

BY-LAW #63 - A BY-LAW RESPECTING THE DEFECATION OF PROPERTY BY ANIMALS

Councillor Boutilier stated that one of the reasons this was sent to Executive from the Sackville Community Committee is because of weaknesses in the By-law. He stated that he had done some calling and he is not really sure that the residents of Halifax County even understand the processes that are involved. He stated that procedure that is followed is that a verbal warning is given then subsequently two written warning letters and then a third letter goes recommending prosecution. He stated that after this process has been gone through there is usually a fine of \$25.00.

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

"THAT BY-LAW #63 BE AMENDED TO INCLUDE DISTRICTS #16, 19, 21 AND 22 AND FURTHER DISTRICT #20 BE ALSO INCLUDED IN BY-LAW #63".

MOTION CARRIEDS.M.A.R.T. RECYCLING DEPOT

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

"THAT COUNCIL APPROVE THE AMOUNT OF \$2,000.00 PER MONTH UNTIL APRIL, 1992 BE PROVIDED TO THE S.M.A.R.T. DEPOT FOR OPERATIONAL ASSISTANCE UNTIL THE COUNTY'S RECYCLING SERVICE IS IN OPERATION".

MOTION CARRIEDMACFADYEN PROPERTY, 984 SACKVILLE DRIVE

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

"THAT COUNCIL APPROVE THE PROPOSAL FOR THE RIGHT OF WAY TO THE MACFADYEN PROPERTY, 984 SACKVILLE DRIVE".

MOTION CARRIEDFORMER MEAGHER'S GRANT SCHOOL

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

"THAT COUNCIL APPROVE THE RECOMMENDATION THAT HALIFAX COUNTY ENTER INTO A FIVE YEAR LEASE AGREEMENT WITH THE MEAGHER'S GRANT 4-H CLUB".

Councillor Richards asked who was going to be responsible for

maintenance and upkeep.

Warden Lichter stated that the 4-H Club would be responsible. He stated that the 4-H Club understands that they have to manage on their own in order to maintain the building and pay the bills. He stated that should they not be able to do this, after one year, there is a clause in the lease that permits them to notify the County that they cannot carry on for the full five years. He stated that the same clause applies if Halifax County feels that they cannot carry on for the full five years then the lease can be terminated.

MOTION CARRIED

TEMPORARY BORROWING RESOLUTIONS

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

"THAT TEMPORARY BORROWING RESOLUTION 85-03, INDUSTRIAL PARK - RENEWAL IN THE AMOUNT OF \$6,800,000. BE APPROVED".

MOTION CARRIED

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

"THAT TEMPORARY BORROWING RESOLUTION 91-11, MILL COVE TREATMENT PLANT IN THE AMOUNT OF \$13,800,000. BE APPROVED".

MOTION CARRIED

LOAN REQUEST - DISTRICT #8 VOLUNTEER FIRE DEPARTMENT

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

"THAT COUNCIL APPROVE THE LOAN REQUEST IN THE AMOUNT OF \$40,000.00 FOR THE PURPOSE OF EXPANSION/RENOVATIONS TO THE NORTH PRESTON FIRE STATION".

MOTION CARRIED

GRANT REQUESTS

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

"THAT THE FOLLOWING GRANT REQUESTS BE APPROVED:

Parkland Grant Request - District #9 in the amount of \$5,270.00 for fencing of St. Theresa's School Ballfield, Grand Desert.

Parkland Grant Request - District #9 in the amount of \$1,909.63 for fencing the play/swim area, Pleasant Drive (Restful Vista Sub-Division).

District Capital Grant - District #19 in the amount of \$2,474.93 for upgrading of playground, Harry Hamilton School.

District Capital Grant - District #8 in the amount of \$2,233.75 for tables and chairs, Lake Echo Lions Club.

District Capital Grant - District #8 in the amount of \$3,680.00 for installation of two basketball nets and posts and repaving existing basketball pad at the North Preston Recreation Centre.

MOTION CARRIED

RECESS

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

"THAT THE COUNCIL RECESS FOR 10 MINUTES".

MOTION CARRIED

DATE - MINOR VARIANCE APPEAL

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

"THAT NOVEMBER 19, 1991 BE SET AS DATE FOR MINOR VARIANCE APPEAL".

MOTION CARRIED

APPOINTMENT OF NOMINATING COMMITTEE - (5 COUNCILLORS)

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

"THAT THE WARDEN APPOINT THE NOMINATING COMMITTEE"

MOTION CARRIED

THE FOLLOWING MEMBERS OF COUNCIL WERE CHOSEN BY WARDEN LICHTER TO MAKE UP THE NOMINATING COMMITTEE:

Councillor Snow  
Councillor MacDonald  
Councillor Bates  
Councillor Holland  
Councillor Randall

The Warden asked if the Nominating Committee could report to a Special Council Session on Thursday, November 7, 1991.

Councillor Ball asked why there was such a haste in making this decision.

Warden Lichter explained that the next Council Session is November 19, 1991 and if the Nominating Committee Report had not been received before then PAC and Executive could not sit in the interim.

It was agreed that the Nominating Committee would present their report at a Special Council Session on Thursday, November 7, 1991.

#### AUDIT COMMITTEE

Mr. Meech stated that the recommendation for the composition of an Audit Committee would be: three members of council, the CAO and the Director of Finance.

Warden Lichter charged the Nominating Committee with the job of including this committee in their Nominating Committee Report. He informed the council that membership on the Audit Committee was voluntary.

#### RCMP UPDATE

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

"THAT THE CORRESPONDENCE REGARDING THE RCMP BE RECEIVED".

#### MOTION CARRIED

Warden Lichter stated that he has asked the Minister to provide a copy of the letter he sent to the Federal Government concerning Lower Sackville and Cole Harbour and the objection he put in to avoid the escalation of costs for those areas. He stated that he will have a Committee of the Whole called as soon as it can be arranged with Mr. Meech and Chief Superintendent Burchill so that the needs of those areas could be discussed and make some kind of decision as to what kind of enhanced policing would be required.

Mr. Meech stated that information regarding the provinces final position as to whether they are going to require Municipalities, such as Halifax County, to start paying for the policing service.

#### EASTERN SHORE MAINSTREET CO-ORDINATORS REPORT

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

"THAT THE EASTERN SHORE MAINSTREET CO-ORDINATORS REPORT

BE RECEIVED"

MOTION CARRIED

SACKVILLE MAINSTREET CO-ORDINATORS REPORT

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

"THAT THE SACKVILLE MAINSTREET CO-ORDINATORS REPORT BE RECEIVED".

MOTION CARRIED

POLICING - COUNCILLOR RICHARDS

Councillor Richards stated that during the past year Council has been faced with cost of policing in the Municipality. He stated that the cost of policing as well as the type of policing will have to be faced. He stated that he is still concerned that the issue of policing is going to keep coming before council on a regular basis.

