

UNION OF NOVA SCOTIA MUNICIPALITIES - RE: CLOSURE OF FOUR CHILDREN'S TRAINING CENTRES ACROSS NOVA SCOTIA

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

"THAT THE LETTER FROM KENNETH R. B. SIMPSON, UNION OF NOVA SCOTIA MUNICIPALITIES, RE: CLOSURE OF FOUR CHILDREN'S TRAINING CENTRES ACROSS NOVA SCOTIA BE RECEIVED".

MOTION CARRIED

REPORT OF THE PLANNING ADVISORY COMMITTEE

1. STAFF REPORT - DRAFT REGULATIONS FOR THE LAKE MAJOR PROTECTED WATERSHED AREA.

Mr. Dale Reinhardt, Deputy Municipal Clerk, outlined the report.

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

"THAT THE RECOMMENDATION OF THE PLANNING ADVISORY COMMITTEE THAT THE REGULATIONS FOR THE LAKE MAJOR WATERSHED AREA BE RECOMMENDED FOR APPROVAL BY THE MUNICIPALITY TO THE MINISTER OF THE ENVIRONMENT BE RECEIVED".

MOTION CARRIED

2. FILE NO. RA-SA-11-91-22 - REZONING APPLICATION BY DINO MARCATTILI TO REZONE A LOT LOCATED AT 945 SACKVILLE DRIVE TO ALLOW FOR THE CONSTRUCTION OF A FOOD STORE THAT INCLUDES A MEAT MARKET.

Mr. Dale Reinhardt, Deputy Municipal Clerk, outlined the report.

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

"THAT A PUBLIC HEARING ON THIS APPLICATION BE HELD OCTOBER 7, 1991".

MOTION CARRIED

3. FILE NO. ZA-PD5-19-91 - AMENDMENTS TO THE LAND USE BY-LAW FOR PLANNING DISTRICT 5 RELATIVE TO THE MAXIMUM SIZE OF ACCESSORY BUILDINGS WITHIN THE R-2 (TWO UNIT DWELLING) ZONE.

Mr. Dale Reinhardt, Deputy Municipal Clerk, outlined the report.

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

"THAT NO AMENDMENTS BE UNDERTAKEN TO THE LAND USE BY-LAW FOR PLANNING DISTRICT 5 RELATIVE TO THE MAXIMUM SIZE OF ACCESSORY BUILDINGS WITHIN THE R-2 (TWO UNIT DWELLING) ZONE".

MOTION CARRIED

SUPPLEMENTARY REPORT OF THE PLANNING ADVISORY COMMITTEE

1. APPLICATION NO. DA-CH/W-01-91-25 - DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY AND ALLSCO BUILDING SUPPLIES LIMITED TO PERMIT THE EXPANSION OF AN EXISTING BUILDING SUPPLIES OPERATION AT 1380 COLE HARBOUR ROAD.

Mr. Dale Reinhardt, Deputy Municipal Clerk, outlined the report.

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

"THAT A PUBLIC HEARING ON THIS APPLICATION BE HELD OCTOBER 7, 1991".

MOTION CARRIED

2. FILE NO. DA-1&3-05-91-01 - DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY AND HORST AND MARIANNE SHAFFNER TO PERMIT THE DEVELOPMENT OF A RESORT INN AND MARINA AT 7990 ST. MARGARET'S BAY ROAD, INGRAMPORT.

Mr. Dale Reinhardt, Deputy Municipal Clerk, outlined the report.

It was moved by Councillor Meade, seconded by Deputy Warden Ball:

"THAT A PUBLIC HEARING ON THIS APPLICATION BE HELD OCTOBER 7, 1991".

MOTION CARRIED

3. FILE NO. P-197-90-011 - A SUBDIVISION APPLICATION UNDER THE UNDERSIZED LOT LEGISLATION, LANDS OF GUY BOUTILIER, SPRY BAY.

Mr. Dale Reinhardt, Deputy Municipal Clerk, outlined the report.

It was moved by Councillor Boutilier, seconded by Councillor Deveaux:

"THAT LOTS 2 AND 3, SUBDIVISION OF LANDS OF GUY BOUTILIER, BE GRANTED APPROVAL IN PRINCIPLE AND THAT THE APPLICATION BE DIRECTED TO PROCEED TO THE FINAL ENDORSEMENT STAGE OF SUBDIVISION".

MOTION CARRIED

CLOSED BUSINESS OCCUPANCY ACCOUNTS

Mr. Dale Reinhardt, Deputy Municipal Clerk, outlined the report.

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

"THAT COUNCIL AUTHORIZE THE WRITE OFF OF THE UNCOLLECTABLE CLOSED BUSINESS OCCUPANCY ACCOUNTS TOTALLING \$200,159.23".

MOTION CARRIEDAMENDMENT TO TAX EXEMPTION BY-LAW

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

"THAT COUNCIL APPROVE AN AMENDMENT TO THE TAX EXEMPTION BY-LAW TO DELETE THE PROPERTY ASSESSMENT OF MOOSE RIVER CITIZENS GROUP FROM SCHEDULE "B" OF THE BY-LAW AND INCLUDE THIS PROPERTY ASSESSMENT IN SCHEDULE "A" OF THE BY-LAW".

MOTION CARRIEDCAPITAL GRANT REQUESTS

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

"THAT THE FOLLOWING REQUESTS FOR CAPITAL GRANTS BE APPROVED:

- (A) District Capital Grant - District #1 in the amount of \$250.00 for the St. Margaret's Bay Swimming Club for equipment purchases.
- (B) District Capital Grant - District #3 in the amount of \$250.00 for the St. Margaret's Bay Swimming Club for equipment purchases.
- (C) District Capital Grant - District #20 in the amount of \$438.00 for the purchase and installation of two (2) basketball nets, rims and backboards for Acadia School.
- (D) District Capital Grant - District #25 in the amount of \$1,856.00 for walkway construction, Cole Harbour High School.

MOTION CARRIED

LOAN REQUEST - DISTRICT #8 VOLUNTEER FIRE DEPARTMENT

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

"THAT COUNCIL APPROVE A LOAN ADVANCE IN THE AMOUNT OF \$123,784.00 TO THE DISTRICT #8 VOLUNTEER FIRE DEPARTMENT FOR THE PURPOSE OF ACQUIRING A FIRE PUMPER VEHICLE".

MOTION CARRIED

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

CAPITAL GRANT REQUESTS

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

"THAT THE FOLLOWING REQUESTS FOR CAPITAL GRANTS BE APPROVED:

- (A) District Parkland Grant - District #3 in the amount of \$5,500.00 for equipment purchase for Lake of the Woods Recreation Park.
- (B) General Parkland Grant - District #10 in the amount of \$1,475.00 for grading and levelling of Bennett Ball Field, Musquodoboit Harbour.

