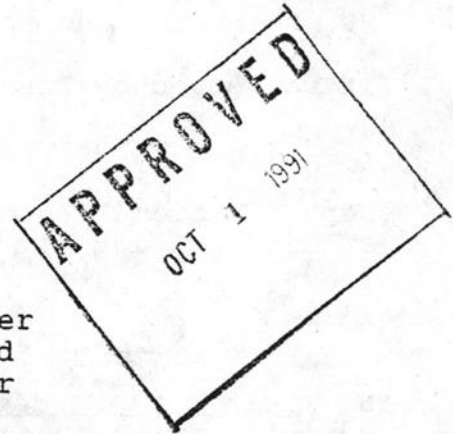


COUNCIL SESSION

SEPTEMBER 3, 1991

PRESENT WERE:

Deputy Warden Ball, Chairman
Councillor Meade
Councillor Poirier
Councillor Fralick
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Merrigan
Councillor Morgan
Councillor Snow
Councillor Eisenhauer
Councillor MacDonald
Councillor Boutilier
Councillor Harvey
Councillor Sutherland
Councillor Richards
Councillor McInroy
Councillor Cooper



ALSO PRESENT:

K. R. Meech, Chief Administrative Officer
D. Reinhardt, Deputy Municipal Clerk
F. Crooks, Municipal Solicitor

OPENING OF COUNCIL - THE LORD'S PRAYER

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

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Horne, seconded by Councillor Poirier:

"THAT SANDRA SHUTE BE APPOINTED AS RECORDING SECRETARY".

MOTION CARRIED.

LETTERS AND CORRESPONDENCE

1. Department of Transportation and Communications re Passing Zone - Trunk 1 near Lewis Lake

Mr. Reinhardt outlined the letter.

It was moved by Councillor Horne, seconded by Councillor MacDonald:

"THAT THE LETTER BE RECEIVED".

MOTION CARRIED.

2. Letter to Warden Lichter from Colin Gillis re Paving of Ocean View Drive in Herring Cove

Mr. Reinhardt outlined the letter.

It was moved by Councillor Fralick, seconded by Councillor Meade:

"THAT THE LETTER BE RECEIVED".

Deputy Warden Ball requested Mr. Reinhardt to write a letter to Mr. Gillis advising that action was taken at the Council Session in August.

MOTION CARRIED.

3. Letter to Warden Lichter from Chairman, Union of Nova Scotia Municipalities, Dues Committee

Mr. Reinhardt outlined the letter.

It was moved by Councillor Fralick, seconded by Councillor Snow:

"THAT THE LETTER BE RECEIVED".

Councillor Sutherland asked if Council had taken any position with regard to fees for the Association. Mr. Meech noted that Council agreed to pay the dues on a monthly basis pending a report that will be forthcoming with regard to participation and involvement in the organization. As well, a communication had been sent to the Union asking them to reconsider their present method of arriving at the dues. This has been done and a staff report will be forthcoming within the next month or so with regard to the benefits of belonging to the organization.

Councillor Fralick advised that the Dues Committee was structured partly to solve this particular issue of Council's concern, and also to discuss membership.

MOTION CARRIED.

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Letter to Warden Lichter from Cultural Federations of Nova Scotia

Mr. Reinhardt outlined the letter.

It was moved by Councillor Meade, seconded by Councillor Harvey:

"THAT THE LETTER BE RECEIVED".

MOTION CARRIED.

It was moved by Councillor Horne, seconded by Councillor Meade:

"THAT OCTOBER 21-27, 1991 BE DECLARED AS CULTURAL AWARENESS WEEK".

MOTION CARRIED.

CONTAMINATION OF GROUND WATER IN FIVE ISLAND LAKE AREA

Deputy Warden Ball advised that Councillor Fralick requested that Item #3 on the Supplementary Agenda be moved up as there were a number of people in attendance who were interested. It was agreed by Council.

Councillor Fralick requested that, due to the severe nature of the ground water contamination in the Five Island Lake area, a report was prepared by Engineering and Works Department outlining the problem and solution.

He advised that in April, 1989, the Department of Environment investigated PCB contamination near a salvage yard in Five Island Lake area. As a result, well testing was carried out and the presence of PCB's was found in the soil and in one well. Nolan Davis and Associates had been engaged to identify the problem areas through soil analysis. Subsequently, a report was prepared with recommendations on the method of cleaning up the site and this was started in the fall, 1990.

To date, Department of Environment has expended about \$200,000 and an additional \$400,000 has been approved for further clean up.

During the sample process, a fire retardant chemical at low level was found. Although the water was safe to drink, delivery of bottled water to the affected residents was started. The well water has been monitored since 1989 and recent sampling has identified further problems. Certain volatile hydrocarbons which did not show up in the previous tests were identified and the water was considered not acceptable for use on a continuing basis.

Councillor Fralick advised the solution was to drill a new well upstream from the contaminated zone and install a distribution system with pumping station and storage facilities at an estimated cost of \$250,000. He said it would appear that Department of Municipal Affairs would approve 50% cost sharing towards the installation of a central water system if a formal application was made by the County.

Councillor Fralick advised the breakdown for the costs were: 20% to Halifax County - \$50,000; 30% to the affected property owners through Halifax County - \$75,000; 50% from County Capital Grant Fund - \$125,000.

Councillor Fralick said he was hopeful that the Engineering Department would be able to take on and endorse the project with the idea of going back to the Department of Environment and request additional funds. He said he did not think the cost sharing formula was fair and that the County should have to pay the portion outlined but he asked for tentative approval from Council to have the County actually take on the project for the residents of the area.

It was moved by Councillor Fralick, seconded by Councillor Cooper:

"THAT THE COUNTY OF HALIFAX, THROUGH ENGINEERING AND WORKS DEPARTMENT, TENTATIVELY INSTALL A WATER SYSTEM IN FIVE ISLAND LAKE COVERING THE RESIDENTS AND THE MOTEL AND CABINS THAT HAVE BEEN AFFECTED WITH CONTAMINATION OF WATER, SUBJECT TO FUNDING FROM THE PROVINCE OF NOVA SCOTIA TO COVER ALL COSTS".

Councillor Boutilier referred to the Staff Report and asked if this had been discussed at Executive Committee and was told no. Councillor Boutilier asked Mr. Meech about the breakdown of proposed funding. He noted the key word was "proposed". Mr. Meech replied that the County was asked only recently to participate in a meeting at the staff level together with Councillor Fralick. This was the first time it had come to their attention that the County was being asked to design, construct and operate the water utility; therefore, there has really been no opportunity except to put together the facts as presented at that meeting. He said that was why the staff report indicated for information purposes. He said he would concur with Councillor Fralick about costs and pointed out that it still needed to be clarified as to whether or not the property owners would be required to pay an annual charge for the operational costs.

Councillor Boutilier asked for clarification regarding the wording of the motion. Deputy Warden Ball explained that the intent was approval in principle subject to 100% funding from the Province of Nova Scotia.

Councillor Boutilier asked what the charge to the property owners would be. Mr. Meech explained that there would be no charge to the property owner because what was proposed was that the contribution that would normally be expected from individual property owners would be paid as part of the 50% contribution from the province.