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

"THAT A FORMAL POLICE COMMITTEE BE STRUCK (A CLASS "B" COMMITTEE SUBJECT TO LEGAL ADVICE) COMPRISING EIGHT (8) MEMBERS OF COUNCIL - 2 MEMBERS FROM THE WESTERN SECTION; 2 MEMBERS FROM THE SACKVILLE/BEAVERBANK AREA; 2 FROM THE COLE HARBOUR/WESTPHAL/EASTERN PASSAGE AREA; AND 2 FROM THE EASTERN SECTION AND FURTHER THAT THIS COMMITTEE BE CHARGED WITH THE RESPONSIBILITY OF DETERMINING THE TYPE OF POLICING REQUIRED FOR THE VARIOUS COMMUNITIES AND FUNDING NEEDED".

Warden Lichter stated that he would like to have some time to get some research done by Mr. Crooks.

SUPPLEMENTARY COUNCIL AGENDA

DEPARTMENT OF TRANSPORTATION - COUNCILLOR RANDALL

Councillor Randall stated that the abandoned railway property is going to be taken over by the Department of Natural Resources.

He stated that the bridge is located off the back road in Seaforth.

He stated that several families with young children must cross this bridge in order to get to their homes on a private road that runs off the back road.

He stated that the bridge is in a bad state of repair. He stated it was originally constructed with wide openings between the timbers. He stated that there is insufficient drainage.

He stated that he had been advised that contact should be made through the Department of Transportation.

He stated that there were two bridges resurfaced on the 207 - one is on the Lawrencetown River and the other is at Rocky Runs and there are no markers on the roadway crossing either of those bridges. He stated that it is a dark road and with a sharp turn just as you come off the Lawrencetown River bridge.

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

"THAT A LETTER BE SENT TO THE MINISTER OF TRANSPORTATION ASKING THAT THEY LIAISE WITH THE PROVINCIAL DEPARTMENT OF NATURAL RESOURCES TO REPAIR THE BRIDGE WITH WORK BEING CARRIED OUT BEFORE WINTER. FURTHER THAT THE MINISTER OF TRANSPORTATION APPROVE THE PLACING OF TEMPORARY MARKERS ON THE TWO BRIDGES ON THE 207 HIGHWAY - ONE IS ON THE LAWRENCETOWN RIVER AND THE OTHER IS AT ROCKY RUNS WITH A COPY TO TOM MACINNIS, MLA".

MOTION CARRIED

LOCKVIEW/MACPHERSON ROAD PROJECT - COUNCILLOR PETERS

Councillor Peters stated that she was bringing this to council because the Lockview/MacPherson Sewage Treatment Plant, located in Councillor Snow's area, discharges into Fletcher's Lake. She stated that Fletcher's Lake empties into Grand Lake. She stated that the people in District 14 were unaware of the fact that the discharge would be into Fletcher's Lake and then into Grand Lake.

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

"THAT THIS PROJECT BE PUT ON HOLD FOR 90 DAYS IN ORDER THAT THE PEOPLE IN DISTRICT 14 CAN HOLD A PUBLIC MEETING WITH MEMBERS FROM THE DEPARTMENT OF THE ENVIRONMENT AND ENGINEERS TO ADVISE OF THE RAMIFICATIONS OF DISCHARGE INTO LAKES IN DISTRICT 14".

MOTION CARRIED

Councillor Snow stated that Councillor Peters has received a lot of complaints in her area. He stated that he felt that the people in District 14 have the right to know what is causing the problem. Warden Lichter stated that the design work will be stopped for 90 days until Council receives a response from Councillor Peters.

VOLUNTEER ADVISORY COMMITTEE RE WASTE MANAGEMENT - COUNCILLOR

RANKIN

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

"THAT COUNCIL APPOINT A VOLUNTEER ADVISORY COMMITTEE CALLED THE ENVIRONMENTAL MANAGEMENT COMMITTEE TO PROVIDE A FORUM FOR DISCUSSION AND ACTION ON ENVIRONMENTAL ISSUES AND CONCERNS COMMON TO THE COUNTY RE: THE MANAGEMENT OF WATER RESOURCES AND MANAGEMENT OF SOLID WASTE".

Councillor Ball stated that he felt that maybe this committee could be incorporated into the Urban Services Committee or change the name of Urban Services so that it can cover that particular aspect.

Warden Lichter stated that at this particular time he would like council to deal with the motion as proposed.

Councillor Ball stated that he would like to put forth some kind of evaluation of Urban Services Committee as to its effectiveness in the issues that it is dealing with and maybe to establish an Environmental Committee that can incorporate some of the things that Urban Services Committee deals with but no longer be structured in such a way that anyone from that urban area has to be on that committee.

Councillor Merrigan stated that such a committee has strong merit and it should be referred to staff for a report as to how this committee should be structured.

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

"THAT THE ENVIRONMENTAL MANAGEMENT COMMITTEE BE REFERRED TO STAFF FOR A REPORT ON STRUCTURE RE: NUMBER OF COMMITTEE MEMBERS, COMMITTEE MANDATE, ETC.".

Councillor Ball asked if Councillor Merrigan would be willing for an evaluation of possibility of Urban Services acting in conjunction with this committee and be restructured and incorporated into this committee.

Mr. Meech stated that present committee structure should be re-examined to see if, in fact, encompass some of these things.

MOTION CARRIED

DISTRICT CAPITAL GRANT, DISTRICT #16 - \$17,525.00 AND GENERAL PARKLAND GRANT - \$17,525.00 - COUNCILLOR BRILL

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

"THAT COUNCIL DIRECT MR. MARKESINO, DIRECTOR OF RECREATION, MUNICIPALITY OF THE COUNTY OF HALIFAX, TO DELAY ANY FURTHER WORK ON THE SACKVILLE SKATEBOARD RINK AND THAT IT, IN THE INTERIM, BE DISCUSSED AT THE SACKVILLE COMMUNITY COMMITTEE".

Councillor Brill stated that this issue received some discussion recently at a Sackville Community Committee public participation meeting. He stated that he would like to be satisfied that these funds are being spent in the best interests of his constituents and those of Sackville.

MOTION CARRIED

Mr. Crooks stated that Councils ability to delay is subject to actions which have already been taken under the resolution which has passed including contract which has been entered into with respect to the installation of a part of the facility. He stated that third parties have accrued rights under a resolution that has already been passed and the Municipality is not in a position to disturb or disrupt those rights so that the meaning of the resolution is to stop for the period indicated any further action. He stated that it does not affect or disrupt a contract that has already been entered into.

Warden Lichter asked if this referred to the installation of the pad.

