

Mr. Wdowiak stated that there is no provision in the present contract.

Mr. Meech stated that at the moment the way the contracts are written is based on an "X" number of housing units. He stated that whether someone chooses not to put their garbage out that week the garbage collectors still have to go by that particular house on that street.

Councillor Deveaux stated that the contract should be flexible because there is no indication of what may happen in the first year. He stated that there could be some major changes which may bring about some needed cooperation or accommodations between the contractor and the County. He asked Mr. Wdowiak the reason why cardboard was not included.

Mr. Wdowiak stated that the recommendation from the Metro Authority staff was that domestic collection not include cardboard.

Warden Lichter stated that the 10% commercial diversion that is in the master plan actually is taking the cardboard from commercial enterprises because an individual occasionally does have a large volume of cardboard but this may only be once a year. He stated that his understanding is that there is not enough cardboard to make it a worthwhile project.

Councillor Deveaux asked if the county recycling system would interfere with recycling programs that may already be established in schools.

Warden Lichter stated that yes it may.

Mr. Wdowiak stated that if schools have recycling awareness or educational programs in place they will not be asked to stop these programs.

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

"THAT THE RECOMMENDATION FOR A ONCE A MONTH CURBSIDE COLLECTION OF RECYCLABLES SERVICE BE PROVIDED TO ALL OF THE GARBAGE COLLECTION AREAS OF HALIFAX COUNTY, AND THAT RECYCLABLES COLLECTION CONTRACTS BE CALLED FOR A 12 MONTH PERIOD FROM APRIL 1, 1992 TO MARCH 31, 1993"

"FURTHER THAT WHERE CURBSIDE COLLECTION IS PROVIDED, THAT IT BE PROVIDED UNDER A SEPARATE CONTRACT".

Councillor Richards asked Mr. Wdowiak the five districts indicated in the statistical breakdown. He asked how the breakdown was developed.

Mr. Wdowiak stated that they were developed by population and by

the square miles. He stated that the disposal of county garbage was based on weights and tonnages figures developed in 1988 and 1989.

Councillor Richards stated that without any comparison how does the county know if all the county's concerns are going to be answered in terms of recycling. He stated that the county should allow flexibility.

Mr. Meech stated there is a cost, for a year, in the report on the basis of weekly curbside collection in the Urban area and depot collection in the Rural areas.

Councillor Richards stated that these were not all the options being discussed. He stated that he was not sure all the details that were needed to make the right recommendation had been provided. He stated that more information should be made available and he was not prepared to accept the motion on the floor.

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

"THAT THE DECISION BE DEFERRED TO ANOTHER SESSION OF COUNCIL".

MOTION DEFEATED

4 IN FAVOUR  
10 AGAINST

Warden Lichter stated that there was a great deal of work to be done before April 1, 1992. He stated that there will have to be a great deal of coordination as to what type of separation is best. He stated that decisions would have to be made regarding what type of educational system; who would undertake the educational system; how to write up the tender in order to make sure that everyone knows exactly what needs to be done; getting the tenders out; getting the tenders back; and acquiring the equipment to do the job.

Councillor Merrigan stated he did not support the once a month collection. He stated that the county should tender for once a month and once a week to have a comparison as to what the different costs will be.

Warden Lichter stated that he would like to caution council on the fact that if you call tenders you have to accept those tenders. He stated that council could call for proposals of interest.

Mr. Crooks stated that he could not see, in principle, a problem requesting proponents to provide alternative proposals and prices associated with each.

ORIGINAL MOTION CARRIED

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

"THAT WHEN STAFF ARE PREPARING TENDERS THAT THEY LOOK AT THE TWO OPTIONS - ONCE A WEEK PLUS ONCE A MONTH".

MOTION CARRIEDTEMPORARY BORROWING RESOLUTION

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

"THAT TEMPORARY BORROWING RESOLUTION FILE 90-03 - SEWER (MUNROE SUBDIVISION) - \$350,000.00 BE APPROVED".

MOTION CARRIEDCAPITAL GRANT REQUEST

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

"THAT DISTRICT CAPITAL GRANT REQUEST, DISTRICT #16, IN THE AMOUNT OF \$15,000.00 FOR RESURFACING AND FENCING OF A.J. SMELTZER SOCCER FIELD BE APPROVED".

MOTION CARRIEDADJOURNMENT

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

"THAT THE MEETING BE ADJOURNED".

MOTION CARRIED

JOINT COUNCIL SESSION

HALIFAX COUNTY MUNICIPALITY AND TOWN OF BEDFORD

October 28, 1991

PRESENT WERE:

Warden Lichter  
Councillor Fralick  
Councillor Ball  
Councillor Deveaux  
Councillor Bates  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Reid  
Councillor Morgan  
Councillor Snow  
Councillor Eisenhower  
Councillor MacDonald  
Councillor Boutilier  
Councillor Harvey  
Councillor Sutherland  
Councillor Richards  
Councillor McInroy  
Councillor Cooper

Mayor Christie  
Councillor Draper  
Councillor Goucher  
Councillor Cosgrove  
Councillor Kelly

ALSO PRESENT:

D. Reinhardt, Deputy Municipal Clerk  
S. Shute, Recording Secretary

=====

The meeting was called to order by Warden Lichter at 6:05 p.m. in the Council Chambers at 2750 Dutch Village Road.

Warden Lichter said he wished to express his appreciation on behalf of Halifax County Council for the good working relationship which has existed between the Council of Bedford and the County Council. He said that at many times they have been called on to negotiate rather difficult tasks and he was sure that the two-way co-operation which has been enjoyed was a credit to both sets of Councillors. He wished Mayor Christie and the retiring Councillors from Bedford a happy retirement.

Warden Lichter also thanked Councillors for coming to this meeting at rather short notice. He said that it had been agreed between himself and Mayor Christie that he would introduce the topic.

Warden Lichter said that due to the passage of Bill 160, an Act Respecting Compensation Restraint in the Public Sector, it had come

about that the 5% increase for teachers salaries budgeted was no longer essential. The provincial government was not providing their calculated 5% and, consequently, the two Councils had the right to discuss and decide as to what reimbursement they were going to request to receive from the School Board, if any. Warden Lichter advised that a great deal of work had to be done by the School Board and the Municipalities before this meeting was called. The Finance Department had met to clarify from the Department of Education and their own records as to what kind of monies were involved. The bottom line was that the amount was a total of \$345,584 for the County and \$51,426 for Bedford, for a total of \$397,010.