In the case of the resolution presently on the floor, then the province would be asked to pay 100% of the costs.

Councillor Cooper stated that this particular situation was just another example of the province again trying to download onto the Municipality some of the areas for which they have responsibility. He said that if they were prepared to do the cleanup of the site, maybe they were saying that their observations and control of the site was negligent in the first place and he thought it would be improper for the residents of the area to be required to foot the bill for the water supply that may have been contaminated because the province was not regulating and monitoring this site as they should have been. He felt it would be quite appropriate to ask the province to foot the bill in this case and put in the water system; however, he thought the residents should definitely be prepared to pay the operating costs.

MOTION CARRIED.

PLANNING ADVISORY COMMITTEE REPORT

1. File No. P 197-90-011 - SUBDIVISION OF LANDS OF GUY BOUTILIER, SPRY BAY.

Mr. Reinhardt outlined the report.

Deputy Warden Ball said that Council was not theoretically allowed to give approval in principle to something which requires a Public Hearing and, for Council to pass such a motion, would fly in the face of the Planning Act. Council would, by approving in principle, pre-judge the outcome of a Public Hearing and not allow public input into the process.

Mr. Crooks advised that what Deputy Warden Ball had indicated to Council was correct. In Mr. Crooks' opinion, Council could not proceed to give approval in principle to a matter which must be subject to Public Hearing as required by the Undersized Lot Legislation. He suggested that the matter come on for Public Hearing in the normal way when those speaking in favour or against the matter would have an opportunity to make representations to Council. He said it may be that the concern about having the applicant incur costs with respect to survey certificates could be addressed otherwise but that was something which would require examination. He said what was proposed here was outside the bounds of Council's legal authority.

Deputy Warden Ball suggested that this matter could be referred back to Planning Advisory Committee to ensure that a proper hearing date and facts and figures required were available.

Councillor Boutilier advised that it was his understanding that the request for approval in principle was so that the applicant could

proceed with a survey and allow the applicant to proceed with the next step. He said his interpretation was not that Council would be pre-judging - it would be allowing the applicant to proceed to the next step. He said that he was sure the applicant had been informed through Policy Department that this would only allow him to go to the next step.

Mr. Crooks advised that the same thing would apply to approval in principle of a suggested By-Law amendment or any matter that requires Council to conduct a Public Hearing and consider submissions. He said there was real difficulty in Council disposing itself by resolution to decide something one way or the other before it has had the opportunity to hear from those who are entitled to be heard from under the Legislation. He said, as he read the report, the applicant was looking for an indication from Council on how it was going to deal with the application as the basis of deciding whether or not to incur the cost of having a survey done. He was concerned that Council might then put itself in the position of not being able to properly deal with the application at the Public Hearing stage.

Councillor Boutilier asked for direction for Planning Advisory Committee if this was referred back. Mr. Crooks said he saw no objection that the matter be referred back to Planning Advisory Committee for further review by staff and in terms of review, whether or not there would be a way of accommodating the concern of the applicant with respect to the survey costs without stating approval in principle.

It was moved by Councillor Richards, seconded by Councillor Sutherland:

"THAT FILE NO. P 197-90-011 - SUBDIVISION OF LANDS OF GUY BOUTILIER, SPRY BAY BE REFERRED TO PLANNING ADVISORY COMMITTEE WITH THE REQUEST TO HAVE THEM DEAL WITH IT IN A COMPLETE REPORT FORM."

MOTION CARRIED.

EXECUTIVE COMMITTEE REPORT

1. Report re Write Off - Tax Arrears

Mr. Reinhardt outlined the report.

Councillor McInroy declared a Conflict of Interest and left the Chambers.

It was moved by Councillor Snow, seconded by Councillor Adams:

"THAT COUNCIL APPROVE WRITING OFF 1989 TAXES AND INTEREST IN THE AMOUNT OF \$15,834.38 ON PROPERTY LOCATED AT WINDSOR JUNCTION AS THE SUBJECT PROPERTY WAS OWNED DURING THAT PERIOD BY A CROWN CORPORATION AND, ACCORDINGLY, EXEMPT FROM TAXES.

Councillor Richards asked if something like this was happening more frequently than Council was made aware of. He said that if delay in processing was the cause of the write off, then he had real concerns.

Mr. Crooks advised that sometime in 1989, the property in question was acquired by Nova Scotia Business Capital Corporation, which was exempt from taxation, being an agent of Her Majesty; however, two or three months after being acquired, the property was leased by a numbered company and there is provision in the Assessment Act that under those circumstances the numbered company becomes liable to tax. He said the difficulty was being able to track down someone who comes in to occupy pursuant to a lease rather than by transfer of title. In any event, the notice did not go out to that lessee and, as a consequence, the Municipality was without recourse in respect to the collection of 1989 taxes and no lien exists on the land with respect to the taxes because during the period in question, it was occupied by Her Majesty.

Councillor Richards said everybody could agree that the dilemma of tax write off was affecting every property owner across the Municipality and he said he did not feel very comfortable with that. Deputy Warden Ball stated he could not recall very many tax write offs over the past three years.

MOTION CARRIED.

TEMPORARY BORROWING RESOLUTIONS

Mr. Reinhardt outlined the Resolutions.

It was moved by Councillor Snow, seconded by Councillor Horne:

"THAT TEMPORARY BORROWING RESOLUTION NO. 87-10 FOR SEWER (MACPHERSON/LOCKVIEW ROAD) IN THE AMOUNT OF \$1,300,000 BE APPROVED".

MOTION CARRIED.

It was moved by Councillor Snow, seconded by Councillor Horne:

"THAT TEMPORARY BORROWING RESOLUTION NO. 91-06 FOR WATER (LAKEVIEW ACRES SUBDIVISION) IN THE AMOUNT OF \$504,000 BE APPROVED".

MOTION CARRIED.

It was moved by Councillor Randall, seconded by Councillor Cooper:

"THAT TEMPORARY BORROWING RESOLUTION NO. 91-07 FOR FIRE STATION (LAWRENCETOWN) IN THE AMOUNT OF \$267,210 BE APPROVED".

MOTION CARRIED.

It was moved by Councillor Richards, seconded by Councillor Cooper:

"THAT TEMPORARY BORROWING RESOLUTION NO. 91-08 FOR SEWER (CALDWELL ROAD) IN THE AMOUNT OF \$520,000 BE APPROVED".

MOTION CARRIED.

It was moved by Councillor Richards, seconded by Councillor Cooper:

"THAT TEMPORARY BORROWING RESOLUTION NO. 91-09 FOR WATER (CALDWELL ROAD) IN THE AMOUNT OF \$380,000 BE APPROVED".

MOTION CARRIED.

It was moved by Councillor Bates, seconded by Councillor Adams:

"THAT TEMPORARY BORROWING RESOLUTION NO. 91-10 FOR WATER (CHERRYBROOK) IN THE AMOUNT OF \$2,300,000 BE APPROVED".

MOTION CARRIED.

DISTRICT CAPITAL GRANT, DISTRICT 14, AND GENERAL PARKLAND GRANT

Mr. Reinhardt outlined the report.