Mr. Crooks stated yes.

Warden Lichter asked Mr. Crooks if he meant that the installation of the pad cannot be interferred with. He stated that the rest of the action can be delayed.

Mr. Crooks stated yes.

Warden Lichter asked Mr. Brill if this was acceptable.

Councillor Brill stated that it was acceptable.

Mr. Crooks stated that he wouldn't foreclose the possibility of working out some kind of an arrangement with the contractor where he would stop work on the project on the basis of being paid for work he has done to date. He stated that there is difference between working out that arrangement and the position that the contractor might be in to enforce the terms of the contract if the contract was stopped outright.

ONE ADDITIONAL LANDFILL SITE TO BE SUBJECTED TO EVALUATION MATRIX - COUNCILLOR MEADE

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



"THAT THE COUNTY OF HALIFAX REQUEST THE METROPOLITAN AUTHORITY TO RECONSIDER A MOTION PUT FORTH BY WARDEN LASZLO LICHTER, SEPTEMBER 24, 1991, TO EVALUATE ADDITIONAL LANDFILL SITE USING THE MATRIX SYSTEM".

Warden Lichter stated that he understood that item was before council at a meeting when he was not present. He stated that he had no difficulty with the motion as long as it is not misunderstood by anyone. He stated that he felt that the motion at last council was misunderstood. He stated that what he has asked is that there is a piece of land on the Old Guysborough Road, 16 kilometers from the 102 highway. He stated that although it doesn't meet the distance requirement from a one hundred series highway and it doesn't meet the distance requirement from the centre of generation which is approximately 40 kilometers away, he has asked them to score this site along with the other eleven sites on the same matrix and if this site comes out on top as number 1 he will not fight against because it is in his district. He stated that the people in the other eleven sites be as generous if their sites happens to come out on exactly the same matrix as number 1. He stated that was the spirit in which that motion was offered to Metro Authority originally.

He stated that in his absence people and councillors took this motion to mean that he had offered a landfill site in his area.

Councillor Bates asked the Warden how many times this is was debated. He stated that the issue was thoroughly debated at Metropolitan Authority. He stated that it did not meet the criteria. He stated that he did not believe the motion to be in order since council has already dealt with it.

Councillor MacDonald that the site proposed was ruled out and he did not think it was fair to come back as it had already been defeated at Metropolitan Authority.

Councillor Deveaux asked what the result was when this motion had been presented at Metro Authority.

Warden Lichter stated that it was a lost vote by a vote of 4 to 4. He stated that Councillor Meade is asking to have Metro Authority reconsider that issue.

Councillor Richards stated that the item was discussed and it was his opinion that this item requires discussion. He stated that the council voted, at the October 1, 1991 session of council, that this had no value. He stated that it has no purpose to be discussed and voted on in council. He stated that he would not support the motion.

Councillor Giffin stated that there is no other issue that has the attention of people as much as landfill sites. He stated that

there were eight members present at the Metropolitan Authority vote and as there are eleven members to that committee it should be put back and ask them to reconsider it.

Councillor Bates made a point of order asking whether rules are going to be followed. He stated that at the last council session there had been a motion which had been defeated.

Warden Lichter asked Councillor Meade if he had made an identical motion and did he lose the motion.

Councillor Meade stated that on October 1, 1991 he brought the motion to council. He stated that it had been discussed but a lot of questions had not been answered because the warden was not in attendance.

Warden Lichter asked Mr. Crooks if no vote had been taken at the October 1, 1991 council session could this be considered a continuation on the same topic.

Mr. Crooks stated that if there was no vote taken then yes this would be a continuation of the same topic.

Councillor Fralick asked for clarification. He stated that he was under the impression that at the council session on October 1, 1991 council was leaving this until the warden could be in attendance. He stated that if it was taken back to Metropolitan Authority the issue might get a different vote.

Councillor Bates asked if a motion of reconsideration could be made.

Mr. Crooks stated that reconsideration is not possible unless notice is given at the same meeting as the resolution was passed. It is possible to make a motion to ammend the previous resolution or to rescind it but to do this notice must be given at one meeting and the matter dealt with at a subsuquent meeting so that all councillors will have had an opportunity to know that the matter is up for consideration again.

Councillor Merrigan stated he felt that the motion should come on the floor. He stated that he voted against the motion last time. He stated that he did not understand completely the motion at the last session as the warden was not in attendance. He stated that at the last council he understood that the warden wanted the landfill in his area. He stated that as it is being discussed at the present council it is not that the warden wants it in his area but wants to put on an additional site subject to it qualifying in the matrix. He stated that they were misinformed or misunderstood and did not want to make a decision without hearing from the warden first.

Councillor Deveaux asked if the matter could be dealt with if the motion was reworded.

Mr. Crooks stated that you can't do indirectly what you can't do directly.

Warden Lichter stated because there was a motion last time and because the record indicates that it was defeated by vote that it is not an acceptable motion. He stated therefore he could not accept the motion. He stated that he had given Councillor Meade permission to put it on the agenda.

Councillor Meade stated that the reason he did not make a motion of reconsideration last time was because the warden was not in attendance and most of the Councillors agreed that it would be discussed at the next meeting. He stated that it had been discussed for only a short period of time at the previous meeting.

Warden Lichter stated that he understood what Councillor Meade was saying but that an appeal had been made to have the solicitor examine whether Metro Authority has the legal right to do anything at all with landfill siting. He asked how many different ways are we trying to kill the same idea. He stated that maybe if we find that Metro Authority has no right, for some reason to examine any landfill site, then they would have no right to rate the additional landfill site. If the solicitor comes back and says that yes then the council can decide what to suggest to Metro Authority.

Councillor Brill asked if Councillor Meade could request a motion to rescind.

Warden asked how do you rescind a lost motion. He stated that if he had succeeded with the motion and wanted to rescind he could. He stated that a lost motion is one that is just not there anymore.

Mr. Crooks stated that even though the motion is defeated does not mean that the matter is foreclosed forever in the future from considering the issue again. He stated that it can't be done by way of reconsideration because the procedure is that notice has to be given at the same meeting. He stated that if notice is given tonight of an intention to deal again with the issue at a future meeting that council would be empowered to take a different course than the course represented by the defeated motion at the last meeting. He stated that it can't be done at this meeting, notice has to be given and the matter could be dealt with at the next meeting.

Warden ruled the motion on the floor out of order.

Councillor Meade gave a notice of motion that he would bring before council the next session.

SPECIAL COUNCIL SESSION

Warden Lichter announced that there will be a Special Council on November 7, 1991 at 4 p.m.