Warden Lichter apologized for not having made available the information he had received for each Council member and explained that too much information was coming in at different times.

He said it had been agreed between himself and Mayor Christie to attempt to obtain the agreement of the two Councils at this time to treat the entire amount of \$397,010 as an excess amount and whatever amount which was decided to return to the School Board would have to be decided by 80% of the two Councils with both Councils having a quorum. These would be the ground rules to be decided upon. He asked for comments on the ground rules.

Councillor Harvey asked if this was Municipal money, not provincial money. Warden Lichter replied it was Municipal money, that the province never paid out that part to the School Board or, if they had, they were going to make offsetting arrangements with the School Board.

Councillor Harvey referred to the fact that the School Board was in a half million dollar deficit position at this time. Warden Lichter responded that the School Board had advised that additional demands on School Board resources amounted to \$633,143.

Warden Lichter stated that the group did not need to talk about the amount of money to be returned at this particular time during the meeting - that it was required at this time for the group assembled to agree that an 80% vote would be required to deal with the dispersal of the funds.

Councillor Goucher raised a question regarding procedure. He stated that he did not believe any motion was required. If there were no motions passed here this evening, then all the money that was due to the Municipalities would be returned. The only motion necessary, if there was one coming forth from either Council, would be the percentage of the mandatory and supplementary coming back to the Municipalities. Warden Lichter said he tended to agree with Councillor Goucher.

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

"THAT 50% OF THE AMOUNT OWED WOULD BE RETURNED TO THE RESPECTIVE MUNICIPALITIES AND THE OTHER 50% WOULD BE MAINTAINED BY THE SCHOOL BOARD".

Deputy Warden Ball explained the reason for the motion was when the budget deliberations for the School Board were held, he was one person who voted against the School Board budget but he only voted against the School Board budget because at that time there were 275 students whose education was in jeopardy in Halifax County and those were the students at J. L. Illsley High School. At the time the budget was being voted on, the cost to the School Board had not been determined for these students and the final resolution for this particular issue was the fact that it would cost the School Board \$210,000 extra and this was not anticipated in the original budget. He said, considering the fact that they had a \$210,000 additional expenditure, he had proposed the above motion.

Warden Lichter stated, that before debate on the motion, should the motion succeed with an 80% vote of the two Councils present, would the two Councils accept that to be the decision. It was so agreed.

Councillor McInroy said he could appreciate the points put forward by Deputy Warden Ball with respect to the unknown dollar amount to be expended with regard to J. L. Illsley High School. He asked if Councillor Reid would be able to provide information regarding the additional teachers hired but not budgeted for.

Councillor Reid advised that this fall, as the result of an increase in enrollment of just over 400 students, the School Board had to hire an additional ten teachers. The increase was fairly evenly divided between Bedford and the rest mainly in Cole Harbour and Sackville. The teachers were hired to alleviate overcrowding in cases where the number of students in a class was well over the 30 mark. He advised there are still 5-7 primary classes still over the 30 mark and the School Board was presently receiving a fair amount of pressure from communities in the areas involved. At this point, the School Board has not approved any additional hiring for these classes mainly because of the budgetary situation.

Councillor Reid advised that the excess costs, projected over the 15-month budget period were for the provision of ten new teachers, three portable classrooms, Pay Equity legislation, tuition for J. L. Illsley High School students and for the construction of a school bus garage in Sheet Harbour.

Councillor Bates said that the \$397,010 was created because of the legislation by the province and the School Board had been overpaid. He suggested the whole amount be requested back and if any other negotiations would have to take place, then it could be dealt with as a separate item.

Warden Lichter stated there was no question that each Municipality and the School Board could use the money but in order to be fair to everybody, he felt the recommendation he could bring was 50%.

Councillor Goucher said he had wrestled with this question over the weekend when he had gotten the information and felt that the Halifax County/Bedford School Board was in an unusual situation in Nova Scotia because it had a rapidly expanding School Board as opposed to most municipal units which have a shrinking School Board. The funding formula laid down by the province has put the Board in a difficult position with regard to the formula itself in the way that it is funded as opposed to areas such as Halifax or Dartmouth which are shrinking. He said the School Board has experienced additional demands which were very valid and that he would support the motion.

Councillor Reid stated that in 1990 the student population had expanded by 1% and no provision for that expansion was made by the provincial government. When the request to the municipal units was made this year, the increase requested was approximately 4.4%. The overall percent increase approved was 4.2%. In 1991 a further 1% increase in the student population occurred and for nine months of this year the School Board must live with that 1% increase based on 1989 dollars. As well, Councillor Reid stated that during budget discussions in April, it was known that approximately \$200,000 would have to be spent for the students at J. L. Illsley High School but that they had been unable to provide a figure at that time. The amount of money that the Municipalities talked about cutting back was approximately \$190,000 and the 50% turnback would bring the School Board back to where they were when they made their original request. He said he realized the Municipalities needed the money but so did the School Board and he respectfully requested that all Councillors support the motion on the floor.

Mayor Christie said that what the motion on the floor said was that the County would pay \$172,792 less and Bedford would pay \$25,713 less to the School Board for a total of \$198,505 to be put back in their respective budgets and the School Board would get the same amount of \$198,505 of monies that the Municipalities would otherwise take back. He referred to the fact that cheques would not be forthcoming and advised that his understanding of the process was that the amount to be paid would be reduced over the next seven months. He stated that if this were not dealt with now, then it would have to be dealt with as a major School Board deficit for next year. For that reason, he said he would support the motion.

Councillor Cosgrove asked for clarification with regard to the letter received from Mr. Singer, Finance Officer for the Town of Bedford. She said the last paragraph indicated that they would be receiving a cheque; however, now it will be a decrease in funding to the School Board. Mayor Christie said he did not read that

there would be a cheque forthcoming, rather it would be in the form of reduced payments of monthly installments to the School Board.

Councillor McInroy wondered about the packages of information received by Bedford Councillors. Warden Lichter said he had already apologized to County Council that he did not duplicate all the material as it was coming in somewhat late and he said he had made this statement sometime earlier. He said that apparently during the weekend Bedford Councillors had received some information. Councillor McInroy referred to the fact that the Warden could come in with a pre-determined position. He said he did not have the letter Councillor Cosgrove had referred to. Councillor Cosgrove clarified what correspondence she did have and said that Warden Lichter had covered it verbally.