District Parkland Grant - District #10 in the amount of \$1,475.00 for grading and levelling of Bennett Ball Field, Musquodoboit Harbour.

MOTION CARRIED

TEMPORARY BORROWING RESOLUTIONS - RENEWALS

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

"THAT TEMPORARY BORROWING RESOLUTION #89-01 IN THE AMOUNT OF \$175,000. - COLE HARBOUR PLACE LEASEHOLD BE APPROVED".

MOTION CARRIED

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

"THAT TEMPORARY BORROWING RESOLUTION #89-02 IN THE AMOUNT OF \$575,000. - SEWAGE (SLUDGE DISPOSAL LAGOON) BE APPROVED".

MOTION CARRIED

UNION OF NOVA SCOTIA MUNICIPALITIES DUES

It was moved by Deputy Warden Ball, seconded by Councillor McInroy:

"THAT COUNCIL VOTE AGAINST INCREASE IN U.N.S.M DUES UNTIL SUCH TIME AS A COMMITTEE IS SET UP TO REVIEW THE INCREASE AND REPORT BACK TO COUNCIL".

MOTION CARRIEDRESIGNATION - JOHN B. MORRISON - ADMINISTRATOR, OCRAN VIEW MANOR

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

"THAT COUNCIL ACCEPT LETTER OF RESIGNATION OF MR. JOHN B. MORRISON, ADMINISTRATOR, OCEAN VIEW MANOR AND THAT A LETTER BE SENT ON BEHALF OF COUNCIL TO MR. MORRISON".

Councillor Randall stated that Mr. Morrison had been a caring and capable administrator. He stated that Mr. Morrison had been more than an 8-5 administrator.

Councillor Cooper stated that Mr. Morrison was dedicated to his job. He stated that Mr. Morrison did his job well and will be missed.

MOTION CARRIEDMANAGEMENT LETTER - EXTERNAL AUDITORS

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

"THAT COUNCIL RECEIVE REPORT AND ADDRESS THE ISSUE OF ESTABLISHING AN AUDIT COMMITTEE".

Councillor Sutherland asked if the Budget Committee be a part of the Audit Committee.

Mr. Meech stated that an Audit Committee may only require 2 or 3 meetings, therefore, should be separate from the Budget Committee.

Councillor Sutherland asked if Council could approach the Budget Committee for guidance in setting up an Audit Committee.

MOTION CARRIEDMINOR VARIANCE APPEAL MV 23-2-91 - LOT 47A AND 47B - GREENWOOD AVENUE, TIMBERLEA

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

"THAT THE DATE FOR MINOR VARIANCE APPEAL MV-23-2-91 - LOT 47A AND 47B - GREENWOOD AVENUE, TIMBERLEA BE OCTOBER 1, 1991".

MOTION CARRIED

REPORT OF THE DEVELOPMENT OFFICER

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

"THAT THE REPORT OF THE DEVELOPMENT OFFICER BE RECEIVED".

MOTION CARRIED

DEPRATMENT OF TRANSPORTATION

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

"THAT COUNCIL ASK THE DEPARTMENT OF TRANSPORTAION AND COMMUNICATION TO NAME THAT POSITION OF THE OLD LAKE ECHO ROAD - JUST EAST OF THE LAKE ECHO BRIDGE - NORTH OF HIGHWAY #7; AS "ECHO RIVER DRIVE"

AND FURTHER TO RENAME UPPER BELL STREET AND/OR WALKER STREET TO "JOHN CROSS DRIVE"

AND FURTHER THAT MUNICIPAL CLERK MAKE A REQUEST TO THE PLANNING DEPARTMENT TO ASSIGN CIVIC NUMBERS TO THE HOUSES ON THESE STREETS".

MOTION CARRIED

EMERGENCY AGENDA ITEMS

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

"THAT COUNCIL MAKE A REQUEST TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATION TO CHECK THE NEED FOR CROSSWALKS AT IRENE AVENUE AND OLD BEAVERBANK ROAD".

MOTION CARRIED

TAX BILLING

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

"THAT EXECUTIVE COMMITTEE COMPLETE A REPORT ON THE TAX BILLING TIME FRAMES".

Councillor Cooper stated that this is a serious matter for some tax payers as it was putting them in an overdraft situation with their

banks.

MOTION CARRIED

NEW BUSINESS

Policing - Deputy Warden Ball

Beaverbank Road - Councillor Merrigan

Policing - Councillor Fralick

ADJOURNMENT

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

"THAT THE MEETING BE ADJOURNED".

MOTION CARRIED

PUBLIC HEARING  
September 9, 1991

PRESENT WERE: Warden Lichter  
Councillor Poirier  
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 Harvey  
Councillor Richards  
Councillor McInroy  
Councillor Cooper



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

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

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY."

MOTION CARRIED

(A) RA-EP/CB-10-91-06 - APPLICATION BY TIM DONUT LIMITED (OPERATING TIM HORTON DONUTS) TO AMEND THE EASTERN PASSAGE/COW BAY LAND USE BY-LAW BY REZONING PROPERTY AT 1104 EASTERN PASSAGE ROAD IN EASTERN PASSAGE FROM I-1 (LIGHT INDUSTRY) ZONE TO C-5 (MIXED USE ZONE).

(B) ZA-EP/CB-23-91 - APPLICATION BY TIM DONUTS LIMITED (OPERATING TIM HORTON DONUTS) TO AMEND THE LAND USE BY-LAW FOR EASTERN PASSAGE/COW BAY IN ORDER TO PERMIT LARGER BUSINESS SIGNS WITHIN THE C-5 (MIXED USE ZONE).

Mr. John Bain presented application on behalf of Tim Donuts Limited



to amend the Eastern Passage/Cow Bay Land Use By-Law by rezoning the property at 1104 Eastern Passage Road from I-1 (Light Industry) to C-5 (Mixed Use) to allow construction of a Tim Horton Donuts Restaurant and Drive Through. He stated the property is presently zoned Industrial with a body shop and car repair on this site. He stated the present building is being removed. Behind the designated area there is a railway right-of-way. He stated builder is getting lease from C.N.R. to allow for a better parking setup at the back. He stated that there is a residential area on the far side of the railway tracks.

He stated rezoning property Commercial to promote the Tim Horton drive through restaurant would be a less intensive use of the property. He stated the zoning can be considered according to Policy 56 in the rezoning plan and the criteria set out in Policy P88. He stated this rezoning did meet all the criteria as set out by the plan. He stated staff did recommend against the zone amendment however, the Planning Advisory Committee has recommended a 70 sq. ft. increase of the sign standards in the C-5 zone which would permit the Tim Horton's people to put up their standard sign.

