - - -	13
Motion - Business Improvement District Committee, Hubbards - - - - -	13
Motion - Municipal Parkland, District #20 - - - - -	13 - 14
Motion - District 9A Fire Department - - - - -	14 - 15
Motion - Beaver Bank Fire Department Truck - - - - -	15

INDEX

Motion - Lakeview Acres - - - - -	15 - 23
Motion - Wellington Green School - - - - -	28 - 29
Motion - Refuse Collection Contractors - - - - -	29 - 32
Motion - Capital Funding - - - - -	32 - 38
Motion - Grants - - - - -	38 - 39
Motion - Natal Day Holiday - - - - -	39
Motion - St. Andrew's School, Timberlea - - - - -	39 - 40
Motion - Capital Grant, Cultural & Recreational Facilities Portuguese Cove - - - - -	40
Motion - General Parkland Grant, District 24 - - - - -	40
Motion - Minor Variance Appeal - - - - -	40 - 49
Motion - Transit Committee Report - - - - -	49 - 50
Motion - Boundaries Report, U.N.S.M. - - - - -	50
Motion - Churchill Estates, Herring Cove - - - - -	50 - 52
Motion - U.N.S.M. Conference Delegates - - - - -	52
Motion - Development Officers - - - - -	52 - 53
Motion - Cancellation of Council Session - - - - -	53
Motion - Sidewalk Construction, District 24 - - - - -	53 - 55
Motion - Resurfacing, Beaver Bank Road - - - - -	55
Motion - Linking Transit Routes 15 & 20 - - - - -	55 - 56
Motion - Halifax Harbour Cleanup Project - - - - -	57 - 58
Motion - Waste Management - - - - -	58 - 65
Motion - Landfill Closeout Committee - - - - -	65
Motion - Adjournment - - - - -	65
Natal Day Holiday - - - - -	39
Public Hearings - - - - -	9 - 12
Refuse Collection Contractors - - - - -	29 - 32
Shearwater International Airshow - - - - -	4 - 5
Sewer Mandate - Nelson Drive - - - - -	5 - 6
St. Margaret's Bay Heights - Drainage Easement - - - - -	12 - 13
St. Andrew's School - Timberlea - - - - -	39 - 40
Sidewalk Construction, District 24 - - - - -	53 - 55
Tax Certificate Costs - - - - -	13
Transit Committee Report - - - - -	49 - 50
Transit Routes 15 & 20 - - - - -	55 - 56
U.N.S.M. Conference Delegates - - - - -	52
Wellington Green School - - - - -	27 - 28

PUBLIC HEARING

July 8, 1991

PRESENT WERE: Warden Lichter
Councillor Meade
Councillor Poirier
Councillor Fralick
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Merrigan
Councillor Snow
Councillor Eisenhauer
Councillor MacDonald
Councillor Harvey
Councillor Sutherland
Councillor McInroy
Councillor Cooper

ALSO PRESENT: Dale D. Reinhardt, Deputy Municipal Clerk
Fred Crooks, Municipal Solicitor

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

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Fralick, seconded by Councillor Sutherland

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

APPLICATION BY DOUGLAS WALLER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE MUNICIPALITY TO PERMIT A DINING ROOM/LOUNGE OPERATION AT 5250 BAY ROAD, UPPER TANTALLON (TWO GULLS RESTAURANT)

Mr. Jan Skora, Planner, advised Ms. Anne Dorey, Manager of the "Two Gulls Restaurant", has applied on behalf of Douglas Waller, owner of the property, to enter into a development agreement with the Municipality in order to permit an expansion of the existing restaurant and its partial conversion to a dining room/lounge operation. He stated the site of the proposed development agreement was situated at the intersection of Highways 3 and 333 in Upper Tantallon.

Mr. Skora advised at the present time, the restaurant was allowed to sell alcoholic beverages only with food. He stated it was the intention of the owner to provide for the sale of alcoholic beverages separately, however, with food still available for consumption. He stated this change in the status of the commercial use required a lounge license under the provincial Liquor Licensing Act as lounges were defined as a commercial entertainment use under the Land Use By-law for Planning Districts 1 & 3 and may only be considered by development agreement.

Slides were shown.

QUESTIONS FROM COUNCIL

Councillor Fralick wished to clarify that Highway 3 proceeded towards Hubbards not Highway 333.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

Councillor Sutherland asked if any correspondence had been submitted to Council in favor or opposition of the application.

Warden Lichter replied there was no correspondence received.

Councillor Fralick stated he checked with abutters to the property. They were not in opposition to the application.

It was moved by Councillor Eisenhauer, seconded by Councillor Boutilier

"THAT the agreement as presented in Appendix "A" between the Municipality of the County of Halifax and Douglas Waller to permit a commercial entertainment use at 5250 Bay Road, Upper Tantallon (Two Gulls Restaurant), be approved."
MOTION CARRIED.

ADJOURNMENT

It was moved by Councillor Harvey, seconded by Councillor Boutilier

COUNCIL SESSION

JULY 16, 1991

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

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

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

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Sutherland, seconded by Councillor Boutilier

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

APPROVAL OF MINUTES

It was moved by Councillor Harvey, seconded by Councillor Meade

"THAT the May 13, 1991 Public Hearing minutes be approved as circulated."
MOTION CARRIED.

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

"THAT the May 27, 1991 Public Hearing minutes be approved as circulated."

MOTION CARRIED.