It was moved by Councillor Horne, seconded by Councillor Reid:

"THAT DISTRICT CAPITAL GRANT, DISTRICT 14 IN THE AMOUNT OF \$2,400 AND GENERAL PARKLAND GRANT IN THE AMOUNT OF \$2,400 BE APPROVED".

MOTION CARRIED.

DISTRICT CAPITAL GRANT, DISTRICT 16, AND GENERAL PARKLAND GRANT

Mr. Reinhardt outlined the report.

It was moved by Councillor MacDonald, seconded by Councillor Morgan:

"THAT DISTRICT CAPITAL GRANT, DISTRICT 16 IN THE AMOUNT OF \$17,525 AND A GENERAL PARKLAND GRANT IN THE AMOUNT OF \$17,525 BE APPROVED.

Councillor Boutilier asked if items such as location of the park, lighting, supervision had been addressed. He also asked if survey work had been done on the future usage and who would be paying for the upkeep.

Mr. Markesino was available to reply to Councillor Boutilier's questions. He advised, with regard to a survey, that he had a list of 100 or more names that came from Sackville Recreation in support of this project and that Sackville Recreation will be doing and paying for the supervision. The location will be in front of the Sportsplex but not in the existing parking lot. There would be little maintenance because of the way the ramp was being constructed.

Councillor Boutilier noted that the proposed skateboard park was located in District 20 and he was not asked or consulted on this. He said he had problems with maintenance and upkeep of the skateboard park because the Sackville Sports Stadium has been involved in a deficit situation the last two years, the outlook does not look much better for next year and that capital money was tight. He said he would like to go on record that \$35,000 in the community of Sackville could be better spent at this time than for a skateboard ramp.

Deputy Warden Ball asked if this had been discussed at Sackville Recreation and Mr. Markesino replied that it had been discussed with the staff of Recreation. Councillor Boutilier noted that this item was not discussed at Sackville Community Committee - it may have been discussed with Councillor Morgan and staff of Recreation Department. Deputy Warden Ball suggested there might be a problem with communications within the Sackville Five.

Councillor Meade asked if the County's insurance policy covered skateboard ramps and was told yes.

Councillor Horne commented that the skateboard park in his district had been successful over the two years it had been in operation and supported the concept.

MOTION CARRIED.

DOG CONTROL PROGRAM

Mr. Reinhardt outlined the report.

Deputy Warden Ball advised there was a petition handed to him containing about 355 names indicating:

"We, the undersigned, feel that the SPCA is an inappropriate choice for Halifax County animal control due to reasons such as reports of neglect and abused and abandoned animals not being answered on time and a strong history of electrocuting cats and dogs."

Also, Deputy Warden Ball advised he had received a letter from William Mont, Animal Friends Society requesting a two-week delay before the new animal contract for the County be awarded in view of many problems in the past, and possibly in the future. He said the Society had a three-inch folder of problems that should be reviewed first before the contract was awarded.

Deputy Warden Ball advised he had met with a couple of people concerning this item prior to this Council Session and advised them that the Dog Control Contract comes up for renewal on September 24, 1991 and another Council Session will be held before that. There were a number of allegations and he advised them that he would ask if Council would be interested in receiving all the information concerning complaints and allegations about the SPCA and ask Council if they wished to defer the decision until September 17, 1991.

It was moved by Councillor Bates, seconded by Councillor Adams:

"THAT THE MATTER BE DEFERRED UNTIL THE NEXT COUNCIL SESSION".

Deputy Warden Ball pointed out that a Motion of Deferral was non-debatable.

Councillor Reid stated he had a question of time and thought that would be allowed. He said he had heard allegations about a dossier filled with information for about two weeks and it had never been received. He said Council was being asked to defer for two further weeks and asked when this information would be available. Deputy Warden Ball advised that the information would be made available as soon as possible and the decision would be made regardless on September 17 - there would be no more deferrals.

MOTION CARRIED.

Deputy Warden Ball suggested to the parties involved that, if they were so interested and believed that a drastic injustice had been done, the information be made available to Councillors by Monday, September 9, 1991.

Councillor Boutilier requested that a staff appraisal report be made available on Mountain Security during the time that they had the contract with Halifax County. He also requested an in-depth report on the SPCA's credentials and what they can and cannot offer.

Councillor MacDonald said that at the last Executive Committee, it had been requested that further information be available on the SPCA for this Council Session. He asked for the status on this. Mr. Meech advised there was information Warden Lichter had introduced prior to the Committee making its recommendation and it had been discussed that it was to be ensured of a three-month termination clause to be included in the contract. This had been discussed with the Municipality's solicitors. In the end, the Committee made its recommendation on that basis.

Councillor Horne asked about electrocution and if this were carried out, would it be in contradiction to the contract. Mr. Meech said yes, that the SPCA would be prepared to abide by the requirements of lethal injection.

Councillor Morgan pointed out that five delegates would be attending the Union of Nova Scotia Municipalities conference on September 17 and he was sure those Councillors would want to take the matter under consideration. Deputy Warden Ball said that Council Session would be held in any event and, if Councillor Morgan wished, he could put in a Motion of Reconsideration at the end of the meeting as to date and time.

PRIVATE ROAD SIGNS

Mr. Reinhardt outlined the report.

Councillor Boutilier asked what was the appropriate fee and was told \$150.

Councillor Meade noted that when 911 comes into effect, private roads must have a sign and what if the people on these roads do not want to pay for these signs. Deputy Warden Ball asked Mr. Crooks' opinion on this matter. Mr. Crooks said that in order to respond to this question, he would have to know about the program, how it was going to be administered and who would have what responsibility, whether it would be legislated, etc. He said he would be unable to respond tonight.

Councillor Richards commented that Councillor Meade's issue was valid and continues to show that Council would be entering something it should not be involved in. He felt this was a provincial responsibility and, if Council tried to play the middle man, they might find themselves in a liable position. He said this was another example of downloading and would not be supporting the motion and urged Council to seriously consider its position.

Councillor Reid stated that one of the important roles of a Municipal Councillor was to provide a service to the residents they represent and the Department of Transportation has said that if the Municipality requests a sign on a private road, then it would be installed. What Council and the recommendation was saying was that

if a resident requested a sign, then they would be advised to submit \$150 and an application would be submitted to the provincial government to have the name put on the road. He did not see what was wrong with providing the service.

It was moved by Councillor Reid, seconded by Councillor Morgan:

"THAT THE RECOMMENDATION OF THE EXECUTIVE COMMITTEE BE APPROVED".

MOTION CARRIED.

MINOR VARIANCE APPEALS

Minor Variance Appeal MV-19-91

Paul Morgan, Development Officer, presented the Appeal.

A request had been made by Catherine D'Arcy to allow for a reduction to the sideyard setback as required under the Land Use By-law for Planning District 5. The request was for a sundeck on her property at 822 Old Sambro Road in Harrietsfield. Because the sideyard setback for the deck did not comply with the Land Use By-laws, a minor variance application accompanied the permit application. The minor variance was granted by Paul Morgan and, as required under the Planning Act, all property owners within 100' were notified of the decision and the right to appeal to Council. An appeal of the decision had been received for Council's review.