#### QUESTIONS FROM COUNCIL

Councillor Horne asked if the sign was of similar size to the one being used by Ultramar.

Mr. Bain replied yes.

Councillor Horne asked if Council had approved the Ultramar sign.

Mr. Bain replied yes.

#### SPEAKERS IN FAVOR

Mr. John McEachern, Development Manager, Tim Donut Ltd., stated that they had been looking in the Eastern Passage area for at least two years for a suitable site to construct a Tim Horton Donut shop. He stated the site chosen will be of benefit to the community because of its location. He stated that the arrangements to be made with C.N.R. is for a long term land lease for parking and access. He stated the site is fully serviced. He stated they were asking for the variance in the sign due to the fact that Tim Donuts standard sign is 63 sq. ft. He stated that as they are a national company their signage is an important feature.

#### SPEAKERS IN OPPOSITION

None

#### DECISION OF COUNCIL

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

"THAT SECTION "A" - APPLICATION RA-EP/CB-10-91-06 BY TIM DONUT LIMITED (OPERATING TIM HORTON DONUTS) TO AMEND THE EASTERN PASSAGE/COW BAY LAND USE BY-LAW BY REZONING PROPERTY AT 1104 EASTERN PASSAGE ROAD IN EASTERN PASSAGE FROM I-1 (LIGHT INDUSTRY) ZONE TO C-5 (MIXED USE ZONE) BE APPROVED."

MOTION CARRIED

It was moved by Councillor Deveaux, seconded by Councillor Horne

"THAT SECTION "B" - APPLICATION ZA-EP/CB-23-91 BY TIM DONUT LIMITED (OPERATING TIM HORTON DONUTS) TO AMEND THE LAND USE BY-LAW FOR EASTERN PASSAGE/COW BAY IN ORDER TO PERMIT LARGER BUSINESS SIGNS WITHIN THE C-5 (MIXED USE ZONE) BE APPROVED."

MOTION CARRIED

DA-SA-03-91-21 - APPLICATION BY JOHN MACFADYEN TO ENTER INTO A DEVELOPMENT AGREEMENT TO PERMIT THE DEVELOPMENT OF A USED CAR SALES OUTLET AT 984 SACKVILLE DRIVE IN LOWER SACKVILLE.

Mr. Jan Skora presented application by Mr. John MacFadyen to enter into development agreement to permit operation of a used car sales outlet at 984 Sackville Drive, Lower Sackville. He stated the site is presently occupied by a two storey single unit dwelling with a used car sales outlet at the front. He stated the property is terraced and sloped towards Sackville Drive with access at the front.

He stated that there is a second access on the right which is on County property which Mr. MacFadyen wants to use as a second access to his property. He stated proposed lot meets, or is able to meet, all conditions described in Policy P34 and P104. He stated the property has frontage and access to Sackville Drive. He stated present appearance is consistent with the adjacent residential area. He stated additional screening is provided in Section 1 and 5 of the Development Agreement as the existing tree on the property does not provide adequate screening from the property to the south. He stated the used car outlet does not require any additional structure, on site, to maintain or repair vehicles. He stated the car display area is to be limited to the existing 22 parking spaces with two additional parking spaces.

He stated the property has only one access to Sackville Drive. He stated that the applicant is proposing to use the driveway on adjacent property as a second access.

He stated that the Municipal Property Manager is prepared to recommend the issuance of the right-of-way easemane to the applicant as per Section 3.7 of the Development Agreement.

He stated that there will be a drainage plan as part of the Development Agreement. He stated the Department of Transportation has no objection to the Development Agreement. He stated that it was recommended by staff that the proposed Development Agreement be approved by Council.

#### QUESTIONS FROM COUNCIL

Councillor Cooper asked whether the proposed right of way lease would be nullified if the used car business ceased to exist.

Warden Lichter stated that this could be made a condition of the easement.

Councillor Morgan stated that this should be further checked into as easement has been granted for the house at the back.

Warden Lichter stated that the easement agreement being discussed was the one affecting Mr. MacFadyen. He stated it would not affect the existing easement.

Councillor Morgan stated that he understood Councillor Cooper as saying that if the property reverted back to residential then the easement agreement would be nullified. He stated that this did not seem logical to him.

Mr. Crooks stated that he assumed that concern was to limit the right-of-way with respect to any other commercial activities. He stated he, in conjunction with the Property Manager, would take this into consideration.

Councillor Cooper stated that the easement was with respect to the business. He stated that if the business ceased to exist the property still has access to the highway. He stated that the right-of-way is County property and the easement would be granted for access to the used car business.

Councillor MacDonald stated that the right-of-way in question is presently used by the Junior High School students as a walkway. He stated that it would have to be looked at more closely for this reason. He stated the gentleman located on the property at the back showed concern with regards to this driveway being used for commercial purposes.

Mr. John Bain stated school board did not like the idea of the children using the walkway but they use it anyway because it is the shortest route.

Councillor Harvey stated that he understood that this was not an official entrance to the school. He stated that the official entrance to the school was at the Baptist Church. He stated he felt pedestrian patterns would change once the street was widened and sidewalks put in. He stated the School Board does not maintain the right-of-way. He stated any upgrading has been done by the applicant.

SPEAKERS IN FAVOR

Mr. John Fadyen stated the gentleman on the property behind is in favor of the used car operation. He stated he has installed a light at the front and cleaned up the property.

Councillor Harvey stated that the Department of Transportation has no objection to use of the property for this purpose. He stated the proposal met the various criteria of the Policies involved. He stated the Development Agreement protects the area while allowing a small business to operate. He stated the safeguards in the Development Agreement limit the number of cars.

It was motioned by Councillor Harvey, seconded by Councillor MacDonald:

"THAT APPLICATION DA-SA-03-91-21 BY JOHN MACFADYEN TO ENTER INTO A DEVELOPMENT AGREEMENT TO PERMIT THE DEVELOPMENT OF A USED CAR SALES OUTLET AT 984 SACKVILLE DRIVE IN LOWER SACKVILLE BE APPROVED."

MOTION CARRIED

It was moved by Councillor Cooper, moved by Councillor Adams:

"THAT ANY ADDITIONAL ENJOYMENT OF THE RIGHT-OF-WAY FOR THE MACFADYEN PROPERTY BE TIED TO THE USE OF THE BUSINESS."

Councillor Morgan stated the right-of-way has been enjoyed by the resident at the back and the present owner of the MacFadyen property. He stated that rather than put the legal council through a lengthy search into the past use of the property, it should be clarified that if the property reverts back to residential the right-of-way easement be nullified.

Warden Lichter stated that this was the intention of the motion.