Councillor McInroy said he did not know why Council had to be totally uninformed and why the County Director of Finance had not provided an opinion or been asked for an opinion. Warden Lichter stated it was certainly not a strategy, if that was what Councillor McInroy was suggesting - it was a matter of having to wait for information from the School Board and Mayor Christie and having to set up a meeting date.

Councillor McInroy said he was not suggesting that Warden Lichter had withheld information that he had held for some time but when the Councillors came for this meeting tonight, they were asking each other what was going to be discussed. He said it would have been a help to know that. Warden Lichter apologized. He said he should have let County Councillors know exactly what the nature of the meeting was.

Councillor MacDonald asked if this had been discussed at a meeting of the School Board as he did not remember same. Councillor Reid advised it had been discussed about a month and a half ago.

Councillor Deveau stated he would support the motion, not only as a member of the School Board, but he hoped everyone would realize the money to be allocated would be going towards the education of our children.

Councillor Draper said that at least \$455,000 of the money was going directly to the students, for instance the hiring of new teachers, the students for J. L. Illsley High School and the three portables. She advised that the money in question was budgeted for education and, if the dollars were not provided now to reduce the deficit substantially, then a deficit budget would have to be faced at the start of the new budget year. She said she would be supporting the motion.

Councillor Richards asked what the amount of provincial recovery was with the introduction of Bill 160. Warden Lichter advised it was \$2,298,990. He said that even though education funding was



JOINT COUNCIL SESSION

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October 28, 1991

primarily a provincial responsibility, this year the municipalities are being asked to pick up more than their share beyond what has been allocated by provincial law. He said this causes him great concern. He said he would like to support the motion but he has a difficult time supporting motions that were geared and formulated at the provincial level that end up costing the property owner in Halifax County extra funds. He felt the money could better serve his Municipality's deficit.

Deputy Warden Ball stated that when negotiations were underway last year for the School Board budget, he was not prepared to support any budget until the situation with the students at J. L. Illsley High School was resolved. He said he thought this was part of the price because the cost for J. L. Illsley High School had not been put on the table at that point in time. He thought that the motion should be supported.

Warden Lichter asked for the question. He stated that 24 were present, with both quorums present; therefore, the vote to succeed was 20. The vote was 15 in favour.

MOTION DEFEATED.

Warden Lichter stated that the mandatory portion would have to be considered by each Council on its own sometime in the future. No return on the excess portion has been approved.

ADJOURNMENT

Meeting adjourned at 7:05 p.m.

PUBLIC HEARING

October 28, 1991

PRESENT WERE:

Warden Lichter  
Councillor Fralick  
Councillor Ball  
Councillor Deveaux  
Councillor Bates  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Reid  
Councillor Morgan  
Councillor Snow  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Boutilier  
Councillor Harvey  
Councillor Sutherland  
Councillor Richards  
Councillor McInroy  
Councillor Cooper

ALSO PRESENT WERE: D. Reinhardt, Deputy Municipal Clerk  
F. Crooks, Municipal Solicitor

=====  
The meeting opened at 7:15 p.m. with the Lord's Prayer. Mr. Reinhardt called the role.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT SANDRA SHUTE BE APPOINTED AS RECORDING SECRETARY".

MOTION CARRIED.

1. PA-EP/CB-21-91 & ZAP-EP/CB-21-91 - Application by the Municipality to redesignate lands within the Service Boundary from Residential B to Residential A Designation and to rezone the land from R-7 (Rural Estate) Zone to CDD (Comprehensive Development District).

The Staff Report was presented by Jan Skora who advised that the application had been initiated by the Municipality in order to amend the Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay by redesignating and rezoning approximately 155 acres of land located on both sides of Cow Bay Road south of Smelt Brook and 23 acres on both sides of Shore Drive, as represented on Map 1 and Map 2 of the Staff Report. Also, lands along both sides of the Cow Bay Road within the Residential "A" designation would be

rezoned to reflect existing serviceable status. The proposed amendment was considered because of expansion of the Eastern Passage sewage treatment plant in 1986 and the extension in 1988 of the Eastern Passage service boundary.

He said that it was proposed that Residential "A" designation for both sides of the Cow Bay Road, as represented on Map 1, would be expanded to the limits established by those service boundaries. Similarly, the Residential "A" designation along the north side of Shore Drive would be extended to more accurately reflect the new service boundary in this area. As the result of these changes, it was proposed that properties in this residential area would be rezoned to reflect the intention of this designation. It was proposed that the lands along both sides of Shore Drive and Cow Bay Road be rezoned from R-6 (Rural Residential zone) to R-1 (single unit dwelling zone). Also, the area to the north of Shore Drive and north of Birchill Mobile Home Park would be rezoned from R-7 (Rural Estate) to R-1. It was proposed that existing commercial and local services zoning would be retained where already existing. The R-6 zone would be retained for the property with existing mobile homes or more extensive forms of home businesses which are permitted under the R-6 zone but not permitted under the R-1 zone. Specific policy support within the planning strategy would be required in order to retain R-6 zoning within serviceable parts of the Residential "A" designation as represented in Appendix "A" of the Staff Report. It was also proposed that the lands located off Cow Bay Road east would be rezoned from R-7 to CDD (Comprehensive Development District). The owner of this property intended to develop this area on the basis of serviced lot sizes which will allow Council, in the future, to consider a CDD agreement for this area.

Although the areas which are subject to the proposed amendments have been included within the expanded service boundary, trunk services are not yet available. Both the R-1 and R-6 zones permit subdivision and development on the basis of on-site services. Once central services are available, however, the current R-6 zone requirements would not permit those specific properties where this zone is to be retained to be subdivided and developed on the basis of serviced lot sizes unless they are rezoned to a zone which permits serviced development. Therefore, Appendix "B" includes amendments to the R-6 zone in order to include serviced lot size requirements.

Mr. Skora advised that it was recommended that the planning strategy and Land Use By-law amendments represented in Appendices "A" and "B" of the Staff Report be approved.