During the course of reviewing the minor variance application, it was found that the deck had actually been constructed which was in violation of both the Building By-law and Land Use By-law. The applicant had been advised that, in the event the decision was overturned, that it would be necessary to modify the deck to comply with the land use requirements.

Mr. Morgan showed Council slides to illustrate.

QUESTIONS FROM COUNCIL

Councillor Cooper noted that the first slide gave the impression that the residence at 816 Old Sambro Road was closer to 822 Old Sambro Road than indicated in the map on Page 3. He asked if the setback was as illustrated.

Mr. Morgan replied that the slide gave a bit of an illusion that they were closer together than they were. The information was taken from location certificate for 822 Old Sambro Road and also showed the location of 816 Old Sambro Road.

Speakers in Favour of the Appeal

Mrs. Joseph Greenwood stated she owned the property at 816 Old Sambro Road. She did not live there herself at this time but planned to move back again. She said when she does move back, she wanted to put a fence up because she had grandchildren. If she puts a fence up only a foot from Catherine D'Arcy's deck, she would be too nervous because if anybody fell off the deck, they could be hurt by the fence and she would be liable. She did not want to have this worry and this was the reason why she appealed. She said a foot did not seem to be very much and thought it should be further away than that. She pointed out that her house looked like it was further away from the line in the slides but the fence would only be a foot away and she did not think this was right.

Questions from Council

None

Speakers Against the Appeal

Catherine D'Arcy, 822 Old Sambro Road, said she thought that Mrs. Greenwood was selling the house. She said the people who live there now, who were renting from Mrs. Greenwood, had no problem with the deck. As far as the fence went, Mrs. D'Arcy said she had no problem with that - she knew it would only be a foot away - but her deck was not very big either, only 10' x 12' so putting up the fence right next to it would be fine with her.

Questions from Council

Councillor Sutherland asked Mrs. D'Arcy if she understood that it would be hard to service the deck and fence. Mrs. D'Arcy suggested having the fence go to the deck and having the deck as a border. She said the deck was quite high off the ground and it could be maintained from underneath.

Councillor MacDonald asked how close the fence would be to the next house and was advised 50' from the property line.

Decision of Council

It was moved by Councillor Merrigan, seconded by Councillor Adams:

"THAT THE DECISION OF THE DEVELOPMENT OFFICER BE UPHELD BY COUNCIL".

MOTION CARRIED.

Deputy Warden Ball explained that the variance of one foot had been granted and the appeal was rejected.

Minor Variance Appeal MV-18-2-91

Paul Morgan, Development Officer, presented the Appeal.

A request had been made by Mitre Construction Limited to allow for a reduction in sideyard setback requirements as established under the Land Use By-law for Timerlea/Lakeside/Beechville. Mitre Construction made permit application for a single unit dwelling on Lot 34A-B of the Greenwood Heights Subdivision. The proposed location of the dwelling on the map was illustrated by Map 3, last page of the report. The proposed sideyard setback, both left and right, did not comply with the Land Use By-law requirements, therefore necessitating a minor variance application. The minor variance was granted by the Development Officer and the decision was appealed to Council.

Mr. Morgan showed slides to illustrate.

Mr. Morgan advised that under the Land Use By-law the property was zoned R-2 which required minimum sideyard setbacks of 8' and minimum front yard of 20'. The applicant proposed to locate the dwelling 6' from the left property line and 3' from the right property line. It would be difficult to build a dwelling on this lot which would comply with the Land Use By-law requirements. The lot should have a minimum frontage of 60' and this lot had 50' which was created in 1988 pursuant to a general provision in the Land Use By-law which allowed for any lot in existence to be subdivided into two lots. Lots 34A-B and 34A-C each had 50' frontage. The difficulty in meeting the sideyard setbacks was compounded by the lot configuration due to the jog inwards because the abutting house on the parent lot was built to ensure it maintained the required 8' setback from the side of the property. The narrow portion of the lot, with the jog, would mean that the maximum width of the house which could be build was 27' which would mean a very small house. To put a house in this location would mean it would be necessary to turn the house sideways and Mr. Morgan did not feel this would enhance the aesthetics of the neighbourhood. Similarly, an alternative would be to locate the dwelling farther back on the lot but this would put the dwelling in the abutting property owners' back yard. This could be done by right; however, it was felt that some flexibility was needed in granting the sideyard setback to put a dwelling on the lot which would be reasonably consistent with the aesthetics of the neighbourhood.

Questions from Council

Councillor Richards stated that Mr. Morgan indicated a house 27' in width would be an inappropriate type dwelling on that lot. He asked if a property, referred to as an end-on house situated on the lot which might be no more than 24' wide, would be aesthetically pleasing to the neighbourhood. Mr. Morgan said that turning a house sideways would look out of character for the neighbourhood, the houses were pretty uniform.

Councillor Richards felt that houses of this nature were pretty common. He said he could normally support minor variances but he was not so sure that this particular one was reasonable recognizing that that style of dwelling was not uncommon.

Councillor Cooper asked if the property on the left of the dwelling in question, as per the map on last page of the report, would have a similar frontyard setback to that of Civic No. 34. Mr. Morgan replied yes, the houses were pretty uniform along the street. Councillor Cooper asked, therefore, if the proposed house would be situated in front of both houses on each side. Mr. Morgan said yes and it was his understanding that the further back the house was situated, the more blasting would be required.

Speakers in Favour of the Appeal

Mr. Malcolm Stone, 48 Wedgewood Avenue, said there were 11 houses on the street with 14' in front and they would rather have a house in the back yard than on the front lawn. He said the proposed house would come within 2' of his property line but he felt this was certainly not a minor variance, it was three variances in one - the house would be out in front of all the houses, and short on the right and left sides. He said if a house were to be built on the property which would be in line with the rest of the houses, then he would have no objections.

Questions from Council

Councillor Cooper asked Mr. Stone what his setback was. Mr. Stone replied 20-25' from the property line.

Councillor Sutherland asked if Mr. Stone had been approached to provide any additional land for the property in question. Mr. Stone advised that he had been approached to sell a couple feet at one time but he had not been interested.

Speakers in Favour of the Appeal

Mr. Pat Pfister, 34 Wedgewood Avenue, said he lived next door to the property in question. He felt it was a terrible place to put a house and the information provided did not seem clear on the setback. He said he measured his property from the survey markers and all the houses on the street line up in a row, 34' back but this one was going to be 21', stuck out 14' in front of everybody else. He said it violated the By-laws on both sides of the property and was situated way out in front. If this variance was approved, then he would be looking out his picture window at 14' of the side of the house. He said he did not have any objections to placing the house further back on the property.

Questions from Council

Councillor MacDonald asked if the house were put on the lot sideways, could it be put back 34' and was told yes.

Speakers in Favour of the Appeal

Mr. Wilson Verge advised he owned the lot behind the lot being developed. He said he could not add too much more to what was already said but he did support the appeal and felt that this was not a minor variance. If the building were moved back, there would be construction problems with regard to bedrock and stated that the lot was not conducive to development anyway.

Questions from Council

None

Speakers Against the Appeal

None

Decision of Council

It was moved by Councillor Poirier, seconded by Councillor Meade:

"THAT THE APPEAL BE SUPPORTED BY COUNCIL AND THE VARIANCE DENIED".