MOTION CARRIED

11 IN FAVOR  
8 AGAINST

ZA-LM-17-91 - APPLICATION BY THE MUNICIPALITY TO AMEND THE LAND USE BY-LAW FOR NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON IN ORDER TO CORRECT PROPERTY REFERENCING ERRORS ON

APPENDIX "C" OF THE LAND USE BY-LAW.

Mr. Jim Donovan presented a report to council. He stated that Appendix "C" of the Land Use By-Law list the properties which are exempt from increased Watercourse Set Backs within the Lake Major Watershed. He stated that the amendments stem from difficulties in initial permits to properties within 250 ft. of Long Lake in the community of North Preston. He stated that several of these properties are presently not indexed in Appendix "C" although they were in existence at the time the Plan and By-Law were adopted in 1981. He stated Policy P79 of the Planning Strategy establishes the Watercourse Set Back requirements for the Lake Major plan area including increased set backs from watercourses within the Lake Major Watershed. He stated that in recognition of properties which existed at the time the Planning Strategy and Land Lease By-Law were adopted, Policy P79 provides for existing properties to be exempted from the increased set back requirements. He stated that the seven properties identified in the amendments were in existence at the time the Planning By-Laws were adopted. He recommended that the amendments be approved.

QUESTIONS FROM COUNCIL

Councillor Adams asked whether amendments to the seven properties were not overly restrictive in any way.

Mr. Jim Donovan replied that the present requirements restrict the seven properties within 250 ft. from Long Lake. He stated that the overall objective of Policy P79 was to establish set back requirements for properties within the Lake Major Watershed. He stated that Policy P79 recognizes that properties which were in existence at the time the By-Law was adopted would be exempt from that requirement.

SPEAKERS IN FAVOR

None

SPEAKERS IN OPPOSITION

None

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

"THAT APPLICATION ZA-LM-17-91 BY THE MUNICIPALITY TO AMEND THE LAND USE BY-LAW FOR NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON IN ORDER TO CORRECT PROPERTY REFRENCING ERRORS ON APPENDIX "C" OF THE LAND USE BY-LAW BE APPROVED."

MOTION CARRIED

PUBLIC HEARING

7

SEPTEMBER 9, 1991

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

"THAT THE MEETING BE ADJOURNED."

MOTION CARRIED

SPECIAL COUNCIL SESSION  
September 12, 1991

PRESENT WERE: Councillor Fralick  
Councillor Deveaux  
Councillor Bates  
Councillor Adams  
Councillor Randall  
Councillor Reid  
Councillor Horne  
Councillor Merrigan  
Councillor Morgan  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Boutilier  
Councillor Harvey  
Councillor Sutherland  
Councillor Richards  
Councillor Cooper  
Warden Lichter



ALSO PRESENT: Mr. K. Meech

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Warden Lichter called the meeting to order at 8:00 p.m.

It was motioned by Councillor Reid, seconded by Councillor Eisenhauer:

"THAT HALIFAX COUNTY SUPPORT THE CONCEPT OF TAXATION POWERS FOR SCHOOL BOARDS."

Councillor Richards stated he was not opposed to the motion. He stated he had some concerns with regards to putting the taxing power responsibility within the Municipalities. He stated he wished elaboration on who should carry the responsibility of taxing.

Councillor Reid stated that one of the major reasons for the introduction of Bill 147 was to save money. He stated the bill was introduced so that School Boards could set up their own tax collection system or they could work out an agreement with their own Municipal units that their School Board represents. He stated that there should be two tax bills going out - one laying out the Municipal tax rate and area rates in that district, the second laying out the School Board mandatory plus the excess being charged by that School Board.

Councillor Richards stated it may be necessary to give School Boards taxing power in order to make this new system work. He stated that if they are going to be elected and responsible to the public, then they should be allowed taxing power. He stated he

also supported separate billing. He stated that if the School Board is going to levy the rate then they should be fully responsible for it. He stated that if the Municipality is going to help in the collection process it should be clearly identified as being separate from Municipal tax charges.

Councillor Eisenhauer stated that if we showed separately for accountability purposes we would find that more people would put their name on the ballot to run for the School Board. He stated that if the School Board doesn't have accountability it should not be given the power of taxation.

Councillor Merrigan stated he is against giving fully elected School Boards taxation power. He stated that caution should be taken before relinquishing taxation power. He stated School Boards should first have to show responsibility and ability. He stated we should find out if people want the School Boards to have taxation power.

Councillor Morgan stated that a separate line on a tax bill would not be fully understood. He stated that the people would still call their Councillor if something went wrong, not their School Board member. He stated that the bill should be sent out separately bill by the School Board in their own envelope and under their own letterhead. He stated he did not support the School Boards having taxing power.

Councillor MacDonald stated that a system should be first put in place before giving the School Boards taxing power. He stated that if School Boards are given taxing power there should be a drop in tax rates to show separation. He stated that even if they have taxing power the Municipality should do the collecting. He stated that the Municipality is already set up for this type of collection. He stated that the School Board should be charged for the service. He stated that he does not see the necessity for the plebesite. He stated that an elected School Board would be as responsible as the Councillors.

Councillor Horne stated that the levels of education may vary from Municipality to Municipality. He stated that he agreed with a separate bill. He stated he would not vote for the motion.

Councillor Bates stated that part of the responsibility of being an elected School Board member would be that they would be competent with School Board issues as this is a specialized field. He stated he felt that an elected School Board would have the expertise to make decisions on taxation. He stated the bill should be separate.

Mr. Meech stated that the School Board will be looking at their requirements in isolation of any other demands for providing local services. He stated the administration was agreeing to let the School Board have the taxing powers but the Municipality should be involved in the billing and collection to protect the interests of the taxpayer. He stated that there would have to be some kind of



coordination. He stated two separate bills could be prepared with a fee being charged to the School Board for this preparation. He stated he did not personally support the issue.

Councillor Bates questioned whether billing could be done through the Municipality with the School Boards name on it.

Mr. Meech stated that it would be relatively simple to have a tax bill issued on a separate billing that would be identified as the School Board tax bill.

Warden Lichter stated it would cost approximately \$200,000.00 - \$300,000.00 for the additional one billing. He stated the money could be better spent on education than on sending out tax bills.

Councillor Deveaux stated that an elected School Board should have power of taxation. He stated that the level of education varies depending on areas and type of services provided. He stated trust should be placed on the School Boards. He stated he supported taxation by the School Boards.

Councillor Reid stated that a small percentage of tax dollars collected goes to education. He stated he believed that School Boards are capable of making responsible decisions. He stated the Province will still be contributing approximately 85% to the Halifax County Bedford District School Board. He stated a School Board should have input from the Council. He stated he believed in a separate billing. He stated that School Boards and Municipal units can cooperate. He stated the issue should be looked at to see what is best for the educational system of Nova Scotia.