QUESTIONS FROM COUNCIL

None

PUBLIC HEARING

3

October 28, 1991

SPEAKERS IN FAVOUR

None

SPEAKERS IN OPPOSITION

None

DECISION BY COUNCIL

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

"THAT THE RECOMMENDATION OF STAFF THAT THE AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY FOR EASTERN PASSAGE/COW BAY TO REDESIGNATE LANDS IN CONFORMITY WITH THE EXPANDED SERVICE BOUNDARY FOR EASTERN PASSAGE, AS OUTLINED IN APPENDIX 'A' OF THE STAFF REPORT, BE APPROVED".

MOTION CARRIED UNANIMOUSLY.

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

"THAT THE RECOMMENDATION OF STAFF THAT THE AMENDMENTS TO THE LAND USE BY-LAW FOR EASTERN PASSAGE/COW BAY TO REZONE LANDS IN CONFORMITY WITH THE EXPANDED SERVICE BOUNDARY FOR EASTERN PASSAGE, AS OUTLINED IN APPENDIX 'B' OF THE STAFF REPORT, BE APPROVED".

MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Meeting adjourned at 7:25 p.m.

MINUTES & REPORTS  
OF THE  
FIRST YEAR MEETINGS  
OF THE  
FORTY-FOURTH COUNCIL  
OF THE  
MUNICIPALITY OF THE COUNTY OF HALIFAX  
NOVEMBER COUNCIL SESSION  
TUESDAY, NOVEMBER 5 & 19, 1991

&

SPECIAL COUNCIL SESSION  
NOVEMBER 7, 1991

*c*

*Public Hearing  
Nov. 25/91*

&

Public Hearing  
Nov. 25, 1991

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COUNCIL SESSION

NOVEMBER 5, 1991

PRESENT WERE:

Warden Lichter  
Councillor Meade  
Councillor Rankin  
Councillor Fralick  
Councillor Holland  
Councillor Ball  
Councillor Deveaux  
Councillor Bates  
Councillor Adams  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Taylor  
Councillor Peters  
Councillor Merrigan  
Councillor Brill  
Councillor Snow  
Councillor Giffin  
Councillor MacDonald  
Councillor Boutilier  
Councillor Harvey  
Councillor Sutherland  
Councillor Richards  
Councillor McInroy  
Councillor Cooper

ALSO PRESENT:

Mr. K. Meech, Chief Administrative Officer  
Mr. F. Crooks, Municipal Solicitor  
Mr. G. Kelly, Municipal Clerk

=====  
Mr. G. Kelly, Municipal Clerk opened the meeting with the Lord's Prayer.

Mr. Kelly stated that as a result of acclamations on Nomination Day and the Municipal Election held on October 19, 1991, he confirmed the following Councillors Elect.

District 1 - Gary Meade  
District 2 - Reg Rankin  
District 3 - Kenneth Fralick  
District 4 - Bruce Holland  
District 5 - Randy Ball  
District 6 - Eugene Deveaux  
District 7 - Ben Bates  
District 8 - Wayne Adams  
District 9 - Cyril Randall  
District 10 - Basil Bayers  
District 11 - Judy Smiley

District 12 - Brooke Taylor  
District 13 - Laszlo Lichter  
District 14 - Beverley Peters  
District 15 - David Merrigan  
District 16 - Jack Brill  
District 17 - Gordon Snow  
District 18 - R. H. (Buck) Giffin  
District 19 - Bill MacDonald  
District 20 - Don Boutilier  
District 21 - Robert Harvey  
District 22 - Frank Sutherland  
District 23 - Dennis Richards  
District 24 - Harry McInroy  
District 25 - Ron Cooper

The Swearing In Ceremony, conducted by Mr. Kelly, then took place, in groups of four, to repeat the Oaths of Allegiance and of Office after which Mr. Kelly presented the new Council for the next three years.

Mr. Kelly then called the role.

#### APPOINTMENT OF A WARDEN

Mr. Kelly called for nominations.

Councillor Bates stated it gave him great pleasure to move to nomination of Councillor Laszlo Lichter for the Warden of this Municipality. He advised that Laszlo was born in Hungary in 1932 and it was there he completed his education, receiving the equivalent of a Bachelor of Arts and a Bachelor of Education Degrees. In 1956, Laszlo together with his wife, Rosa and their daughter, escaped from Hungary in the aftermath of the unsuccessful Hungarian Revolution. In 1957, he and his family arrived in Canada where he worked first as a labourer and later as a teacher of Chemistry, Mathematics and Physics. For 17 years he was school Principal in Kennetcook and Shubenacadie. According to Laszlo, the highlights of his life in Canada have been as follows: 1959 - he and Rosa were blessed with a son, Joseph; 1962 - he and Rosa became proud Canadian citizens; 1969 - completed the course requirements for his Masters Degree in Education; 1978 - the people of District 13 elected him their Councillor; 1979 - re-elected by Acclamation; 1982 - won his seat by receiving over 95% of the votes; 1985, 1988 and 1991 - he was returned by Acclamation.

Councillor Bates said that Laszlo considers his greatest honour to have been his election as Warden of this great Municipality in 1988. Since being elected to Council, Laszlo has served in many key positions - Chairman of Planning Advisory Committee, Chairman of the Municipal Planning Committee, Chairman of the Plan Review Committee, Chairman of the Board of Health, Chairman of the Royal Services Committee and for one year he served as Chairman of the

Metropolitan Area Planning Committee. As our Warden over the past three years, he has provided leadership to this Council in many areas, either by initiating new approaches or by ensuring that Council's policies were introduced and successfully defended at the provincial government level at Metropolitan Authority, as well as in the media.

Councillor Bates advised that some of the broad issues dealt with under his leadership were: elimination of Sandwich Point from the list of potential sites for a regional sewage treatment plant; establishment of a sewage lagoon at the Aerotech Park; moving from tonnage base to assessment base contributions to Metropolitan Authority relative to waste management, resulting in a savings of approximately \$700,000 annually for the taxpayers of Halifax County. Under his leadership, a new Municipal Charter has been drafted and is currently in the hands of the provincial government awaiting introduction as a Private Members Bill.