EMERGENCY AGENDA ITEMS

East Lake Historic Exploration - Councillor Adams

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

"THAT THE DETAILS OF ARCHIVAL INFORMATION AS IT RELATES TO THE AREA OF THE COUNTY KNOWN AS EAST LAKE SITUATED IN DISTRICT #13 AND BORDERING ON DISTRICT #8 BE EXAMINED AND THE AREA DESIGNATED AS AN HISTORIC PROPERTY WHEN THE HERITAGE ADVISORY COMMITTEE IS PUT IN PLACE AS THIS AREA IS REPORTED TO BE THE SITE OF THE ORIGINAL PRESTON BARRENS".

MOTION CARRIED

ADDITIONAL ITEMS FOR NOVEMBER 19, 1991 COUNCIL SESSION

No new items.

APPROVED DISTRICT CAPITAL GRANTS

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

"THAT COUNCIL RATIFY APPROVED DISTRICT CAPITAL GRANTS APPROVED BY THE FINANCE DEPARTMENT FOR THE MONTH OF SEPTEMBER, 1991".

MOTION CARRIED

IN-CAMERA ITEM

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

"THAT COUNCIL MOVE IN-CAMERA".

MOTION CARRIED

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

"THAT COUNCIL APPROVE THE STAFF RECOMMENDATIONS".

MOTION CARRIED

ADJOURNMENT

COUNCIL SESSION

30

NOVEMBER 5, 1991

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

"THAT THE COUNCIL SESSION BE ADJOURNED"

MOTION CARRIED

COUNCIL SESSION

November 19. 1991

PRESENT WERE: Warden Lichter (Chairman)  
Councillor Meade  
Councillor Rankin  
Councillor Fralick  
Councillor Holland  
Councillor Ball  
Councillor Deveaux  
Councillor Adams  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Taylor  
Councillor Peter  
Councillor Brill  
Councillor Snow  
Councillor Giffin  
Councillor MacDonald  
Councillor Boutilier  
Deputy Warden Sutherland  
Councillor Richards  
Councillor McInroy  
Councillor Cooper

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

REGRETS: Councillor Bates  
Councillor Merrigan

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The meeting was called to order at 6:00 p.m. with the Lord's  
Prayer. Mr. Kelly, Municipal Clerk, called roll.

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING  
SECRETARY".

MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT THE MINUTES OF THE OCTOBER 28, 1991 SPECIAL

COUNCIL SESSION BE APPROVED".

MOTION CARRIED

LETTERS AND CORRESPONDENCE

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

"THAT THE LETTER FROM JOEL R. MATHISON, Q.C., MINISTER RESPONSIBLE FOR HHCI REGARDING A POLICE DETACHMENT IN THE TANTALLON AREA BE RECEIVED".

MOTION CARRIED

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

"THAT THE LETTER FROM DERRICK J. KIMBALL, MLA, CHAIRMAN, SELECT COMMITTEE ON EDUCATION BE RECEIVED".

MOTION CARRIED

Warden Lichter stated that he had made a presentation to the select committee on the taxation powers of School Boards and now further hearings are going to be held on other issues. He stated with regards to the taxation issues a small committee had been set up and came back with a recommendation to council. He asked the council if they would like to have the same format followed with regards to this issue. He stated that a committee should be made up and a presentation made sometime in the new year to the select committee.

Councillor McInroy stated that if council was agreeable to setting up a committee as outlined by the warden then councillors should indicate to the wardens office if they have an interest in serving on the committee.

Warden Lichter asked the council if they were in agreement with the suggestion put forth by Councillor McInroy.

The Council agreed and decided that a committee of 5 would be satisfactory.

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

"THAT THE LETTER FROM JOEL R. MATHISON, Q.C., MINISTER RESPONSIBLE FOR HHCI IN RESPONSE TO CONCERNS OF HALIFAX COUNTY COUNCIL REGARDING THE COST OF THE PROJECT BE RECEIVED".

MOTION CARRIED

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

"THAT THE LETTER FROM BAY AREA RESIDENTS OPPOSING LANDFILL SITES BE RECEIVED".

MOTION CARRIED

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

"THAT THE LETTER FROM MR. DAVID HILL REPRESENTATIVE OF THE BLACK CONTRACTORS BE RECEIVED".

MOTION CARRIED

Warden Lichter stated that at November 18, 1991 Executive Committee he indicated to Mr. Hill and the other representatives present that he would ask councils permission to allow them to make a presentation on behalf of the Black Business Consortium.

It was agreed to allow one speaker five minutes followed by questions from council.

Mr. David Hill stated that what the Black Business Consortium is concerned about is the 1.5 million dollars that is being spent in the Cherrybrook area. He stated that the local contractors in that area got together and held meetings and examined the Affirmative Action Contract compliance component that is built into the tender. He stated that it was the wishes of the local contractors of the community to participate in a contract of this size. He stated that the contractors felt that this would be an opportunity for them to be general contractors for this project. He stated that this would mean that money would remain in the community. He stated that the contract could be broken up into three phases. He stated that the contract is a simple contract to do. He stated that if difficulty sets in it can be shut down. He stated that the community has the qualified people to monitor this project. He stated that the local contractors that what is in the Affirmative Action Contract only represents less than \$200,000.

He stated that they are asking the Municipality to allow the local black businessmen and opportunity to tender on this project so that the money will remain in the community and to create employment. He stated that this is an opportunity for the people of the community to show Halifax County that they can do such a job. He stated that the at the present time the percentage of monies left in the communities from these projects is very small.

He stated that for many years the black business community have been talking to local governments which has resulted in the Preston Development Fund being established. He stated that the



black business community wants to show to this government that the local business people in that community can handle the contract.

Councillor Boutilier asked Mr. Hill when the black business group realized that the Affirmative Action program, that Halifax County had previously adopted, wasn't going to satisfy the needs of the local black contractors in the community. He stated that the Affirmative Action policy was endorsed by the black community as a good thing. He stated that it seems now that the policy is not good in this case. He asked if it was just not good in this case or will there be other instances where it will not be good also.

Mr. Hill stated that the black community welcomed the Affirmative Action program but the black community did not set the numbers, or agree on a quota. He stated that for the Affirmative Action program to work successfully it has to be on a percentage basis. He stated that a percentage basis gives everybody the same equal opportunity. He stated that the business community is saying look at the amount of money being spent and look at the Affirmative Action component that is built into the tender, it amounts to less than \$200,000.00 and they are not satisfied with that.

Councillor Boutilier asked Mr. Hill that if the scenario that is laid out is accepted by Council, how will the work be divided out among the black contractors in the community.

Mr. Hill stated that if it is broken up into phases then you can have two phases under construction at the same time. He stated that in this way the engineer in charge of the project can tell what equipment, trucks, labour and flag people etc. are needed. He stated that information can be gathered from local contractors regarding equipment available. He stated that from this a time table could be set up for when these pieces of equipment would be needed during construction.