Councillor Adams stated that the time may be wrong for the introduction of what may be perceived to be another tax. He stated the reception may be negative.

Councillor Harvey stated the School Boards would be capable. He stated he did not see the need for the plebesite if the School Boards were going to be accountable. He stated he supported taxation by School Boards. He stated they should have separate billing.

Councillor Cooper stated that the separation should be total if the School Boards are given taxation power. He also stated that the plebesite should not be included.

Councillor Merrigan stated we should be able to reasonably work with the School Board.

Councillor Randall stated that the Council has the benefit of the best possible information from staff in making decisions. He stated feedback is required to see if another level of taxation is

wanted. He stated he did not think the time was right due to other tax increases from all levels of Government. He stated that he agreed that the Municipality should be responsible for billing and collecting. He stated billing should be done separately to show the education tax. He stated that people should be made aware that, when considering election of School Board members, these members could subsequently have taxation powers.

Councillor Boutilier stated that if we have confidence in School Boards we do not need the plebesite. He stated he did not agree with the motion presented. He stated he did support an elected School Board.

Councillor Horne stated that the public does not take fully elected School Boards seriously. He stated that fully elected School Boards should not be given the taxation power until the voters realized the consequences and the importance of such a responsibility.

MOTION DEFEATED

5 IN FAVOR

9 AGAINST

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

"THAT THE COUNCIL NOT SUPPORT TAXATION POWER FOR THE SCHOOL BOARD."

MOTION CARRIED

9 IN FAVOR

5 AGAINST

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

"THAT THE MEETING BE ADJOURNED."

MOTION CARRIED

MINUTES & REPORTS  
OF THE  
THIRD YEAR MEETINGS  
OF THE  
FORTY-THIRD COUNCIL  
OF THE  
MUNICIPALITY OF THE COUNTY OF HALIFAX  
OCTOBER COUNCIL SESSION  
TUESDAY, OCTOBER 1, 1991

&

PUBLIC HEARING  
OCTOBER 7 & 28, 1991

&

SPECIAL COUNCIL SESSION  
OCTOBER 21, 1991

&

JOINT COUNCIL SESSION  
OCTOBER 28, 1991

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COUNCIL SESSION

October 1, 1991

PRESENT WERE: Deputy Warden Ball  
Councillor Meade  
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 Eisenhower  
Councillor MacDonald  
Councillor Harvey  
Councillor Sutherland  
Councillor Richards  
Councillor McInroy  
Councillor Cooper

ALSO PRESENT: Mr. K. Meech, Chief Executive Officer  
Mr. D. Reinhardt, Deputy Municipal Clerk  
Mr. A. Dixon, Solicitor

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

APPOINTMENT OF THE RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED RECORDING SECRETARY".

MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT THE MINUTES OF AUGUST 20, 1991 COUNCIL SESSION BE  
APPROVED".

MOTION CARRIED

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

"THAT THE MINUTES OF THE SEPTEMBER 3, 1991 COUNCIL SESSION BE APPROVED".

MOTION CARRIED

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

"THAT THE MINUTES OF THE AUGUST 12, 1991 PUBLIC HEARING BE APPROVED".

MOTION CARRIED

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

"THAT THE MINUTES OF THE SEPTEMBER 9, 1991 PUBLIC HEARING BE APPROVED".

MOTION CARRIED

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

"THAT THE MINUTES OF THE AUGUST 26, 1991 SPECIAL COUNCIL SESSION BE APPROVED".

MOTION CARRIED

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

"THAT THE MINUTES OF THE SEPTEMBER 12, 1991 SPECIAL COUNCIL SESSION BE APPROVED".

MOTION CARRIED

LETTERS AND CORRESPONDENCE

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

"THAT THE LETTER DATED SEPTEMBER 9, 1991 FROM MR. GEORGE MOODY, MINISTER, DEPARTMENT OF HEALTH, REGARDING THE EASY ACCESSIBILITY OF CIGARETTES, THROUGH VENDING MACHINES, BY CHILDREN BE RECEIVED".

Deputy Warden Ball suggested that the solicitor check into having the machines in such places that are not accessible to children such as taverns, bars and lounges. Council agreed to this proposal.

MOTION CARRIED

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

"THAT THE LETTER FROM THE DEPARTMENT OF TRANSPORTATION, DATED SEPTEMBER 16, 1991, REGARDING THE PAVING OF OCEANVIEW DRIVE IN HERRING COVE, UNDER THE DEPARTMENTS FIFTEEN YEAR PAVING PROGRAM BE RECEIVED".

MOTION CARRIED

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

"THAT THE LETTER FROM CORRECTIONAL SERVICES CANADA, DATED SEPTEMBER 20, 1991 REGARDING THE COMMUNITY EVALUATION PROCESS FOR THE NEW REGIONAL FACILITIES FOR FEDERALLY SENTENCED WOMEN BE RECEIVED".

MOTION CARRIED

Mr. Meech stated that for the record it should be indicated that Halifax County wants to fill out the application with regards to having this facility in the County.

Councillor Richards agreed that the questionnaire should be filled out and sent back.

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

"THAT STAFF COME BACK WITH A RECOMMENDATION, FOR THE SPECIAL SESSION OF COUNCIL TO BE HELD ON THE 21ST OF OCTOBER 1991, ON HOW THE QUESTIONNAIRE SHOULD BE PREPARED TO BE SENT BACK TO CORRECTIONS CANADA".

MOTION CARRIED

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

"THAT THE LETTER AND RESOLUTION FROM THE CORPORATION OF THE TOWNSHIP OF LANGLEY, DATED SEPTEMBER 12, 1991, REGARDING THE REQUEST FOR REDUCTION OF GOODS AND SERVICES TAX BE RECEIVED".

MOTION CARRIED

Councillor Deveaux asked what was meant by the term "Revenue Neutral" in the resolution.

Mr. Meech stated that the government had indicated that the revenues from the G.S.T. would be no greater than the tax that it was designed to replace (i.e. the federal manufacturers tax).

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

"THAT THE COUNCIL SUPPORT THE REQUEST BY THE TOWNSHIP OF



LANGLE FOR REDUCTION OF GOODS AND SERVICES TAX. FURTHER THAT COUNCIL SUPPORT THE RESOLUTION WITH THE EXCLUSION OF THE LAST TWO PARAGRAPHS AND FURTHER THAT HALIFAX COUNTY WRITE TO THE PRIME MINISTER SHOWING IT'S SUPPORT".

Councillor MacDonald stated that he would support the motion.

Councillor Bates stated that he would not support the motion because he felt there was not enough information provided.