MOTION CARRIED.

TRANSIT ROUTE PERFORMANCE REPORT - YEAR ENDING DECEMBER 31, 1990

It was moved by Councillor Richards, seconded by Councillor Sutherland:

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

APPOINTMENT TO THE BOARD - HALIFAX-DARTMOUTH PORT DEVELOPMENT COMMISSION

Councillor Horne put forward Bruce Evans, a resident of District 14. He advised he was a lawyer and partner of the law firm Smith, Gay and Evans and was involved in community activities.

It was moved by Councillor Horne, seconded by Councillor Harvey:

"THAT BRUCE EVANS BE NOMINATED".

MOTION CARRIED.

It was moved by Councillor Bates, seconded by Councillor Randall:

"THAT THE NOMINATIONS CEASE".

MOTION CARRIED.

Deputy Warden Ball requested that Mr. Reinhardt obtain particulars from Councillor Horne and write to Mr. Evans confirming his appointment.

MEAGHER'S GRANT ELEMENTARY SCHOOL

It was moved by Councillor Eisenhauer, seconded by Councillor MacDonald:

"THAT THE MEAGHER'S GRANT ELEMENTARY SCHOOL BE ACCEPTED AS SURPLUS PROPERTY".

MOTION CARRIED.

TIPPING FEES FOR SMALLER VEHICLES

Councillor Boutilier had asked to have this put on the agenda because of a request from a resident in Sackville. The resident had been charged, not by being placed on the scale, \$18.40. One concern Councillor Boutilier had, when tipping fees were increased, was for offstreet or offroad illegal dumping. As well, upon a subsequent trip by the resident's daughter there was no charge.

Councillor Boutilier felt the charge was unfair because the resident could have put any amount out with the regular garbage collection. He said he realized that tipping fees were important but wondered if people knew they were going to be charged, they might dump their garbage on the side of the road instead of paying the tipping fee. He advised that he had found out, upon inquiry, that the scales were quite often not used or not operating and he did not think a visual look was a good indication of how much weight was actually in a vehicle.

He asked that a member of Metropolitan Authority bring this matter to the Authority's attention.

Councillor MacDonald agreed that this was a problem. Originally, half ton trucks or small vans were not to be charged and it was then changed to 200 lbs. free and over that a charge. He said that a visual inspection should not be done and suggested that Mr. Meech could write a letter to Metropolitan Authority with the information that loads are being taken to the landfill and looked at visually and charged a certain amount. It could be that people are being double charged if not weighed properly. Councillor MacDonald said that if Mr. Meech wrote the letter, then Council members on Metropolitan Authority would back it up. He said it would be easier to get the matter on the agenda if a letter were written.

Council agreed that a letter should be written to the Metropolitan Authority concerning this matter.

PROVINCIAL GOVERNMENT SELECT COMMITTEE RE EDUCATION

Mr. Reinhardt outlined the letter.

It was moved by Councillor Sutherland, seconded by Councillor McInroy:

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

It was moved by Councillor MacDonald, seconded by Councillor Adams:

"THAT A SUBMISSION BE MADE TO THE HEARING BY THE WARDEN AND A MEETING OF COUNCIL BE HELD TO DISCUSS THE SUBMISSION".

Deputy Warden Ball advised there was a committee set up consisting of Warden Lichter, Councillor Reid and two others who were reviewing the legislation but he did not know if they had issued a final report. Councillor Reid advised that the committee had made a final recommendation to Council and were going to make a recommendation to the committee hearings that were held this spring; however, when Bill 147 was withdrawn, the submission was not made. He said that the Hearing to be held on September 17, 1991 would deal strictly with taxation authority and the plebiscite issue and other items that were contained in Bill 147. The committee did take a stand on the taxation position; however, it would have to be updated. He believed the recommendations from the committee had been presented to Council and adopted and felt a new committee would have to be struck.

Deputy Warden Ball suggested resurrecting the committee for that purpose.

Councillor Boutilier stated he did not believe Council did endorse the committee's recommendations and that there were a lot of questions that needed to be answered. He said he did not want anybody to make a presentation on his behalf unless it was the consensus of this Council.

Councillor Richards said he recalled the report from the committee and its position in terms of taxing power was to defer until it could be discussed in a number of public forums including this Council. At that time, no decision on Council's position was made and he did not think that was the image Council wished to put forth at this point. Therefore, the need for Council's position could only be arrived at if the information was thoroughly reviewed at a

Committee of the Whole session or individual presentations could be presented.

MOTION CARRIED.

Deputy Warden Ball suggested that a Committee of the Whole session be held on September 12, 1991 at 6:00 p.m. and that the sub-committee could meet prior to that date. This would allow Council to have an opportunity to put forth a position for September 17.

It was moved by Councillor McInroy, seconded by Councillor MacDonald:

"THAT THE SESSION BE A SPECIAL COUNCIL SESSION".

MOTION CARRIED.

SACKVILLE EXPRESSWAY

Mr. Meech explained that recently a letter had been received from Davis Developments Limited, located in the Sackville Business Park, requesting that a meeting be set up with the Minister of Transportation to obtain an update on phasing for the proposed Sackville Expressway. The meeting was held and it came to light that it would be somewhere in the vicinity of 4-5 years before Phase 2, which is the key phase as it related to connecting to the Sackville Business Park. As a result, the Minister was asked if he might be prepared to entertain revising Phase 2 so that that connection from Glendale Drive through the Sackville Business Park onto Highway 102 could be done as a separate phase in the first part of Phase 2. The Minister indicated he was prepared to consider that.

As well, it was pointed out to the Minister that the present plan provided, when coming from Sackville Business Park, going under the existing 102 and then back onto the Sackville Expressway a little further on. This was also raised as a concern and the Minister was prepared to give this consideration.

The Minister asked Warden Lichter to write a letter asking that the Minister review the present phasing in particular as it relates to Phase 2 and ask that consideration be given to connecting Glendale to Highway 102 as quickly as possible. This would be in hopes of spurring on development for Sackville Business Park.

Councillor Boutilier stated he had not known anything about this meeting and he would have been interested in participating or have some other members of the Sackville Community Committee involved.

It was moved by Councillor Sutherland, seconded by Councillor Horne:

"THAT COUNCIL SUPPORTS THE INTENT OF THE REQUEST AND THAT THE WARDEN FORWARD A LETTER TO THE MINISTER OF TRANSPORTATION AND COMMUNICATIONS CONCERNING COUNCIL'S REQUEST".

MOTION CARRIED.

TURNER'S ISLAND WHARF

Councillor Smiley outlined her request.

It was moved by Councillor Smiley, seconded by Councillor Meade:

"THAT A LETTER BE SENT TO THE MINISTER OF FISHERIES AND OCEANS, SMALL CRAFT HARBOURS, ASKING THAT TURNER'S ISLAND WHARF BE EXAMINED FOR POSSIBLE NEEDS FOR REPAIRS AND BE CONSIDERED FOR FUNDING FOR THOSE REPAIRS IN THE NEXT YEAR".

MOTION CARRIED.

Councillor Smiley requested that a copy of the letter be sent to the local M.L.A., Mr. MacInnis and Moser River Board of Trade.