Councillor Cooper asked Mr. Hill if he felt that the community members didn't have an opportunity to bid on these contracts.

Mr. Hill stated that they were saying that under the present bidding system the local contractors have to compete with major contractors who can do a contract for costs. He stated that where the local black contractors are unable to operate at this level an Affirmative Action program has to be put in place so that local people can participate in government contracts. He stated that the ability is in the community and they just want to be given an opportunity.

Councillor Cooper stated that Mr. Hill had indicated that the percentage under the Affirmative Action program was approximately \$200,000.00 and this was not sufficient for the whole community. He asked if Mr. Hill was suggesting that the whole contract go to

the black business community or a larger percentage.

Mr. Hill stated that they are saying that they would like to see the majority of the money remain in the community. He stated that it can be broken up into phases with some of the phases going to the black contractors and the rest being contracted out outside the black business community.

Councillor Cooper asked if the businessmen in the community are presently participating in the Set Aside program.

Mr. Hill stated that some of them have received some work under the Set Aside program.

Councillor Cooper asked if the smaller black business have thought about forming together to form a larger company so that they can bid on this contract.

Mr. Hill stated that it hasn't been determined if they could pull some of the companies together to bid on this contract. He stated that at the present time there are four or five companies that are sitting and waiting to bid. He stated that the local business community would like to be general contractors on the tender. He stated that this would enable them, after this contract, to be able to bid in the public tender system.

Councillor Deveaux asked if the tenders have already been awarded for this project.

Warden Lichter stated that the tender is going to close on Thursday, November 21, 1991.

Councillor Deveaux asked if the County adhered to the Affirmative Action policy.

Mr. Meech stated that a portion called contract compliance has been set aside for sub-contractor work in cooperation with the general contractor.

Councillor Ball asked Mr. Meech whether or not whoever is awarded the contract there are certain guarantees that \$192,000.00 will go to the black community in the form of sub-contracting.

Mr. Meech stated that the general contractor would be required to create a minimum of 6500 person hours from the local community as well as 1300 hours of equipment.

Councillor Ball stated that he understood Mr. Hill wanted the right to bid as a general contractor in the overall contract.

Mr. Hill stated that they no longer wanted to see the contractors going to outside contractors when there are qualified people to

do the job right there in the black community.

Councillor Ball asked if Mr. Hill was asking the Municipality to call back its tender on the current Cherrybrook Water System project. He asked if it was called back were they asking to have it automatically awarded to a consortium of black contractors within the black community.

Mr. Hill stated that yes this is what they were asking. He stated that they are asking to give the local black businessmen an opportunity to get involved in this project. He stated that they are asking for the majority of the money to be spent in the local community. He stated that they were asking the county to give the local contractors a opportunity to bid against each other. He stated they were not asking for a set figure. He stated that the black businessmen will be competitive amongst themselves.

Councillor Ball asked Mr. Hill if he was asking to have the contract isolated within the 5 black entrepreneurs to bid on that contract and nobody else.

Mr. Hill stated also to break it up into phases. He stated that they want the project to be a black project. He stated that if this is done welfare cheques can be turned into payroll cheques and broaden the tax base. He stated that under Affirmative Action the black contractors are just being let in the door.

Councillor Adams asked Mr. Hill what percentage of the contract were the black business contractors asking for.

Mr. Hill stated that they were asking for the project to be broken up into three phases of \$300,000.00 each and take the balance and put out for public tender or take the balance and let it remain in the community. He stated that if it was broken into phases it would mean that the door was open a little more for local contractors in the community to be general contractors. He stated that both phase 1 and 2 two be going at the same time. He stated that after the three phases are complete then it can be decided whether or not the remainder of the contract would stay in the community or to go out to public tender.

Councillor Adams asked Mr. Hill what means would be used to pick the contractors.

Mr. Hill stated that mainly the physical ability of the contractors would have to be looked at. He stated that the contractors would be screened by a committee. He stated that they would also have to be able to satisfy the county with regards to performance bonding.

Councillor Adams stated that Mr. Hill had said that the black

entrepreneurs did not have the opportunity to demonstrate their ability to bid. He asked Mr. Hill if he meant they did not have the opportunity to bid fairly.

Mr. Hill stated that the present bidding system does not work for black entrepreneurs in Nova Scotia.

Warden Lichter thanked Mr. Hill and stated that because the tender closing date was set for Thursday, November 21 that at the end of the council session the council should move in camera and discuss the legal ramifications with the solicitor.

Council agreed to discuss the issue in camera at the end of the regular council session.

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

"THAT THE LETTER FROM C.I.D.C.O.N.S. REGARDING THE CHERRY BROOK WATER SYSTEM - "SET ASIDE CONTRACTS" BE RECEIVED".

MOTION CARRIED

EXPROPRIATION - GREENWICH DRIVE

Mr. Kelly stated that this involved a resolution for each of the four properties on Greenwich Drive where expropriations were carried out for sidewalk construction. He stated that a "Notice of Abandonment" would be registered by the solicitor for each property involved.

Councillor McInroy stated that the expropriation that was required was to enable work to be done on private property during the construction of the sidewalk. He stated that there is no requirement for an easement, once the sidewalk has been constructed and the restoration work completed, due to the fact that the sidewalk is located entirely within the Department of Transportation right of way. He stated that the work has been completed and the solicitor requires the resolution from council in order to file the abandonment documentation with respect to the easements.

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

"THAT A NOTICE OF ABANDONMENT BE REGISTERED BY THE MUNICIPAL SOLICITOR FOR THE PROPERTY OF WAYNE A. WHITE AND E. ARLENE WHITE, GREENWICH DRIVE".

MOTION CARRIED

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

"THAT A NOTICE OF ABANDONMENT BE REGISTERED BY THE MUNICIPAL SOLICITOR FOR THE PROPERTY OF DAVID AND LINDA MARVIN, GREENWICH DRIVE".

MOTION CARRIED

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

"THAT A NOTICE OF ABANDONMENT BE REGISTERED BY THE MUNICIPAL SOLICITOR FOR THE PROPERTY OF FAYE M. WAGNER, GREENWICH DRIVE".

MOTION CARRIED

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

"THAT A NOTICE OF ABANDONMENT BE REGISTERED BY THE MUNICIPAL SOLICITOR FOR THE PROPERTY OF GARY AND CAROLINE WHELAN, GREENWICH DRIVE".

MOTION CARRIED

Warden Lichter welcomed the 8th Sackville Scout Troop to council. He explained they were receiving their citizenship badges. Deputy Warden Sutherland presented the leaders with pins for the scout troop on behalf of the warden and council.