MOTION CARRIED

11 IN FAVOR  
10 AGAINST

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

"THAT THE LETTER FROM GABRIEL FONTAINE, MP, REGARDING THE INCLUSION OF AN ANTI-DEFICIT CLAUSE IN THE NEW CANADIAN CONSTITUTION BE RECEIVED".

MOTION CARRIED

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

"THAT THE LETTER FROM R.H. GIFFEN, DATED SEPTEMBER 19, 1991 REGARDING HIS RESIGNATION FROM THE PAC COMMITTEE BE RECEIVED".

MOTION CARRIED

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

"THAT THE LETTER FROM MR. ROBERT F. RINES, DATED SEPTEMBER 20, 1991 REGARDING HIS RESIGNATION FROM THE BOARD OF THE HALIFAX COUNTY INDUSTRIAL COMMISSION BE RECEIVED".

MOTION CARRIED

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

"THAT A FORMAL LETTER BE SENT FROM COUNCIL TO MR. GIFFEN AND MR. RINES SHOWING APPROVAL OF THEIR DECISION TO RUN FOR COUNTY COUNCIL".

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

1. File No.'s PA-EP/CB-21-90/ZAP-EP/CB-21-91 - Amendments to the Municipal Planning Strategy and Land Use By-Law for Eastern Passage/Cow Bay - Service Boundry

Mr. Dale Reinhardt, Deputy Municipal Clerk, outlined the report. It was moved by Councillor Deveaux, seconded by Councillor Cooper:

"THAT A PUBLIC HEARING ON THIS APPLICATION BE HELD OCTOBER 28, 1991".

MOTION CARRIED

2. New Building By-Law

Mr. Dale Reinhardt, Deputy Municipal Clerk, outlined the report. It was moved by Councillor Snow, seconded by Councillor MacDonald:

"THAT THE NEW BUILDING BY-LAW BE RECEIVED".

MOTION CARRIED

Council agreed to discuss at the second council session in November.

EXECUTIVE COMMITTEE REPORT

LOAN REQUEST, "LEARN NOT TO BURN" PROJECT

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

"THAT THE LOAN REQUEST, LEARN NOT TO BURN" PROJECT IN THE AMOUNT OF \$23,000.00 BE APPROVED".

MOTION CARRIED

TEMPORARY BORROWING RESOLUTION - RENEWAL

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

"THAT THE TEMPORARY BORROWING RESOLUTION - RENEWAL IN THE AMOUNT OF \$1,300,000.00 FOR RECREATION FACILITIES BE APPROVED".

MOTION CARRIED

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

"THAT THE PERSONNEL POLICY "CONFLICT OF INTEREST" BE APPROVED".

Councillor Cooper asked if there would be some form of appeal procedure available if an employee found himself in a situation that might be looked upon as a conflict of interest.

Mr. Meech stated that there is an appeal procedure which ultimately would come to him. He stated that if a situation arose which might be considered a conflict of interest then the matter would be brought to the attention of the employee who may not be aware that there is a conflict of interest.

MOTION CARRIED

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

THAT THE PERSONNEL POLICY "TERMS OF HIRING" BE APPROVED WITH SECTION "D" OF "TERMS OF HIRING" TO BE AMENDED TO INCLUDE THAT NOTIFICATION WOULD BE IN THE FORM OF A REGISTERED LETTER BEING SENT TO THE EMPLOYEE". IT WAS FURTHER MOVED THAT THE "TERMS OF HIRING" BE APPROVED WITH SUBJECT #C BEING REMOVED UNTIL FURTHER CLARIFICATION IS RECEIVED THROUGH A STAFF REPORT".

Councillor Cooper asked that if an employee is laid off does he lose all seniority.

Mr. Meech stated that the intent was that they would lose their seniority.

Councillor Cooper stated that he did not think that an employee who had 20 to 25 years seniority who went out sick for a year should lose his seniority and have to start all over again on his return.

MOTION CARRIED

NO COUNCIL SESSION

Deputy Warden Ball notified all Councillors present that there will be no council session on October 15, 1991 according to By-Law #2.

SUPPLEMENTARY COUNCIL AGENDA

RESOLUTION REGARDING THE BILLING AND PAYMENT OF TAXES

Mr. Dale Reinhardt, Deputy Municipal Clerk, outlined that report.

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

"THAT THE RESOLUTION REGARDING THE BILLING AND PAYMENT OF TAXES BE APPROVED AS AMENDED".

MOTION CARRIED

GENERAL ASSISTANCE CASELOAD INCREASES

Mr. Dale Reinhardt, Deputy Municipal Clerk, outlined the report.

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

"THAT COUNCIL APPROVE THE HIRING OF TWO (2) ADDITIONAL SOCIAL WORKERS AND TWO (2) ADDITIONAL CLERICAL STAFF FOR SIX (6) MONTH TERM POSITIONS AND FURTHER THAT THE IMPACT OF THESE ADDITIONAL STAFF BE MONITORED".

MOTION CARRIED

CAPITAL GRANT REQUESTS

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

"THAT DISTRICT PARKLAND GRANT, DISTRICT #24, IN THE AMOUNT OF \$515.70 BE APPROVED AND FURTHER THAT DISTRICT CAPITAL GRANT, DISTRICT #3, IN THE AMOUNT OF \$4,500.00 BE APPROVED".

MOTION CARRIED

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

"THAT GENERAL PARKLAND GRANT REQUEST, IN THE AMOUNT OF \$1,101.00 AND DISTRICT PARKLAND GRANT REQUEST, DISTRICT #23, IN THE AMOUNT OF \$1,101.00 TO GRADE, LEVEL, GRAVEL AND PAVE WALKWAY AND ALSO REMOVE SECTION OF CURB, WEXFORD ROAD, BE APPROVED".

MOTION CARRIED

HALIFAX HARBOUR CLEANUP

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

"THAT THE REPORT RE: HALIFAX HARBOUR CLEANUP PROJECT BE RECEIVED".

Councillor Cooper asked if there had been any explanation of the increase in cost.

Mr. Meech stated that the report was submitted to make the councillors aware of the substantial increase in cost. He stated that the explanation is that with the environmental assessment review process and panel in place, the increased cost is as a result of studies and background reports that will be required for the environmental review process. He stated that there has been a sum of 20-25% incorporated into the contingency to cover additional costs that will be incurred as it relates to the environmental review process.

Councillor Reid asked if this was the job given to the special consortium of Nova Scotia consultants that was set up for this project.

Mr. Meech stated that the consulting group that was hired specifically to do the environmental assessment was Jake Witford, and Metro Engineering group.

Councillor Reid stated that council was told that the special consortium would keep costs to a minimum and have consideration for the total cost of the project.

Deputy Warden Ball stated it is a large increase. He stated that since there is no tender process and for this reason there is no way to challenge the costs.