SHEET HARBOUR HYDROELECTRIC PROJECT

Councillor Smiley indicated that an information sheet had been circulated to Councillors regarding the \$5 million hydroelectric project for the West River/Sheet Harbour area. The information sheet was prepared by William Digdon, who was in attendance.

She said that in light of the fact that a recent community gathering had been held concerning the above proposed project and 35 concerned and upset residents of the upstream area of this project expressed their fears that they would be faced with possible flooding of their private property for personal gain. Septic systems and wells would be affected and there was serious concern regarding the salmon migration.

She said the project was small and, as such, was not required to be registered under the Environmental Assessment Act, because it was grandfathered and has been 11 years on the books. Also, because it was a small project, it was not subject to community consultation; however, the residents were very upset that they had never been consulted and that no one was listening to their concerns. Surveys on their properties were just now being considered and it was her understanding that the one factor which would make the project eligible for a full environmental assessment was that four hectares of wetlands would have to be flooded. The residents felt that serious environmental concerns were not being addressed.

Councillor Smiley stated that if they were fortunate enough to have the Municipal Development Plan in place, they would be given the courtesy and protection of public hearings and public input and she felt that this project needed to be examined in a thorough manner. She advised that a motion was passed at the last Mainstreet Committee meeting supporting the full environmental assessment with community input. It was felt an additional 1.5 jobs from this project was of no real benefit to the community.

It was moved by Councillor Smiley, seconded by Councillor Reid:

"THAT DUE TO THE SERIOUS CONCERNS AND COMMUNITY REACTION RECEIVED, A LETTER BE WRITTEN TO THE MINISTER OF THE ENVIRONMENT REQUESTING THAT THIS PROJECT BE SUBJECTED TO A FULL ENVIRONMENTAL ASSESSMENT AND THAT THE RESIDENTS BE GUARANTEED COMMUNITY INPUT AND THAT THE POSSIBLE NEGATIVE IMPACT ON THE SALMON FISHERY BE ADDRESSED PROPERLY".

Councillor Smiley asked that a copy of the letter be sent to the Federal Minister responsible for Fisheries and Oceans with respect to salmon migration, the local M.L.A., and the Sheet Harbour Board of Trade.

Councillor Sutherland asked, to date, had there been community sessions where information was given. He said it appears to him that the scale of the project would require a fair bit of community input. Councillor Smiley advised there had been some attempts, not the fault of the proponent but the result of poor organization, to get the community together but that a public meeting had never been held.

Councillor Smiley said that a proper survey of the water levels had not been completed and asked how the Minister could grant the proponent a permit under these circumstances.

Councillor Bates noted that the project had been underway since 1980, according to the memo, and asked why it had taken 11 years. Councillor Smiley advised that rumors have been heard about it for the last 11 years but nothing concrete had ever been done. The Board of Trade had not been approached until the last few months.

Councillor Bates asked if some of the things in the memo, written by Mr. Digdon, were correct as it seemed the company had been led to believe they could do the things they have done. He asked if Council would give permission for Mr. Digdon to speak. Deputy Warden Ball noted that Councillor Smiley was asking for an environmental assessment of the project and, in the meantime, if the proponents would like to make a presentation and if there was a citizens group in Sheet Harbour which would like to make a presentation in the near future, then both sides could contact the

Municipal Clerk for presentation either to Executive Committee or Council.

Councillor Reid noted that very recently the Nova Scotia Power Corporation decided to purchase from private individuals producing power and hook to the provincial grid and he assumed that this was why this project was now getting underway.

MOTION CARRIED.

EMERGENCY AGENDA ITEMS

POLLUTION OF SACKVILLE RIVER BY METROPOLITAN AUTHORITY LANDFILL SITE

Councillor Harvey noted that the Metropolitan Authority had missed the August 30, 1991 deadline regarding an ammonia reduction in the river cleanup plan and had asked for a year's extension. He said he was concerned because the same group was planning to operate another landfill site in the County and supervise an incinerator. He said he was concerned with the good health of the Sackville River.

It was moved by Councillor Harvey, seconded by Morgan:

"THAT A LETTER BE SENT TO METROPOLITAN AUTHORITY REGISTERING ITS SERIOUS CONCERN ABOUT THE FAILURE OF THE AUTHORITY TO MEET THEIR DEADLINE AND ALSO REGISTERING THE FACT THAT THE GOOD HEALTH OF THE SACKVILLE RIVER WAS A HIGH PRIORITY ITEM TO THIS MUNICIPALITY".

Councillor Eisenhauer said that this was the type of thing that should be prevented in future. The landfill should be closed out in a professional manner.

Councillor Bates pointed out that the problems the Metropolitan Authority was having was that the province owned the site of the landfill and the regulations that were in place when the landfill was established had changed. The regulations now were more stringent. He said that the Minister of Environment had arrived at the Metropolitan Authority and made demands as to how the landfill was to be cleaned up and how quickly and the things he had asked be done could not be done in that short a time frame. The Metropolitan Authority was attempting to deal with the major problems as quickly as they can.

MOTION CARRIED.

ADDITION OF ITEMS TO SEPTEMBER 17, 1991 COUNCIL SESSION

Councillor Fralick - Department of Transportation

IN CAMERA ITEM

It was moved by Councillor Morgan, seconded by Councillor Sutherland:

"THAT COUNCIL MOVE IN CAMERA".

MOTION CARRIED.

Council came out of camera.

Atlantic Winter Fair

It was moved by Councillor Reid, seconded by Councillor Bates:

"THAT UPON RECEIPT OF A CHEQUE IN THE AMOUNT OF \$30,000.00 FROM THE ATLANTIC WINTER FAIR FOR OUTSTANDING TAXES, THE PROPERTY WILL BE REMOVED FROM THE TAX SALE AND THAT NEGOTIATIONS FOR A FAIR AGREEMENT BETWEEN THE ASSOCIATION AND THE COUNTY PROCEED IMMEDIATELY.

MOTION CARRIED.

ADJOURNMENT

It was moved by Councillor Harvey, seconded by Councillor Fralick at 9:05 p.m.:

"THAT THE MEETING ADJOURN".

MOTION CARRIED.

COUNCIL SESSION

September 17, 1991

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

ALSO PRESENT: Mr. K. Meech, Chief Executive Officer
Mr. D. Reinhardt, Deputy Municipal Clerk
Mr. F. 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 Sutherland, seconded by Councillor Fralick:

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY."

MOTION CARRIED

AGREEMENT WITH W-5 HOLDINGS TO CONSTRUCT THE EAST PRESTON BUSINESS CENTRE

Mr. Meech stated that it was recommended that Halifax County authorize the agreement for a loan in the amount of \$225,000. to the Industrial Commission to be used for the construction of a commercial mall in East Preston. He requested that Halifax County's purchasing policy be waived, in order that W-5 Holdings

will be the only bidder on this project. He stated that the total bid of \$675,000 would be divided in the following manner: The Nova Scotia Department of Small Business - \$300,000., Atlantic Canada Opportunities Agency - \$150,000., and Halifax County Industrial Commission providing \$225,000. in the form of a 20 year mortgage at an interest rate of 11%

Councillor Sutherland questioned what the present cost of borrowing was.