Councillor Bates stated that he knew, from serving on the Metropolitan Authority, that Laszlo has assumed a leadership role on this important Board. He is held in high esteem by other Board members who often look to him for direction. With regard to the regional waste management strategy, Laszlo has played a key role in ensuring that the interests of our Municipality are protected. He has insisted on conditions and safeguards to protect the environment and the citizens. In Councillor Bates' view, there could be no better spokesman than Laszlo in this important on-going matter. As an indicator of the high regard in which Laszlo was held by his colleagues, he was elected for the second consecutive year by the Atlantic caucus of the Federation of Canadian Municipalities to serve as a member of the Board of Directors of FCM. He was also elected this year to the Executive of the Union of Nova Scotia Municipalities.

Relative to in-house matters, Laszlo contributed significantly to the team spirit enjoyed by our Council over the last three years. Positive initiatives were taken in the area of fiscal responsibility, tighter budget controls, monitoring of municipal expenditures and the creation of an atmosphere where overexpenditure became the exception rather than the rule. In line with this, he worked out a major reorganization of the salary structure for councillors and for council members serving on committees and boards.

Councillor Bates stated that Laszlo is a great believer in communication and a newsletter to the entire Municipality originated after he became warden. He stated that members of District #13, which Laszlo represents, have become accustomed to his monthly bulletins over the past 13 years. He stated that Laszlo played an important role in the establishment of the Community Committee structure both in Sackville and Westphal/Cole Harbour. He has been supportive of a reorganization of staff to

provide services to satellite offices in Cole Harbour and Sackville which has resulted in a better delivery of services and a happier public.

Councillor Bates stated that while most of the three years were characterized by a great amount of work, by the Warden, the image created by attending social functions, delivering speeches and writing articles were not neglected either. Laszlo and Rosa have represented the Municipality at many social functions and, along with many of the councillors, have attended events frequently. Laszlo was invited and acted as guest speaker many times and has written numerous articles that were published in a wide range of newspapers, newsletters and special publications. He stated that those who have had the opportunity to serve with Laszlo can assure the new members of council that he has a sincere desire to be helpful to councillors, staff and the public alike together with an ability to match his desire. His door is always open and he has been a tireless worker for the Municipality. He stated that the councillors all take pride in representing a Municipality to the best of their ability and many councillors feel that Laszlo served with distinction during his first term as Warden and brought a certain dignity to the position that all could be proud of. He stated that we are indeed fortunate that Laszlo has decided to re-offer for another term and he is honoured to be given the opportunity to move his nomination.

The seconder for the nomination of Laszlo Lichter for Warden of the Municipality of Halifax County was Councillor Snow.

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

"THAT NOMINATIONS FOR WARDEN CEASE"

MOTION CARRIED UNANIMOUSLY

Warden Lichter took the chair and called for nominations for Deputy Warden.

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

"THAT COUNCILLOR BOUTILIER BE ELECTED AS DEPUTY WARDEN"

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

"THAT COUNCILLOR SUTHERLAND BE ELECTED AS DEPUTY WARDEN"

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

"THAT NOMINATIONS FOR DEPUTY WARDEN CEASE".

A vote was taken:

Councillor Sutherland	17
Councillor Boutilier	08

Councillor Sutherland was elected to the position of Deputy Warden.  
APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING  
SECRETARY"

MOTION CARRIED

LETTERS AND CORRESPONDENCE

APPROVAL OF MINUTES

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

"THAT THE MINUTES OF THE SEPTEMBER 17, 1991 COUNCIL  
SESSION BE APPROVED".

MOTION CARRIED

It was moved by councillor Snow, seconded by Councillor Randall:

"THAT THE MINUTES OF THE OCTOBER 1, 1991 COUNCIL SESSION  
BE APPROVED".

MOTION CARRIED

LETTERS AND CORRESPONDENCE

1. Warden Lichter asked council permission to allow Miss Jennifer Stephens to speak for three minutes on her letter regarding landfill siting.

Miss Stephens stated that she is a resident of Queensland. She stated that during the summer she has assisted her husband in the preparation of the brief on the site for the proposed garbage dump (Site A). She stated that the brief was included in the package presented to the Metro Authority by the St. Margaret's Bay Residents Group. She stated that since then she has become increasingly concerned by the Authority's attitude of totally ignoring any public input into the siting process but did not know what to do about it. She stated that to change the Authority seemed to be an impossible task. She stated that she asked legal advise and found that the County has not abdicated this responsibility and that in fact the Metro Authority is acting in violation of the Metropolitan Authority Act. He stated that she

feels council has a responsibility to the law and to the people of Halifax County to direct the Authority to stop siting process. She stated that council should take up its responsibilities and take over the siting process. She stated to allow the Metropolitan Authority to continue, and sanction their actions, is neither a lawful or democratic act. She stated that if this responsibility is given away now future generations of Halifax County citizens will never be able to control the siting of such a facility. She stated that it would be regrettable if an application had to be made to the Supreme Court of Nova Scotia for an order prohibiting the Metro Authority from continuing its siting process.

#### QUESTIONS FROM COUNCIL

Councillor Fralick asked Miss Stephens to whom she had sent her letter on October 21, 1991.

Miss Stephens stated that it had been sent to the Warden.

Warden Lichter stated that the legalities should be dealt with between solicitors and that the matter has been passed over to Mr. Fred Crooks.

Miss Stephens stated that she is worried that this issue is not being fought now but will be fought when the site is chosen. She asked who is approached to seek a resolution if something goes wrong.

Warden Lichter stated that council will have to wait for the legal opinion and that council takes its obligation very seriously. He stated that if legal opinion does not agree, then council will certainly have a dilemma as to how to proceed.

2. Mr. Kelly outlined a letter from Mr. C.E. Schofield, Regional Manager, Nova Scotia Department of Housing to advise of their proposal to construct three (3) family housing units in the Municipality this year - one (1) in Preston and two (2) in Eastern Passage. He stated that in order for the Department of Housing to do this they need concurrence from the Municipality in the form of a resolution and the signing of the attached designation letter.

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

"THAT THE LETTER BE RECEIVED".

#### MOTION CARRIED

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

"THAT COUNCIL APPROVE THE PROJECT AND AUTHORIZE THE WARDEN TO SIGN THE DESIGNATION LETTER".

MOTION CARRIED

3. Mr. Kelly outlined a letter from the Minister, Department of Transportation and Communications in response to the County's request for the Old Loop of Trunk #7 to be renamed "Echo River Drive".

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

"THAT THE LETTER BE RECEIVED".