Councillor Richards stated he did not understand why the costs were at such a high level. He stated that if the first report shows the cost to be 300% more than estimated he wonders if the project can be afforded and what the advantages would be to Halifax County.

Mr. Meech stated that what was assumed would be required in terms of background reports, studies and information for the environmental review process is not what is being dictated. He stated that much more extensive background information is needed for the environmental review process.

Councillor Richards stated that having previously submitted a budget for \$1,000,000.00 should they not have come back to council and asked if Halifax County was willing to spend this kind of money.

Mr. Meech stated that the information from the review panel indicates that there will be a long and thorough examination of the issue which would dictate the need for more attendance by the various professional experts that will be putting forward the information based on behalf of the harbour cleanup.

Councillor Cooper asked for an explanation of the following paragraph from page 5 which states: "The contract with Metro Engineering also includes an amount of \$240,000 for engineering required for the Environmental Assessment. Adding the cost of the

Panel (estimated at \$1,000,000) and the cost of approximate two year postponement of construction, the total cost of the Environmental Assessment would exceed \$5,000,000., depending on the method of calculating the cost of the delay".

Mr. Meech stated that this meant that the overall construction cost will be for a longer period of time and therefore more potential for inflationary costs.

Councillor Cooper asked when an updated financial report could be expected.

Mr. Meech stated that an updated could be provided showing what was expended to date. He stated that if there has been an exclamation in costs and equipment since the estimate was done then the cost of the project will be much higher than what was originally estimated.

Councillor Cooper asked if the board has determined when they will be able to approach the partners in this project with requests for additional funding.

Mr. Meech stated that there was a clause in the original agreement between the Municipalities and the Province that stated that any overruns would be cost shared 75/25 between the Province and the Municipalities. He stated the 75% would be Provincial and the 25% would be coming from the Municipalities.

Councillor Harvey stated that he had concerns about the fact that the third largest amount in budget for the Halifax Harbour Cleanup is for contingencies. He stated that the people involved in this project need to be watched closely because they are spending public money.

Councillor Deveaux asked if there had been an original cost figure quoted.

Mr. Meech stated that originally the assessment would be \$1,000,000. and \$5,000,000. for the engineering work required in the early stages.

Councillor Deveaux stated that he understood that the study would be completed by the spring of 1992 but it has now been advanced another year. He also asked what the final location for the facility would be.

Mr. Meech stated that proposed site is near Ives Cove.

Councillor Bates asked if Halifax County had any more say with regards to this matter.

Mr. Meech stated only if council wanted to communicate a message to the Halifax Harbour Cleanup Board.

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

"THAT THE REPORT - HALIFAX HARBOUR CLEANUP PROJECT BE DEFERRED TO NEXT COUNCIL SESSION".

MOTION DEFEATED

6 IN FAVOR  
15 AGAINST

ORIGINAL MOTION CARRIED

Councillor McInroy stated that he found the report very unprofessional. He said that expenses shouldn't be allowed to run rampant but should be controlled.

Councillor Horne stated that quite a few of the reports and studies have already been done by Environment Canada. He stated that council should show its displeasure in some form.

Deputy Warden Ball stated that the Environmental Assessment Panel was created in the last three or four years to review major projects. He stated that after all the money is spent to obtain this information what happens if the panel rejects McNabs Island or Ives Cove as a suitable site. He asked if this should happen does more money get spent to pick another site that also might be rejected. He stated that the process in such a case might be continually ongoing.

Councillor Deveaux stated that before these studies are completed they will cost more than originally indicated. He stated that until it has been proven that there will be no environmental hazards he does not agree with the site that has been chosen.

Councillor Reid stated that he understood that the Halifax Harbour Corporation did try to get the terms of reference changed by the two Deputy Ministers and were told you must do it the way the panel has it laid out.

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

"THAT THE COUNCIL COMMUNICATE DIRECTLY TO THE MINISTERS INVOLVED IN THIS PROJECT AND THE HARBOUR CLEAN UP BOARD EXPRESSING DISSATISFACTION WITH THE CURRENT POSITION AND ASK THE MINISTERS TO INTERVENE AND ENSURE THAT THE AGREEMENT THAT WAS SIGNED BY THE CROWN AND PROVINCIAL GOVERNMENTS WITH RESPECTS TO THE MANDATE BE ADHERED TO AND THAT THERE BE SOME FINANCIAL ACCOUNTABILITY WITH THE RESPECT TO ASSOCIATED COSTS. FURTHER THAT COPIES OF THE LETTERS BE SENT TO THE CITY OF HALIFAX AND THE CITY OF

DARTMOUTH. FURTHER THAT COUNCIL REQUESTS A REVIEW PROCESS AND THAT TENDERING BE UTILIZED".

MOTION CARRIED

MINOR VARIANCE APPEAL

MV-22-02-91 and MV-23-02-91 - Request by Roy Group Construction Ltd. to allow for a reduction to the sideyard setback requirements established under the Land Use By-Law for Timberlea, Lakeside, Beechville in order to accommodate sundecks on Lots 47A and 47B of the Greenwood Heights Subdivision

Mr. Paul Morgan outlined the appeals. He stated that a separate decision would be needed for each appeal. He stated that the Roy Group Construction Ltd. submitted development permit applications to allow for sundecks on each side of the semi-detached dwelling located on Greenwood Avenue in Timberlea. He stated that because the proposed side yard setbacks did not comply with the Land Use By-Law requirements minor variance applications accompanied each permit application. He stated that the minor variance applications were rejected by the Development Officer and pursuant to provisions of the Planning Act and appeal on each decision has been made to council. He stated that the decks have already been constructed and in the event the appeals are not granted the applicant will be required to alter the decks to comply with the By-Law requirements. He stated that the properties are zoned R2 (two unit dwellings) which requires that any mean structures be set back eight feet from the side lot lines. He stated that in both instances the proposed sideyard set backs are 6.3 feet.

He stated that the Planning Act gives three criteria to the Development Officer under which a minor variance shall not be granted: 1) that the variance is not minor and violates the intent of the Land Use By-Law, 2) the difficulty experienced is general to the area and properties in the area and 3) the difficulty experienced results from the intentional disregard to the By-Law. He stated that with regards to the first criteria it wasn't felt that the variance requested was not minor but with regards to the second criteria it should not be granted because there is nothing unique about the lot configurations of the land. He stated that because the Roy Group had other construction in the area they were aware of the constraints imposed by the By-Law requirements. He stated that both the second and third criteria were not satisfied.

QUESTIONS FROM COUNCIL

Councillor Sutherland asked Mr. Morgan if council had dealt with a similar variance with the Roy Group on a previous occasion.