MINOR VARIANCE APPEAL

Mr. Paul Morgan stated that this is an appeal to allow for a reduction to set back requirements as established under the land use by law for planning districts 1 & 3. He stated that Mr. Ackles made application to allow for a shed on his property at 3762 Highway No. 3, Five Island Lake. He stated that the shed is 12 x 20, 240 square feet. He stated that there is a dwelling on the property and another shed. He stated that at the time the application the shed was already under construction.

Mr. Morgan stated that under the land use by-law the property zone is mixed use one. He stated a general provision in the by-law states that any accessory building must maintain a minimum of an 8 ft. setback from the rear and side lot lines. He stated that the shed is located 4 ft. from the rear lot line. He stated that to move the shed back the 8 ft. from the property line would result in it being built over Mr. Ackles septic field.

Deputy Warden Sutherland asked how the building was supported.

Mr. Morgan stated that it was on wooden posts.

Councillor MacDonald asked what was beyond the property from the rear.

Mr. Morgan stated that there was another house over 100 ft. back.

Councillor Fralick asked if there was a third shed.

Mr. Morgan stated that the third was on the neighbours property just across the property line.

#### SPEAKERS AGAINST

Mrs. Margaret Lordly, owner of adjacent property, stated that if the by-law stated 8 ft. then Mr. Ackles should be made to build his shed 8 ft. from the property line. She stated that there should be no variance. She stated that when the property was surveyed Mr. Ackles property was increased by 6 ft.

Warden Lichter stated that the by-law does indicate 8 ft. but also the planning act indicates that the development officer has the right to grant a minor variance.

Deputy Warden Sutherland asked Mrs. Lordly if she agreed with the results of the survey.

Mrs. Lordly stated that she did not agree with the results of the survey. She stated that she felt that there was something wrong with the survey for the property line to change.

Councillor Harvey asked Mrs. Lordly how long she had occupied her property.

Mrs. Lordly stated that she has owned the property for approximately nineteen years although it has been in her family for over sixty years.

Councillor Harvey asked Mrs. Lordly if Mr. Ackles property had ever been a part of her land.

Mrs. Lordly stated that no it had never been a part of her property.

#### SPEAKERS IN FAVOUR

Mr. Ron Ackles, property owner, stated that he bought the property in 1959. He stated that at that time Mr. Lordly was his neighbour and at that time showed him the property line. He stated that in 1989 the workshop built by the former owner became unsafe and had to be removed. He stated that at that time Mrs. Lordly had come to him and told him that his property line was

wrong. He stated that as a result, in 1990, he had the property surveyed and markers placed. He stated that the survey showed that the property line that Mr. Lordly had shown him in 1959 was not the correct property line on the road side.

Mr. Ackles stated that since the original shed had been there for approximately 30 years, there would be no problem in building another one. He stated he did change the location and placed the new shed towards the road portion of the lot. He stated that when he was informed that he needed a permit to build he came into the county and made out an application and it was at that time that he found out about the 8 ft. setback. He stated he applied for the variance because if it was placed 8 ft. from the property line it would be over his septic field. He stated that the building was built on 4 x 4 wolmonized posts set in concrete. He stated that there are 16 posts.

#### QUESTIONS FROM COUNCIL

No questions from council.

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

"THAT THE COUNTY UPHOLD THE RECOMMENDATION AND ISSUE THE MINOR VARIANCE".

#### MOTION CARRIED

#### NOTICE OF MOTION, UNSM DUES - COUNCILLOR RICHARDS

Warden Lichter council has to agree to the reconsideration by a majority vote.

Councillor Richards stated that during the October council session the issue was debated briefly. He stated that a vote was taken at that time and it did pass that council approve the dues for UNSM. He stated that this vote was not unanimous and the issues of paying dues should be considered very seriously. He stated that at the annual UNSM meeting in September, 1991 the annual dues have increased. He stated that no other Municipal unit in Nova Scotia was going to have to pay an increase of close to \$10,000.00. He stated that the Municipality should consider seriously their position in terms of UNSM on two major issues - policing funding and social services; and the annual dues factor.

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

"THAT COUNCIL RECONSIDER WHETHER OR NOT HALIFAX COUNTY MUNICIPALITY SHOULD BE PAYING UNSM DUES".

Councillor Fralick stated that it appears to him that when the

decision is made it will be based on a lot of issues that will have to be dealt with between the municipality and the province and he stated that he did not think the council should be dealing with just one or two issues. He stated that the county would have a lot to lose by not being a part of the union.

Councillor Cooper declared a point of order and asked the warden if he was looking for a majority vote or a unanimous vote on the reconsideration.

Warden Lichter stated majority vote.

Mr. Crooks stated that the Procedural By-Law states that if reconsideration is to take place other than in accordance with the procedure prescribed in the by-law it shall be by unanimous vote. He stated that if it was in accordance with the procedure prescribed by the by-law then it follows the normal pattern which is majority vote. He stated that the requirement is that notice be given at the meeting at which the resolution is passed and that was done.

11 IN FAVOUR OF RECONSIDERATION

9 AGAINST

MOTION CARRIED

Councillor Richards stated that his intent was to bring the issue on the floor for better consideration. He stated that in the October session many of the councillors were caught off guard and hadn't received all the documentation in terms of the fee structure and in terms of the impact that it was going to have on the Municipality. He stated that the council needed to give the issue some thought to see if Halifax County's representation with the UNSM is worth the price of the dues and frustrations with regards to funding for RCMP and Social Services funding in the Swap issue. He stated that it was felt that it was an unfair negotiation because it didn't understand or take into consideration what impact it was going to have not only on Halifax County but on several other Municipalities as well. He stated that in terms of major dollars the impact was hardest in Halifax County. He stated that at the annual meeting in September a resolution was put forward whereby the dues had to be increased. He stated the impact on Halifax County, using the 1991 census, looking at .275 per capita plus GST comes close to \$40,000.00. He stated when that much of an increase comes at any one time on any budget item it is debated very thoroughly. He stated that this dues increase should be looked at because the impact on Halifax County is dramatic. He stated that this increase should be considered whether it should be paid in a lump sum or paid monthly until Halifax County sees if its position with the union is a worthwhile one.



Councillor Boutilier stated Halifax County should look at if it wants to be in the union or not. He asked if there were any benefits for Halifax County if they stay in the union.

Mr. Meech stated that yes he believed that Halifax County should be a member of the UNSM because it is the Municipal body in the province that is established to represent the collective interests of the municipalities in terms of provincial/municipal relations. He stated that it is recognized by the province as the group that represents the collective interests of the Municipalities.

Councillor Boutilier asked if withholding a portion of the dues have any leverage on UNSM.

Warden Lichter stated that if payment is made in one lump sum or monthly will have some effect on the executive of UNSM. He stated that Halifax County have asked UNSM to clarify and define what are people and property services.