MOTION CARRIED

4. Mr. Kelly outlined a letter from Lesley Cameron, Fund Development Co-ordinator, Alzheimer Society of Nova Scotia Resource Centre to advise of door to door campaign in the Tangier area during January, 1992 and has asked for permission from the Municipality to conduct the campaign.

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

"THAT THE LETTER BE RECEIVED".

MOTION CARRIED

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

"THAT THE COUNTY OF HALIFAX GIVE THE ALZHEIMER SOCIETY OF NOVA SCOTIA PERMISSION TO UNDERTAKE THE CAMPAIGN".

MOTION CARRIED

5. Mr. Kelly outlined a letter from Mr. Andrew M. Horgan, Chairman, Halifax Board of Trade regarding the recent tax agreement between the City of Halifax's two container terminals.

It was moved by Councillor Giffin, seconded by Councillor Holland:

"THAT THE LETTER BE RECEIVED".

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

"THAT THE REQUEST FOR ADDITIONAL FUNDING FOR BE DEFERRED FOR STAFF STUDY FOR THE NEXT BUDGET SESSION".

MOTION CARRIED

6. Mr. Kelly outlined a letter from Mr. Robert C. Prowse, Regional Clerk, The Regional Municipality of Hamilton-Wentworth including a motion passed by the Regional Municipality of Hamilton-Wentworth proclaiming 1992 as The Year for Canada.

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

"THAT THE LETTER BE RECEIVED AND FURTHER THAT THE WARDEN REWORD THE LETTER TO HAVE MADE A PROCLAMATION".

MOTION CARRIED

7. Mr. Kelly outlined a letter from Mr. John G. Leefe, Minister, Department of the Environment in response to correspondence concerning the West River Sheet Harbour Hydroelectric Power Proposal by Atlantic Combustion Products Limited of Amherst, Nova Scotia in which the Minister points out that he has declared the proposed development to be a Class II Undertaking under the Environmental Assessment Act and Regulations.

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

"THAT THE LETTER BE RECEIVED".

MOTION CARRIED

8. Mr. Kelly outlined a letter from Mr. E. P. Gibney, A/Chief, Harbour Operations, Small Craft Harbours Branch, Fisheries and Oceans regarding Turner's Island Wharf being surplus to the needs of Small Craft Harbours.

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

"THAT THE LETTER BE RECEIVED".

MOTION CARRIED

RECESS

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

"THAT THE COUNCIL RECESS FOR 10 MINUTES".

MOTION CARRIED

9. Mr. Kelly outlined a letter from Mr. Archie Thibault, Halifax, regarding the Halifax Harbour Clean-up.

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

"THAT THE LETTER BE RECEIVED".

MOTION CARRIED



10. Mr. Kelly outlined a memorandum from R. Mort Jackson, Executive Director, Metropolitan Authority to Chairman and members of Metropolitan Authority regarding tipping fees, half ton trucks.

Warden Lichter explained that this was discussed at the last Metro Authority meeting and it was decided that the opinions of the Municipal councillors and engineering staff would be sought in order to see what is the best way to go with that item. He stated that any ideas or suggestions should be given to one of the Metro Authority members.

Councillor Ball asked for clarification on the quote "illegal dumping needs to be clearly defined". He stated that in the area of northern Harrietsfield there is illegal dumping. He stated that Halifax County has been bearing the brunt of the tipping fees. He stated that there is all types of garbage strewn all over Halifax County because people go to the landfill with their half ton trucks and are given a bill. He stated that residents are already paying a tax rate for garbage collection. He stated that he felt some special consideration has to be given to half ton trucks.

Councillor Deveaux stated that since the tipping fee has arisen there has been a lot more illegal dumping. He stated that the tipping fee for half ton trucks should be reviewed to try and bring about a solution to at least some of the illegal dumping.

Councillor Fralick stated that he supported what Councillor Ball and Councillor Deveaux had stated. He stated that he had recently had a situation where a load of asphalt shingles had been dumped on a lane at the end of a subdivision in his area.

Councillor Boutilier stated that people should be made aware that they pay a garbage rate which entitles them to put things that are taken to the dump in half tons out for regular garbage collection.

Councillor Ball stated asked what type of problem would the relaxing of user fees for half ton trucks pose for Metropolitan Authority.

Warden Lichter stated that these questions from councillors are what the Metropolitan Authority are interested in so that the case can be argued. He stated that if any of the councillors had anything that they felt would be good to take to the Metro Authority to give it to one of the members of council who are on Metro Authority.

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

"THAT MR. JACKSON AND METRO AUTHORITY STAFF TO SUBSTANTIATE WHY THERE WAS A 14% REDUCTION AND WHAT THEY ATTRIBUTE IT TO AND FURTHER THAT THE METRO AUTHORITY SHOW

THE ADVANTAGES AND DISADVANTAGES OF A HALF TON TRUCK BEING ALLOWED TO DUMP WITH NO CHARGE AT A PARTICULAR LANDFILL SITE SPECIFICALLY SATURDAYS AND SUNDAYS".

MOTION CARRIED

Councillor Bates stated that the Metropolitan Authority does not seem to have an appreciation for the number of sites that are in Halifax County that the councillors are aware of. He stated that maybe the individual councillors should make up a list identifying where these various sites are in their districts.

Warden Lichter asked all councillors to provide him with as much information as they could about the illegal dumps they are aware of (anywhere people dump garbage).

Deputy Warden Sutherland stated that a lot of by roads and secondary roads have a lot of material dumped on them.

11. Mr. Kelly outlined a letter from Ken Stretch, Minister, Department of Transportation in response to the County of Halifax's letter of August 30, 1991 regarding paving of Oceanview Drive in Herring Cove. The letter confirms that the street has been listed for more than 15 years and therefore cost of paving would be borne 100% by the Department of Transportation however, the request will be considered when the 1992 paving program is finalized.

It was moved by Councillor Ball, seconded by Councillor Giffin:

"THAT THE LETTER BE RECEIVED".

Councillor Ball requested that a carbon copy of the letter be sent to a Mr. Colin Gillis, Herring Cove.

MOTION CARRIED

12. Mr. Kelly outlined a letter from Mr. D. J. Peters, Executive Director, Dartmouth General Hospital advising that the Halifax County representatives, one year term, on the Dartmouth Hospital Commission expires in November, 1991.

Warden Lichter stated that the Nominating Committee should take care of the item and bring back a report. It was agreed by council.