Mr. Meech stated that Halifax County borrowed at a rate of 9 1/2% He stated that excess funds will be used within Halifax County Municipality.

Deputy Warden Ball questioned whether any tax concessions had been built into the loan.

Mr. Meech stated that W-5 Holdings will pay normal property tax.

Councillor McInroy asked whether W-5 Holdings are non profit or private.

Mr. Meech stated that W-5 Holdings are not non profit. He stated that they are a private company. He stated that they will have to pay back \$225,000. He stated that \$300,000. will be provided by the Province of Nova Scotia. He stated that the loan will be set up as a forgivable loan so that if it is paid off within five (5) years the provincial grant will not have to be repaid.

Councillor Deveaux asked whether getting this loan will affect the budget.

Mr. Meech stated that we should break even. He stated we may have to provide some subsidy or take ownership if things do not work out. He stated that A.C.O.A. will be leasing space for Preston Development. He stated that other tenants will be found after completion of the building.

Councillor Boutilier questioned whether tenants will have to be pursued.

Mr. Meech stated that the demand for space will be mostly local business people.

Councillor Boutilier asked what the rental price per square foot would be.

Mr. Meech stated that it would be \$5.00 or \$6.00 per square foot.

Councillor Boutilier asked how this price compared to other rental rates in the area.

Mr. Meech stated that this rate is comparable with rates for space available in Burnside.

Councillor Boutilier asked if the rates for rental be competitive by not setting them too high.

Councillor Eisenhauer asked what was the cost of the project.

Mr. Meech stated that Halifax County won't have the actual cost until the proposal has been submitted. He stated the cost will be less than first thought and it will be closely monitored in order to keep costs at a minimum.

Councillor Eisenhauer asked that if the loan amount increased, is there any form of protection.

Mr. Meech stated that we would get a firm price before starting construction.

Deputy Warden Ball asked if there would be money put up front.

Mr. Meech stated that A.C.O.A. and Provincial money will be up front in the early stages. He stated that Federal and Provincial money will come to the Municipality and the Municipality will be responsible for overseeing the project.

Councillor Merrigan stated that this project may turn out to be a white elephant thus not be beneficial to the Municipality.

It was moved by Councillor Adams, seconded by Councillor Horne:

"THE THE HALIFAX COUNTY MUNICIPALITY APPROVE THE
INCUBATOR MALL BECAUSE IT DOES PROVIDE ECONOMIC BENEFIT
FOR THE EAST PRESTON AREA".

MOTION CARRIED

DOG CONTROL PROPOSALS

Warden Lichter stated that many letters of correspondence had be received with regards to this. He outlined the letters and correspondence for the Council record.

It was moved by Councillor Reid, seconded by Councillor Bayers:

"THAT THE CONTRACT FOR DOG CONTROL BE AWARDED TO
S.P.C.A."

Councillor Deveaux stated that he could not support the motion even though he was not familiar with S.P.C.A. He stated that Mr. Mountain's services may cost more but you get the type of services you pay for. He stated that he was very concerned about the number

of letters received against the awarding of the contract to S.P.C.A.

Councillor Sutherland stated that maybe the County should look at disregarding the tenders and retendering.

Deputy Warden Ball stated that the County has an obligation to its tax payers. He stated that S.P.C.A. came in with a bid \$200,000. less than Mr. Mountain's proposal. He stated that a petition was removed by the S.P.C.A. and when inquiries were made, people were told that the petitions were at the S.P.C.A. office. He stated that there is concern about a company who would use this type of tactics.

Warden Lichter stated that a petition against awarding the contract to S.P.C.A., with 1,400 signatures, had been brought to Council.

Mr. Reinhardt read the petition at the request of Councillor Merrigan.

Councillor Cooper stated that he had concerns about the welfare and disposition of the animals brought to the S.P.C.A. He asked whether the animals will be given the opportunity to be adopted and, if they cannot be adopted, does the County have a say in the method of disposal.

Mr. Crooks stated that a lethal injection has been specified in the contract.

Warden Lichter asked what the time frame was with regards to contacting owners before dogs are either put out to adoption or put down.

He was advised that the County requires that they be held for 72 hours.

Councillor Horne stated that he had looked at the facilities of Mr. Mountain and the S.P.C.A. He stated that they are both suitable. He stated that Mr. Mountain was dedicated but the S.P.C.A. does receive money from and are legislated by the province of Nova Scotia. He stated that the County Council should not be looking into these allegations. He stated that they should be looked at by the Attorney General. He stated that he would support the motion. He stated that problems can be monitored and if not corrected, break the contract. He stated that homes for the dogs should be found wherever possible.

Councillor Bates stated we do not have the extra funds needed to award the contract to Mr. Mountain. He stated that the allegations against S.P.C.A. have not been proven. He stated that safeguards should be built into the contract to ensure that the S.P.C.A. will correct any problems.

Councillor MacDonald stated that he had read the letters and some dog lovers want more for dogs than can be supplied. He stated that the dogs should be given a chance to live by putting them up for adoption. He stated that he would support the motion.

Councillor Sutherland stated that we should be looking at the welfare of the animals not the amount of money involved. He stated he was not convinced that the S.P.C.A. was the tender to go with.

Councillor Adams stated that if adoption cannot be worked out there should be a provision for euthanasia.

Councillor Snow stated that if people took proper care of their animals there would be no problem. He stated he would be supporting the low bidder. He stated that the situation should be watched very closely and Halifax County should appoint a watchdog to report back to the Council on a regular basis.

Councillor Merrigan stated that he was concerned about electrocution of the dogs. He stated that Mr. Mountain has done a good job. He stated that the County could not ask the residents to pay more taxes. He stated that he is worried about the allegations about the S.P.C.A. He stated he believed that animals over three (3) years old should be given a chance to be adopted. He stated that he supported the motion.

Councillor Morgan stated that the issue was an emotional one and he had concerns about the allegations with regards to seizure of petitions. He stated that all the people who had written letters can't be wrong. He stated that he was undecided and concerned about the issue as it is more than just dollars and cents.

Councillor Bayers stated that for a difference of \$240,000. he would have to support the motion. He stated that at budget time cuts were made in such important areas as education, social services, grants to the V.O.N. and homes for special care. He stated that with budget cuts in these areas Council could not justify spending an extra \$240,000. on dog control.

Councillor Boutilier stated that the tender should be scrutinized. He asked whether or not the bidder would fulfill all dog concerns.

Mr. Crooks stated that both bidders advised that they could meet the Criteria as set out by the County.

Councillor Boutilier asked if there would be any lowering of standards.

Mr. Crooks stated that standards were the same or better.

Councillor Boutilier asked if disposition by lethal injection was in writing as part of the contract.

Mr. Crooks stated that it is written in the contract.

Councillor Boutilier stated that we have actually enhanced the contract by taking into account the concerns of the people with regards to the humane disposition of the dogs.

Councillor Smiley asked if Council has to accept one of the tenders submitted.

Mr. Crooks stated that a call for new tenders could be made if the tenders submitted did not qualify.