Mr. Meech stated that he had been asked to prepare a staff report on the benefits of belonging to the union. He stated that the report is being worked on and will be completed soon but it will be difficult to quantify in any kind of terms whether the advantages outweigh the disadvantages.

Councillor Fralick stated that there was a 15% increase all across the board for all municipal units. He stated that on many issues Halifax County Municipality would be left out.

Warden Lichter stated that the increase was 15%. He stated that the outgoing president in his speech stated that the people are saying enough is enough.

Councillor Fralick stated that he did not want to see Halifax County being singled out. He stated that the increases are very hard on other counties as well.

Councillor MacDonald stated that now would not be the right time to drop out of UNSM but to be cautious and pay three months dues until the county sees how things are going with regards to such things as the RCMP.

Deputy Warden Sutherland stated that he thought that Halifax County should not back out of UNSM but look at the increase as far as membership is concerned.

Warden Lichter stated that the solicitor had pointed out that council has to vote on the motion that was on the floor back in October: "That Halifax County will pay union dues for the year".

Mr. Crooks stated that the procedure is to reconsider the

question which is now again before council for debate and for a vote as the motion of reconsideration was passed.

Councillor Deveaux stated that if council wanted to support Councillor Richards motion then council should defeat the motion being voted on at the present time.

Councillor Richards stated that he won't be supporting the motion on the floor to go ahead and pay the dues. He stated that he is not supporting Halifax County's withdrawal from UNSM.

#### MOTION DEFEATED

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

"THAT HALIFAX COUNTY DELAY ITS DECISION TO ACCEPT THE U.N.S.M. DUES INCREASE UNTIL A STAFF REPORT IS RECEIVED AND MONITOR THE UNION'S ACTIVITIES WITH THE ISSUES REGARDING RCMP AND SOCIAL SERVICES FUNDING AS WELL AS THE REPORT ON THE RE-EVALUATION OF THE DUES STRUCTURE".

Warden Lichter asked if this would mean payment of dues on a monthly basis at last years rate.

Councillor Richards stated that no, according to the notice that dues are payable in full by April 1, 1992. He stated that he doesn't think the County should have to pay anything until April 1, 1992 on this new amount. He stated that at that time there should be some indication from staff and also give the County a chance to monitor the activities of the union with regards to the negotiations with the province as well as get a draft of the committees report on the new dues structure.

Warden Lichter asked if, in the interim, Halifax County pays monthly as it has been doing.

Councillor Richards stated that his motion deals with the increase in dues for 1992.

#### MOTION CARRIED

#### RACE RELATIONS REPORT

Warden Lichter stated that in October before the elections the council decided not to take action but to wait until the new council was sworn in. He stated that a small committee could be made up and have them come back to council with a recommended stand. He stated that UNSM wanted a reaction from Halifax County council by December 9, 1991.

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

"THAT A SMALL COMMITTEE CONSISTING OF 4 OR 5 MEMBERS BE STRUCK TO REVIEW THE REPORT AND ADDRESS THOSE ISSUES THAT ARE ADDRESSED TO MUNICIPAL GOVERNMENT AND THAT THE RECOMMENDATIONS BE PRESENTED TO COUNCIL BY DECEMBER 9, 1991".

MOTION CARRIED

Warden Lichter called a 5 minute recess.

BUILDING BY-LAW

Mr. Bill Butler stated that the provincial building code regulations which every Municipality is required to administer pursuant to the Building Code Act are attached to the By-Law so that people will understand the processes they must follow when applying for and receiving permits. He stated that the By-Law eliminates the current provisions relative to the responsibilities of a chief building inspector and an assistant building inspector. He stated that this change reflects the decentralization and is the responsibility of individual building inspectors. He stated that the proposed By-Law would require that all plumbing inspections be certified by a journeyman plumber.

He stated that the proposed By-Law states that the requirements for a surveyors certificate may only be waived for structures of less than 750 sq. ft. He stated that in the past there has been some inconsistency and uncertainty relative to when surveyors certificates can be waived for various buildings. He stated that this inclusion in the By-Law is as a result of legal opinion that requiring such a certificate will minimize the possible potential for Municipal liability if the building should be improperly located.

Mr. J. Hefler stated that there will be a slight difference in the policy if the suggested By-Law is adopted. He stated that right now the policy is that the county did waiver certificates in rural areas and had been doing it for years. He stated that they had encountered some problems. He stated that these problems haven't happened very often but in view of the fact that there have been many more cases where the Municipality has been held liable and in view of the recent opinions from the solicitor, this was the report that staff came up with in indicating that this may be the best measure to alleviate this problem. He stated that the only difference under the present procedure is that the county will now be asking for a surveyors certificate for the accessory buildings of over 750 sq. ft.

Councillor Bayers asked if certificates for homes that are being built in rural areas being wavered.

Mr. Hefler stated that there will be no wavering of certificates. A surveyors certificate will be required showing the footings of the house in relation to the lot boundary lines regardless of lot size.

Councillor Bayers stated that he can support the policy that is in place now but if a surveyors certificate has to be brought in for footings on a large lot he would not be giving his support.

Councillor Randall asked Mr. Hefler if there was anything that could be accepted in lieu of a surveyors certificate.

Mr. Hefler stated that there used to be "instruments of sub-division" which is permitted under the planning act but which Halifax County has not incorporated into the sub-division by-law.

Councillor Deveaux stated that he did not see why people in rural areas should be treated differently even though they may be building on bigger lots and should all follow the same rules and regulations.

Councillor MacDonald asked how much of a change was there in regards to a plumbing certificate be required. He asked if this is already being done.

Mr. Hefler stated that it is not a requirement now that the plumbing in the house be certified by a Journeyman plumber. He stated that the plumbing may be done by the individual and checked by the municipalities plumbing inspector. He stated the plumbing may still be done by the individual but the only difference being that it would have to be certified by a certified plumber.

Councillor MacDonald asked if there would have to be a separate plumbing permit issued.

Mr. Hefler stated that the plumbing would be covered under the building permit.

Councillor Ball stated that most people hook up their own plumbing to avoid the cost of a plumber. He stated that journeyman plumbers may not certify something they did not do.

Councillor MacDonald asked if all plumbing hookups in a house will need to be certified by a journeyman plumber.

Mr. Hefler stated that what he is talking about is all the plumbing that would require a permit under the building by-law for a single dwelling unit or any extensive interior or exterior plumbing or carpentry renovations.

Councillor Ball asked what was the difference between a surveyors

certificate and location certificate.

Mr. Hefler stated that there is not difference between the location certificate and the surveyors certificate. He stated that there is a difference between a surveyors certificate and a plot plan. He stated that a plot plan is a plan showing the proposed location of the dwelling on the lot. He stated he can appreciate councils concern over the added expenditure of requesting a surveyors certificate. He stated that there is some liability involved to the Municipality if this information is not requested. He stated that in order to enforce all of the land use by-laws and some of the other by-laws it is a requirement that a surveyors certificate is received to ensure that the building meets the setback, sideline, parking requirements etc.