13. Mr. Kelly outlined a memorandum to FCM national board of directors regarding a Communique addressing the response of the Standing Committee on Consumer and Corporate Affairs to the federal government's proposed Wage Protection Program to be funded by a payroll tax.

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

"THAT THE LETTER BE RECEIVED".

MOTION CARRIED

Warden Lichter stated that the action that they ask Council to do is to oppose that particular tax and that particular form of taxation. He asked Council if they wished to express their opposition.

Councillor Ball asked if there was enough information as to what council is opposing. He asked if all the in's and out's of this tax reform are known.

Warden Lichter stated that the difficulty that FCM is facing is that each of the Municipalities for each of their employees will have to put a certain amount of additional money into the federal pocket in order to cover those contingencies that this bill is dealing with. He stated that FCM is saying this is not the right way to do it because what you are really doing is putting the Municipalities more and more in financial jeopardy. He stated that it may not be a large amount of money, if only Halifax County Municipality was involved, but if all the Municipalities in the entire country are involved then you are talking about a large amount of money that is taken out of the taxpayers pocket through property taxation.

Councillor Ball stated that regardless whose pocket it is going to come out of it is still going to come out of the public's pocket one way or the other.

Warden Lichter stated that the only argument that FCM was making is that the property taxpayer is the taxpayer that can ill afford increased burdens.

Councillor Ball stated that it should be universal for everybody and any one group should not be singled out.

Councillor Bates states that the Municipalities are going to be hit with all kinds of taxation, Municipalities and otherwise, and council should be opposing it. He stated that he agreed with FCM.

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

"THAT COUNCIL SIGN THE SAMPLE LETTER AND FORWARD IT ON".

Deputy Warden Sutherland stated that on the last paragraph on the communique on page 2 the committee recommendation is that the WCPP be replaced by another mechanism.

Councillor Richards stated that the letter was not asking to have just Municipalities exempted but were opposing this kind of taxation overall and it talks about another form of priority given

to employees as opposed to other creditors. He stated that he thought it was not something that the county should be opposing just at the Municipal level but to its full extent.

MOTION CARRIED

14. Mr. Kelly outlined a letter from Brian Young, Department of Municipal Affairs responding to correspondence regarding the status of the Halifax County Charter.

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

"THAT THE LETTER BE RECEIVED".

MOTION CARRIED

15. Mr. Kelly outlined a letter from Ken Streach, Minister of Transportation and Communications in response to County's correspondence with respect to the existing speed zone and playground in Ketch Harbour.

It was moved by Councillor Ball, seconded by Councillor Peters:

"THAT THE LETTER BE RECEIVED".

MOTION CARRIED

SUPPLEMENTARY AGENDA

1. Mr. Kelly outlined a letter to Prime Minister Brian Mulroney with respect to the GATT negotiations.

Warden Lichter stated that the background to this letter is that the Executive Committee dealt with the item by writing a letter of support for the position taken by the Nova Scotia Federation of Agriculture and requests that council endorse their action.

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

"THAT THE LETTER BE RATIFIED".

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

1. File No.'s PA-PD5-26-90 and ZAP-PD5-26-90 - Amendments to the Municipal Planning Strategy and Land Use By-Law for Planning District 5 to permit the expansion of Spryfield Lumber Mart Limited along the Herring Cove Road.

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

"THAT DECEMBER 9, 1991 BE RECOMMENDED AS A DATE FOR THE PUBLIC HEARING".

MOTION CARRIED

2. File No.'s PA-FEN-22-91-15/ZAP-FEN-22-91-15 - Amendments to the Municipal Planning Strategy and Land Use By-Law for Planning Districts 15, 18 & 19 in order to permit take-out restaurants within the C-2 (General Business) Zone, and File No. ZA-FEN-11-91- Amendments to the restaurant parking requirements in the Land Use By-Law for Planning Districts 15, 18 & 19.

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

"THAT DECEMBER 9, 1991 BE RECOMMENDED AS A DATE FOR THE PUBLIC HEARING".

MOTION CARRIED

3. Staff Report - File No. DA-SA-10-91-19 - Application by Glen and Chris Horton to amend the Development Agreement for 74 Beaverbank Cross Road.

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

"THAT THE AMENDMENT BE APPROVED".

MOTION CARRIED

4. File No. ZA-1&3-49-91 - Amendments to the Land Use By-Law for Planning Districts 1 & 3 in order to include a definition for a "campground".

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

"THAT NOVEMBER 25, 1991 BE RECOMMENDED AS A DATE FOR THE PUBLIC HEARING".

MOTION CARRIED

5. Application No. RA-FEN-14-91-18 - Application by Public Works Canada to rezone lands in Upper Tantallon in order to permit the construction of an RCMP detachment building.

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

"THAT NOVEMBER 25, 1991 BE RECOMMENDED AS A DATE FOR THE PUBLIC HEARING".

MOTION CARRIED

6. File No. RA-F&S-15-91-17 - Rezoning of properties in the vicinity of the Fall River/Windsor Junction Road and Highway No. 2 intersection, Fall River.

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

"THAT NOVEMBER 25, 1991 BE RECOMMENDED AS A DATE FOR THE PUBLIC HEARING".

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

ENCROACHMENT - TOT LOT, GLORIA AVENUE, LOWER SACKVILLE

Mr. Wdowiak outlined the report.

Councillor Sutherland stated that the tot lot has been in existence for about 12 years. He stated that the County or the residents have not developed it in any way. He stated that the lot has been left in a state of disrepair. He stated to leave it in a state of disrepair may have a detrimental effect on the neighbourhood. He stated that there are alternatives to the property owner removing the steps, walkway and retaining wall. He stated that the drainage problems will be looked at in the near future. He asked Mr. Crooks to outline an alternative such as a lease or some provision that would prohibit the owner from adversely obtaining this property by possession.

Mr. Crooks stated that if the Council was of a mind to authorize the encroachment it would be possible to do and in fact advisable to do it by way written documentation so as to ensure that in effect the encroachment over a period of years doesn't result in a claim, after a period of twenty years, that the property has become the property of the abutting owner rather than of the Municipality. He stated that it is open if the Council is of a mind to authorize the encroachment to do it in a way which would address any problem of ownership being gained by the abutting owner through adverse possession.