Councillor McInroy stated that the Municipality had good service over the last three years from Mr. Mountain but the tender process has to be respected. He stated that the S.P.C.A. should be monitored to ensure that humaneness is at a level we would want it to be. He stated the time for holding animals should be looked at.

Deputy Warden Ball asked if there was an opting out clause for both the County and the S.P.C.A.

Warden Lichter stated that there is a 90 day opting out clause along with other Termination clauses.

Councillor Deveaux asked if the County could be taken to court if the tender is awarded to the highest bidder.

Mr. Crooks stated that tender is awarded to lowest bidder if they are qualified to perform contract specifications.

Councillor Deveaux stated that there are times when dollars should not be used to hold an axe over decisions. He stated that he would not be supporting the motion.

Councillor Poirier asked if we want quality service or not. She stated that dogs are at the mercy of people. She stated that when the County used Mr. Mountain service was good. She stated that she would not be supporting the motion.

Councillor Cooper stated that the County should make sure the service is adequate by having the service monitored by the By-Law Enforcement Officer. He stated that reports should be made to Council on a regular basis. He stated that he felt the S.P.C.A. met the criteria. He stated he would be supporting the motion. He stated that Council should make sure that the records of the S.P.C.A. are inspected regularly and reports submitted.

Councillor MacDonald also agreed that the S.P.C.A. should be monitored.

Warden Lichter asked Mr. Crooks that if the councillors were not

comfortable with the service is Council obliged to grant the contract.

Mr. Crooks stated that unless one of the bidders could not meet the tender requirements the tender process must be followed through.

Warden Lichter stated that in dealing with Mr. Mountain service was effecient with duties carried out willingly and politely. He stated that it has to be understood that Halifax County is the empolyer and the S.P.C.A. is the employee.

Councillor MacDonald stated that uncomfortable feelings should not be reason enough to change a legal tender system.

Councillor Boutilier stated that it would be a mistake to delay. He stated that the S.P.C.A. met all the requirements.

Mr. Crooks stated that S.P.C.A. did meet all specifications and were entitled to have their bid considered. He stated that if Council failed to award to low tender it could present basis for litigation.

Councillor Morgan stated that what was needed to protect the animals should have been included in the tender call.

Mr. Crooks stated that requirements were communicated and made available to tenders. He stated that methods of disposal was indicated to bidders. He stated that education was not part of the contract.

Deputy Warden Ball stated that if a decision was not made, the County may be sued. He stated that a decision should be made.

MOTION CARRIED

16 IN FAVOR

6 AGAINST

It was moved by Councillor Cooper, seconded by Councillor Boutilier that:

"THAT THE EXECUTIVE COMMITTEE BE CHARGED WITH THE RESPONSIBILITY OF MONITORING THE S.P.C.A. FOR COMPLIANCE".

MOTION CARRIED

MINOR VARIANCE REQUEST - MVS-11-91-20 BY CLAYTON KEARLEY TO ALLOW A REDUCTION IN THE SIDEYARD AND COURTYARD SETBACK REQUIREMENT UDNER THE LAND USE BY-LAW FOR SACKVILLE TO ACCOMMODATE A DETACHED SHED AT 19 NORDIC CRESCENT, LOWER SACKVILLE

Sharon Bond, Development Officer, Department of Planning and

Development, Sackville Branch Office presented the petition to Council on behalf of Mr. Kearley. She stated that Mr. Kearley was unaware that a development permit was required and had started construction on the shed but when he was told to stop, did so immediately. There were no questions of Ms. Bond. The Warden then asked for speakers in favor of the application.

Mr. Kearley stated that he had letters from his neighbors stating that they had no objection to the construction of the shed.

Mr. McInroy asked Mr. Kearley why he was constructing the shed in his driveway and not in his back yard.

Mr. Kearley stated that his back yard was quite small. He stated it was only 10' x 16' and with construction of a shed he would no longer have much of a backyard.

The Warden then called for speakers in opposition of the application. There were no speakers in opposition.

It was moved by Councillor Boutillier, seconded by Councillor MacDonald:

"THAT MINOR VARIANCE REQUEST - MVS-11-91-20 BY CLAYTON KEARLEY TO ALLOW A REDUCTION IN THE SIDEYARD AND COURTYARD SETBACK REQUIREMENT UNDER THE LAND USE BY-LAW FOR SACKVILLE TO ACCOMMODATE A DETACHED SHED AT 19 NORDIC CRESCENT, LOWER SACKVILLE BE APPROVED".

MOTION CARRIED

HALIFAX COUNTY-TOWN OF BEDFORD JOINT COMMITTEE ON MILL COVE PLANT

It was moved by Councillor Snow, seconded by Councillor MacDonald that:

"THE REPORT ON THE HALIFAX COUNTY-TOWN OF BEDFORD JOINT COMMITTEE ON MILL COVE BE RECEIVED".

Councillor Cooper asked if the County is negotiating with the province on cost sharing.

Warden Lichter stated that the County cannot ask for funding until there is a formal application when the cost figures are put together.

MOTION CARRIED

SPEED ZONE REDUCTION ALONG TRUNK 7 IN PORTER'S LAKE, BETWEEN THE HIGHWAY 107 CONNECTOR AND ROUTE 207 INTERSECTIONS

It was moved by Councillor Randall, seconded by Councillor Adams:

"THAT THE LETTER FROM THE MINISTER OF TRANSPORTATION AND COMMUNICATION RE: SPEED ZONE REDUCTION ALONG TRUNK 7 IN PROTER'S LAKE, BETWEEN THE HIGHWAY 107 CONNECTOR AND ROUTE 207 INTERSECTIONS BE RECEIVED".

MOTION CARRIED

REDUCTION OF SPEED LIMIT ON THE BACK ROAD IN SEAFORTH

It was moved by Councillor Randall, seconded by Councillor Fralick:

"THAT THE LETTER FROM THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATION RE: REDUCTION OF SPEED LIMIT ON THE BACK ROAD IN SEAFORTH BE RECEIVED".

MOTION CARRIED

INTERSECTION OF TRUNK 3 AND ROUTE 333 AT TANTALLON

It was moved by Councillor Fralick, seconded by Councillor Meade:

"THAT THE LETTER FROM MR. KEN STREATCH RE: INTERSECTION OF TRUNK 3 AND ROUTE 333 AT TANTALLON BE RECEIVED".

Councillor Fralick stated that in 1985 a request had been made to Council to have this intersection changed as it has resulted in numerous accidents.

MOTION CARRIED

HOME CARE ADVISORY COMMITTEE

Mr. Meech stated that Halifax County had received a letter inviting the County to send two representatives to the first meeting - an elected official from the County of Halifax and a staff person from the Community Care Division of Halifax County Social Services.

Councillor Bayers asked if this was just another committee or was it in regards to Homes for Special Care. He stated that if it was in regards to Homes for Special Care, the County is already meeting these needs. He asked that if we send a representative does it mean we want to become an official part of this committee.

Councillor Boutilier stated that before we send representative we should be sure we want to be included on this committee. He stated that Council should ask for a volunteer.

It was moved by Councillor Bayers, seconded by Councillor Cooper:

"THAT THIS BE DEFERED TO THE EXECUTIVE COMMITTEE".

MOTION CARRIED