Councillor Bayers asked if the building inspector has to come to inspect the footing before you pour the wall.

Mr. Hefler stated that what he has to do is inspect after the wall is poured prior to the backfill.

Mr. Crooks stated that a surveyors certificate puts the municipality in a position of being able to rely on the certificate of another professional who will bear the responsibility for any error with respect to the location of the footing. He stated that this transfers the liability that may exist on the Municipality for having issued the building permit with respect to a building that is being constructed in an inappropriate location to the surveyor with the professional knowledge to locate the structures.

Councillor McInroy stated that a plot plan is simply a proposal in terms of size and location of a building. He stated that gets approved subject to the footing actually reflecting what was approved. He stated that staff would not know this without the certificate. He stated that he felt it is essential that a surveyors certificate be required and that it is dangerous to make exceptions especially is that requirement is contained in the by-law. He stated it is essential with regards to the plumbing inspection.

Mr. Bill Butler stated that previously the county acted under a policy which could be administered within the building department. He stated that with decentralization there are individual building inspectors that are responsible for their own permits. He stated that unless something is clearly spelled out in the by-law you run the risk of having inconsistent applications. He stated whatever the council decides about waiving should be a part of the by-law so that it is clearly understood by those who have to administer it.

Warden Lichter stated he fought to get the waiving of location

certificates in rural areas. He stated that Halifax County is too diverse a municipality to use the argument that what is good for some residents is good for all. He stated plumbing inspectors are necessary because of plumbing problems experienced by people in urban areas. He stated that a plumbing inspector should know his job and there should be no need for a journeyman plumber to inspect the work. He stated that this is a duplication. He asked Mr. Hefler if the plumbing inspectors are journeymen plumbers.

Mr. Hefler stated that the plumbing inspectors employed by the municipality hold journeymen plumber papers.

Warden Lichter asked if they hold papers to that effect could they certify in order to do the job. He asked if this could not be done in house.

Mr. Hefler stated that he had a number of reasons why it not be done in-house. He stated that the plumbing inspectors employed by the municipalities are journeymen plumbers and they do three mandatory inspections during construction of the dwelling as required by the regulations. He stated that he was concerned with regards to the legal liability of municipal employees certifying work done by another individual.

Warden Lichter stated that it would be a lot cheaper in the end if somebody hired a journeyman plumber to do the job because then he can certify. He stated that also if a lot was properly surveyed and easy to identify the survey lines and identify the footings in relation to that then a surveyor would not be needed.

Councillor Bayers stated that the plumbing inspector sometimes has to use some common sense judgement on some of these things. He stated that it shouldn't be a blanket thing for the whole county.

Councillor Ball stated that if there is a journeyman plumber and a plumbing inspector then one of them becomes redundant.

Mr. Hefler stated that what he is trying to indicate is that the individual obtaining the services of a journeyman plumber during the construction saves the individual time, money and effort. He stated that these requirements are a part of the provincial building code act and provincial regulations which do require the municipality to inspect plumbing. He stated that in the long run it would be better for the individuals if they did retain the services of a plumbing inspector during the time of the installation.

Councillor Giffin stated that if a journeyman plumber has to check the plumbing he saw no need for a plumbing inspector to go out and inspect again just to sign a certificate.

Mr. Hefler stated that it is required to have the plumbing inspected and he felt that the building inspector would be legally in a position of approving of the plumbing installation.

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

"THAT THE BUILDING BY-LAW BE REFERRED TO A COMMITTEE OF THE WHOLE TO DISCUSS IN COMPLETE DETAIL THE RAMIFICATIONS OF THIS NEW BUILDING BY-LAW".

MOTION CARRIED

Councillor McInroy asked if the document could be presented in such a way that optional items are highlighted.

WATER DELIVERY POLICY

Councillor Bayers stated that this had been discussed at an Executive Committee and at that time it was decided that legal advise would be sought with regards to having a waiver signed by the occupant. He also stated that it was the Board of Health and the Department of Health who brought it to the attention of Halifax County. He stated that a member of the Board of Health should be present when this matter is dealt with in order to have questions answered and to get advice.

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

"THAT THE WATER DELIVERY POLICY BE DEALT WITH AT A SPECIAL COUNCIL SESSION WHEN A MEMBER OF THE BOARD OF HEALTH CAN BE PRESENT TO ANSWER QUESTION".

MOTION CARRIED

FIRE SERVICES POLICY

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

"THAT THE FIRE SERVICES POLICY BE ADOPTED AS PERSONNEL POLICY CONCERNING CAREER FIRE FIGHTERS".

Councillor Ball stated that this policy has been deferred a number of times. He stated that Halifax County has had excellent fire service. He stated that the fire service is the largest department in Halifax County with approximately 1100 employees. He stated that career firefighters are Municipal employees. He stated that the fire service is looking for guidance.

Councillor Peters stated that most career firefighters in rural areas are volunteers as well and it would be discouraging to them

if their was never a possibility of them becoming chief. She stated that this would have a tendency to discourage them to work as hard in the volunteer service.

Councillor Ball stated that he did not feel that it removed the incentive because there are other ways that people can advance and other ways that the advancement can be promoted in a volunteer organization. He stated that policies need to be in place.

MOTION CARRIED

DEVELOPMENT OFFICERS REPORT

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

"THAT THE DEVELOPMENT OFFICERS REPORT BE RECEIVED"

MOTION CARRIED

NOTICE OF MOTION - TO REVIVE PREVIOUSLY DEFEATED MOTION RE SELECTION OF LANDFILL SITE - COUNCILLOR MEADE

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

"THAT THE COUNTY OF HALIFAX TO REQUEST THE METROPOLITAN AUTHORITY TO RECONSIDER A MOTION PUT FORTH BY WARDEN LASZLO LICHTER ON SEPTEMBER 24, 1991 TO EVALUATE ADDITIONAL LANDFILL SITE USING THE MATRIX SYSTEM".

Warden Lichter asked the solicitor if this was the proper procedure to follow.

Mr. Crooks stated that it was the proper procedure.

10 IN FAVOUR

8 AGAINST

MOTION CARRIED

GARBAGE COLLECTION TENDERS

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

"THAT GARBAGE COLLECTION TENDERS BE AWARDED TO THE LOWEST BIDDER IN ALL AREAS WITH THE EXCEPTION BEING AREAS 1 AND 2 THAT THE TENDER BE AWARDED TO THE SECOND LOWEST BIDDER (J.K. MARRIOTT) AS A RESULT OF GREEN WASTE SYSTEMS WITHDRAWING THEIR BIDS".