Mr. Morgan said that yes it had been for a deck on a semi-detached. He stated that the variance request in that instance was



substantially larger.

Councillor Sutherland stated if the contractor had come with a variance appeal at an earlier date then they should be aware of the criteria.

#### SPEAKERS IN FAVOR

Mr. David Roy stated that the previous variance was a fault of the surveyor who divided the lot wrong. He stated that this was not realized until after construction was completed and the house occupied. He stated that the deck had been removed and adjusted.

He stated that originally the sideyard requirements on the property in question had been overlooked. He stated that the steps had been reduced to minimum requirements and thus reducing the encroachment. He stated that a minor variance appeal on August 8, 1991 had been rejected. He stated that it was a rear entrance to the home and not a sundeck. He stated that it turns into a sundeck after it goes around the back of the property. He stated that because of the layout of the inside of the house it would be impossible to have the entrance moved. He stated that since this dwelling was constructed the Roy Group have changed the design of the houses. He stated that 47A Greenwood Avenue has been sold with a closing date of October 4, 1991.

#### QUESTIONS FROM COUNCIL

Councillor Sutherland asked Mr. Roy how many variances has his company applied for over the years.

Mr. Roy stated that they have been building in that subdivision for approximately one and a half years and Mr. Morgan stated that there were three previous variance appeals.

Councillor Richards asked Mr. Roy if he was referring to the steps on the side entrance to the home.

Mr. Roy stated that yes he was referring to the side entrance.

Councillor Cooper asked Mr. Roy if he had built any of the adjacent buildings.

Mr. Roy stated that the adjacent buildings had been built by another contractor.

Councillor Cooper asked Mr. Roy if his company had built other homes in that same area.

Mr. Roy stated that yes they had built other homes on the same street.

SPEAKERS AGAINST

No speakers against the appeal.

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

"THAT THE MINOR VARIANCE APPEALS MV-22-02-91 AND MV-23-02-91 BY ROY GROUP CONSTRUCTION LTD. TO ALLOW FOR A REDUCTION TO THE SIDEYARD SETBACK REQUIREMENTS ESTABLISHED UNDER THE LAND USE BY-LAW FOR TIMBERLEA/LAKESIDE/BEECHVILLE IN ORDER TO ACCOMMODATE SUNDECKS ON LOTS 47A AND 47B OF THE GREENWOOD HEIGHTS SUBDIVISION BE GRANTED BY COUNCIL".

Councillor Sutherland stated that council finds itself in a position where there is not much choice. He stated that the only choice would be of approving the minor variance but, should that same request or a similar request return to council in the future, it will be looked at differently.

Deputy Warden Ball asked why, if these problems are known during construction, can't the building inspector issue a cease and desist order until such matters are dealt with. He stated that these variance appeals are coming in after the fact when the properties are usually already sold. He stated by the time council deals with these matters it is almost a dead issue.

Councillor MacDonald stated that the damage has already been done before approval is even requested and as such approval has to be given or ask the contractor to tear down the whole structure.

Deputy Warden Ball stated that problems should be looked at when they arise not after construction is completed. He stated that building inspectors should stop the building when the problems first arise.

Councillor McInroy stated that if a company is in the business of constructing homes then they should know the regulations and adhere to them.

MOTION CARRIEDAUDIT COMMITTEE COMPOSITION

Mr. Meech recommended that the committee be made up of three council members, Mr. Meech and the Director of Finance. He stated that the committee could be appointed after the new council is sworn in.

Deputy Warden Ball suggested that the three council members be the chairman of the planning advisory committee, chairman of the executive committee and the warden.

Councillor Richards suggested that the new council be sworn in before deciding who will compose this committee.

Council agreed to defer to November when the new council is sworn in.

Councillor Sutherland requested clarification on the terms of reference for the Audit Committee.

Mr. Meech stated that one of the key functions will be to carry on a close relationship with the external auditors. He stated the committee will review the financial statements and any items that they may bring forward that they believe that management should be correcting or examining. He stated that they would be an overall watchdog and have a direct relationship with the external auditors.

#### UNSM CONFERENCE - UNSM DUES

Mr. Dale Reinhardt outlined a report from the Warden advising council that an increase of 15% in UNSM dues was approved at the UNSM conference held in Sydney, N.S. on September 18, 19 and 20. He also stated that the warden was asking council whether they would continue to pay the dues monthly or by one lump sum.

Councillor MacDonald stated that he opposed the increase.

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

"THAT HALIFAX COUNTY PAY THE TOTAL AMOUNT OF UNSM DUES AND CONTINUE TO MAINTAIN MEMBERSHIP IN UNSM".

#### MOTION CARRIED

10 IN FAVOR  
8 AGAINST

Councillor Richards served notice of motion that this item be reconsidered at the second session of council in November.

#### REPORT OF THE NOVA SCOTIA ADVISORY GROUP ON RACE RELATIONS

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

"THAT THE REPORT BE RECEIVED AND DEFERRED UNTIL THE NEW SESSION OF COUNCIL".

#### MOTION CARRIED

It was agreed that a committee of five councillors would review this and report back to council.

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

POLICING

Deputy Warden Ball stated that he would like to try to get a status report on the cost effectiveness of policing in District #5.

Councillor Richards stated that he has been concerned with policing in Halifax County for quite some time. He stated that the information that has come out of the last two policing committee meetings indicates that not only should council be concerned with what is happening in District #5, but in fact through the whole of Halifax County. He stated the issues has been discussed at council level at different times that we should be looking at this issue and make a recommendation.

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

"THAT COUNCIL REQUEST A REPORT AS TO WHAT IS GOING ON WITH REGARDS TO THE CITY OF HALIFAX LOOKING AT THE POLICING FOR DISTRICT #5".

MOTION CARRIEDBEAVERBANK ROAD - COUNCILLOR MERRIGAN

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

"THAT A LETTER BE SENT TO THE DEPARTMENT OF TRANSPORTATION REQUESTING THAT THE PART OF THE ROAD FROM THE BEAVERBANK RIVER TO THE KIDSACK CORNER BE LOOKED AT AND SOMEHOW MADE SAFER FOR CHILDREN".

MOTION CARRIEDPOLICING - COUNCILLOR FRALICK

Councillor Fralick stated that in February of 1989 it was agreed by the Solicitor General Department that an R.C.M.P. station be built in the Tantallon area. He stated that at that time they agreed that the location would be found and that the station would be in place in three years.

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

"THAT A LETTER BE SENT BY COUNCIL TO THE SOLICITOR GENERAL FOR AN UPDATE ON THIS STATION AS WELL AS COPIES TO THE M.P.".

MOTION CARRIEDDEPARTMENT OF TRANSPORTATION - COUNCILLOR RANDALL