It was moved by Councillor Deveaux, seconded by Councillor Sutherland

"THAT the June 3, 1991 Committee of the Whole minutes be approved as circulated."

MOTION CARRIED.

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

"THAT the June 4, 1991 Council Session minutes be approved as circulated."

MOTION CARRIED.

It was moved by Councillor Harvey, seconded by Councillor Randall

"THAT the June 17, 1991 Committee of Whole minutes be approved as circulated."

MOTION CARRIED.

It was moved by Councillor Poirier, seconded by Councillor Meade

"THAT the June 18, 1991 Council Session minutes be approved as circulated."

MOTION CARRIED.

LETTERS AND CORRESPONDENCE

1. Henson College Re Supervisory Career Paths for Black Nova Scotians Program

Mr. Kelly outlined the letter from Percy A. Paris. He advised Henson College was requesting Council's support of the Supervisory Career Paths Program.

It was moved by Councillor Sutherland, seconded by Councillor Snow

"THAT the letter be received."

MOTION CARRIED.

Councillor Sutherland questioned if Mr. Fawson or Mr. Meech would speak with Mr. P.A. Paris, Dalhousie University, in the future to obtain a better understanding of the program, relaying the information to Council.

Warden Lichter advised Mr. Paris stated in the letter that this issue could be discussed further if so desired.

It was moved by Councillor Sutherland, seconded by Councillor Meade

"THAT Mr. Meech contact officials from Henson College with respect to the Supervisory Career Paths for Black Nova Scotians Program to obtain additional information, relaying this information back to Council."

MOTION CARRIED.

2. Department of Environment Re the Removal of Election Signs

Mr. Kelly outlined the letter.

It was moved by Councillor Meade, seconded by Councillor Cooper

"THAT the letter be received."

MOTION CARRIED.

3. Department of Community Services Re Children's Training Centres

Mr. Kelly outlined the letter.

It was moved by Councillor Bates, seconded by Councillor Fralick

"THAT the letter be received."

MOTION CARRIED.

4. Department of Municipal Affairs Re Adoption of 1990 National Building Code as the Provincial Building Code, Amendments to Building Code Regulations

Mr. Kelly outlined the letter.

It was moved by Councillor Bates, seconded by Councillor Harvey

"THAT the letter be received."

MOTION CARRIED.

5. Correspondence to Ken Wilkinson, UNSM, From Warden Laszlo Lichter Re Update of June 12, 1991 Meeting and June 26, 1991 Meeting in Toronto

Mr. Kelly outlined the letter.

It was moved by Councillor Fralick, seconded by Councillor Deveaux

"THAT the letter be received."

...3

Warden Lichter advised the meeting did take place in which information came back from Mayor Campbell, New Brunswick. He advised this information was forwarded to Mr. Meech and Mr. Wilson to assist with analyzing the proposal and negotiations taking place.

MOTION CARRIED.

6. Angus Ross, Convention Chairman, Eastern Breeze Kinsmen and Kinettes Re 1991 National Convention

Mr. Kelly outlined the letter. He advised the letter was requesting financial assistance for hosting the 1991 National Convention. The letter also indicated a spokesman would be designated to address the gathering.

It was moved by Councillor MacDonald, seconded by Councillor Sutherland

"THAT the letter be received."
MOTION CARRIED.

Warden Lichter stated with respect to assistance, all grant monies had been spent for the fiscal year of 1991/1992.

Councillor Sutherland felt Halifax County should indicate to Mr. Ross that they did not have any additional funds to assist towards this Convention. He felt an individual should be present at the gathering with respect to opening remarks, etc.

Warden Lichter advised his secretary would look after getting an individual to attend as done in previous years.

It was moved by Councillor Sutherland, seconded by Councillor Deveaux

"THAT Halifax County respond to Mr. Ross's, Convention Chairman, Eastern Breeze Kinsmen and Kinettes, letter indicating Halifax County were not financially in a position to support the Convention at this time but an individual would be available to attend the official opening or a luncheon."
MOTION CARRIED.

7. Shearwater International Airshow Re Permission from Halifax County for Various Performers to Overfly the Municipality during the period of September 19 to 23, 1991

Mr. Kelly outlined the letter.

It was moved by Councillor Deveaux, seconded by Councillor Snow

"THAT the letter be received."
MOTION CARRIED.

It was moved by Councillor Cooper, seconded by Councillor Deveaux

"THAT permission be given to T. J. Pile, Shearwater International Air Show, for various flying performers to overfly the Municipality during the period of September 19 to 23, 1991."
MOTION CARRIED.

8. Halifax County-Bedford District School Board Re Representatives from Halifax County Municipal Council to sit on a Planning Committee for the development of a Community Learning Centre

Mr. Kelly outlined the letter.

It was moved by Councillor Bates, seconded by Councillor Meade

"THAT the letter be received."
MOTION CARRIED.

Warden Lichter asked if selecting representatives for the Committee could be deferred to the August 20, 1991 Council Session. Council agreed.

9. Department of Transportation and Communications Re Improvements to Nelson Drive, Lower Sackville

Mr. Kelly outlined the letter. He indicated the Department of Transportation and Communications did not intend to pave this road this year but would carry out a patching program.

It was moved by Councillor Boutilier, seconded by Councillor MacDonald

"THAT the letter be received."

Councillor Boutilier indicated some extensive patching had already taken place on this Drive. He expressed difficulty with the sewer manholes in the area.

MOTION CARRIED.