Councillor Sutherland stated that the abutting owner has enhanced that particular lot. He stated it has only been used as a pathway for people passing through from the trailer court to school area.

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

"THAT INSTEAD OF SUPPORTING STAFF RECOMMENDATION, THAT COUNCIL ASK THE SOLICITOR TO FILE PAPERS INDICATING THAT THE COUNTY IS AWARE OF THE ENCROACHMENT".

Councillor Cooper asked for clarification on where the drainage

pipe was located.

Mr. Wdowiak stated that the drainage pipe is located approximately through the rear of the lot to the right of the steps at the intersection of Gloria Avenue it would be another five or six feet to the north of the concrete steps.

Warden Lichter asked Councillor Cooper if he had some particular reason with regards to the drain pipe placement.

Councillor Cooper stated that it shows that there was intention of going on to Municipal property and putting an encumbrance upon that for the benefit of this resident. He stated that this would have to be taken into consideration, that the encroachment was deliberate that far not just to achieve the walkway and steps but to go beyond into county property.

Councillor MacDonald stated that lot was sodded with the understanding the residents of the area would look after it. He stated that no one was really interested in looking after it. He stated that the county could maybe sod the rest of the lot and the gentleman could look after it. He stated that it is an eyesore and it does not look like anyone wants to develop it into a playground so maybe an agreement could be made for the gentleman to continue to use the property.

Councillor McInroy stated that he supported staff's position. He stated that no person should occupy, for his own use, public property. He stated that all along the way staff tried repeatedly, while this construction was taking place, to have this man stop encroaching on public property. He stated that the man totally ignored any efforts to have the encroachment minimized or withdrawn. He stated that whether or not the parkland was looked after properly by Halifax County is irrelevant. He stated that a tot lot should be looked after and it shouldn't be left to abutting owners. He stated that the county could enter into a contract or an agreement or file depositions but there is nothing to stop some of the courts from deciding that this sort of thing is unreasonable for a Municipality to expect because of the money that the man put into the property, because of the time involved, because of the use to which it was put. He stated that he saw no reason to allow this to stay in place unless the County fenced to the property line and assumed ownership of the steps and the walkway. He stated that he wouldn't be surprised to see the sod extended or what would prevent the property owner from fencing the property and totally enclosing within his fence that portion of that piece of land along with his own property. He stated that a precedent had already been set by saying to the man that he shouldn't be there and shouldn't have put the driveway or the steps in. He stated that the same thing may happen on the other side of the tot lot.

Mr. Meech stated that he has looked at the site and there is no

question that there is an improvement. He stated what has to be considered is that the County has other situations and other circumstances where in fact the County has been taking action and in some cases legal action because people have been encroaching on public property. He stated that if in fact this particular one is acceptable to the extent that the County is prepared to enter into the suggested agreement then the County will have to come to grips with how it is going to deal with the other situations where there are other property owners who would also like to have some kind of similar arrangement. He stated that the County had better think through how it intends to address either existing ones or other situations in the future if this situation should present itself again. He stated that although it is an improvement to the area in this instance there may be situations where it may not be an asset or benefit this will be looked upon as a precedent. He stated that before the County sanction the motion that's on the floor that the County had better be prepared that there are going to be others which will have to be decided upon.

Mr. Crooks stated that his comments were intended to indicate that there a technical means of accomplishing what the Deputy Warden had asked about and was not making a recommendation one way or the other as to what might be done. He stated that on the point raised by Councillor McInroy with respect to fencing and exclusive use of the property that it would not be within the power of the Municipality to proprot to authorize any individual resident exclusively to occupy any portion of parkland property. He stated that any license or permission that would be given would have to be on terms that would satisfy the Municipality that there was full access by residents in the Municipality to the property. He stated that there was a request by Council that staff examine the whole issue of having abutting owners improve and/or maintain parkland property and there is a report which is presently under development at the staff level which will be coming forward in due course to the council and some of the issues that are being considered in connection with this are being examined in connection with the whole policy.

Councillor Merrigan stated that councillors are trustees of the Municipality of the County of Halifax residents properties. He stated that nobody enhanced the tot lot. He stated that the gentleman enhanced his own property. He stated that he has no objection to selling the piece of land.

Councillor MacDonald stated that he does not believe that the property in question will ever be used. He stated that maybe the County should assess the lot and see what is going to be done with it. He stated that maybe it should be disposed off as there is a tot lot in the area already.

Warden Lichter stated that he had made that suggestion at the Executive Committee but the Council does not have the legal ability



to sell a piece of parkland because it has been given to the County in trusteeship.

Councillor Cooper stated that the property owner put the drains down his own property line to start with and then purposely moved it over 15 or 20 feet to accommodate what he wanted to do with his property. He stated that if the County cannot sell the property then the County should be making use of it and not allowing anybody to go in and encroach. He stated that the County should stand and say that its Municipal property parkland and that's the way it should stay.

Deputy Warden Sutherland stated that the drain comes down from the back part of the lot, from the mobile home subdivision in the rear. He stated that there is very severe ice build up on the street. He stated that the property owner has attempted to divert it away from his property but the County will have to go in the very near future and spend about \$6,000.00 to contain that drainage from the back part of the lot and get it out to the end of the street into the storm sewer. He stated that he does not feel comfortable with the idea of selling the property but to find a mechanism to file something attached to this gentleman's deed at the registry of deed saying yes, we are aware of an encroachment, so that he does not acquire the property by adverse possession. He stated that nothing would be solved by asking the property owner to take the steps and walkway out.

MOTION DEFEATED

10 IN FAVOUR  
12 AGAINST

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

"THAT THE STAFF RECOMMENDATION THAT LEGAL ACTION BE TAKEN TO HAVE DRAINAGE PIPE, CONCRETE STEPS AND PAVEMENT REMOVED AND THAT THE TOT LOT BE BROUGHT BACK TO ITS ORIGINAL CONDITION IN ORDER THAT THE LOT COULD BE USED FOR WHAT IT WAS INTENDED BE APPROVED".

MOTION CARRIED

REQUEST FOR RIGHT OF WAY - DISTRICT 3

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

"THAT COUNCIL APPROVE A RIGHT OF WAY FOR ACCESS TO LOT 4 OVER THE EXISTING DRIVEWAY OF SIR JOHN A. MACDONALD SCHOOL".

MOTION CARRIED