

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

"THAT FRED ALLEN BE NOMINATED AS A NON-COUNCIL MEMBER - THREE (3) YEAR TERM".

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

"THAT ALFREDA WITHROW BE NOMINATED AS A NON-COUNCIL MEMBER - THREE (3) YEAR TERM".

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

"THAT ELIZABETH CORSER BE NOMINATED AS A NON-COUNCIL MEMBER - THREE (3) YEAR TERM".

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

"THAT MARGO MARSHALL, SEAFORTH, BE NOMINATED AS A NON-COUNCIL MEMBER - THREE (3) YEAR TERM".

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

"THAT NOMINATIONS CEASE".

#### MOTION CARRIED

Alfreda Withrow, Fred Allen, Elizabeth Corser and Margo Marshall appointed as non-council members - three (3) year term - Heritage Advisory Board.

#### Industrial Commission

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

"THAT DAVID GRACE BE APPOINTED AS SACKVILLE CHAMBER OF COMMERCE REPRESENTATIVE ON THE INDUSTRIAL COMMISSION - THREE (3) YEAR TERM".

#### MOTION CARRIED

Councillor Richards stated many other parts of the Municipality are not as well represented as is the Sackville area and this appointment warrants a review.

#### Atlantic Winter Fair

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

"THAT BRIAN LIPTON, SACKVILLE, BE NOMINATED TO THE BOARD OF DIRECTORS, ATLANTIC WINTER FAIR - TWO (2) YEAR TERM".

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

"THAT RON WALKER, CURRENT DIRECTOR, ATLANTIC WINTER FAIR BE NOMINATED TO THE BOARD OF DIRECTORS FOR A TWO (2) YEAR TERM".

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

"THAT BRUCE HOLLAND BE NOMINATED TO THE BOARD OF DIRECTORS, ATLANTIC WINTER FAIR - TWO (2) YEAR TERM".

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

"THAT NOMINTIONS CEASE".

MOTION CARRIED

A vote was taken and Councillor Bruce Holland was appointed as representative to the Board of Directors, Atlantic Winter Fair for a two (2) year term.

Halifax South East and Halifax-Musquodoboit Livestock Health Services Board

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

"THAT ROSCOE TOFFLEMIRE, HEAD CHEZZETCOOK BE NOMINATED AS NON-COUNCIL MEMBER - THREE (3) YEAR TERM TO THE HALIFAX SOUTH EAST AND HALIFAX-MUSQUODOBOIT LIVESTOCK HEALTH SERVICES BOARD".

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

"THAT WILLARD ERSKINE, UPPER MUSQUODOBOIT BE NOMINATED AS NON-COUNCIL MEMBER - THREE (3) YEAR TERM TO THE HALIFAX SOUTH EAST AND HALIFAX-MUSQUODOBOIT LIVESTOCK HEALTH SERVICES BOARD".

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

"THAT NOMINATIONS CEASE".

MOTION CARRIED

Roscoe Tofflemire and Willard Erskine were appointed as non-council members - three (3) year term to the Halifax South East and Halifax-Musquodoboit Livestock Health Services Board.

APPOINTMENT OF DEVELOPMENT OFFICER

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

"THAT MS. LINDA MALLOY BE APPOINTED A MUNICIPAL DEVELOPMENT OFFICER".

MOTION CARRIED

REPORT RE: REVIEW OF THE PROVISION OF RECREATIONAL SERVICES TO THE COMMUNITIES OF SACKVILLE AND BEAVERBANK.

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

"THAT THE FIRM OF DOANE RAYMOND MANAGEMENT CONSULTANTS BE CONTRACTED TO CONDUCT A REVIEW OF THE RECREATIONAL DELIVERY SYSTEM IN SACKVILLE/BEAVERBANK WITH THE COST OF THE REVIEW (\$20,000.) BEING EQUALLY COST SHARED BETWEEN THE MUNICIPALITY, SPECIFICALLY SACKVILLE RECREATION, AND THE NOVA SCOTIA SPORT AND RECREATION COMMISSION; AND, FURTHER THAT A STEERING COMMITTEE BE ESTABLISHED TO COORDINATE, ASSIST, AND SUPERVISE THE REVIEW".

Councillor Richards stated that perhaps a review should be made of the level of services that are required by various communities and perhaps done by an outside consulting firm. He stated that until council is prepared to support recommendations with a commitment that the recreation department may require it may be money foolishly spent. He stated that over the last several years recreation has not been given the profile it has asked for. He stated that council should be cautious in terms of how this is going to be dealt with in the long term. He stated that he is not comfortable with this procedure.

Mr. Meech stated that this is not a study that is going to focus on the actual recreation programming in Sackville. He stated that it is more intended to try to clarify the present delivery structure and the sources of funding for the various recreational services.

Deputy Warden Sutherland stated that back in 1970's at a public meeting the community and council supported a concept of the county not being in a position to provide adequate service in a

growing area like Sackville. He stated that the councillors of that day recognized the need for some local input and formed the Lake District Recreation Association. He stated that since then out of the Lake District Recreation Association has come the Sackville Recreation and the Sackville Sports Stadium. He stated what is being done is to design a structure that will clarify the limitations of Lake District Recreation versus the sports stadium.

Councillor Harvey stated that this is not to expand and enhance the service but to take a look at the way the service is now being delivered.

Mr. Meech stated that the motion should be approved with the understanding that council is approving a supplementary expenditure to the Sackville Recreation budget of \$10,000.

MOTION CARRIED

PROPOSED PARKLAND MAINTENANCE PROGRAM

Mr. Meech stated council had requested background research with respect to the subject of whether or not Halifax County might be in a position to allow adjacent property owners to make use of adjacent parkland. He stated that there have been a number of issues raised that suggests this may be more costly to administer than was originally anticipated.

Councillor Cooper stated that the concerns in the report are very legitimate. He stated that in the Westphal/Cole Harbour there are a number of encroachments and has lost clear definition of all the parklands that are owned by the Municipality. He stated that it is not for the Municipality to allow for the resident to go on land that may result in the residents claiming usage and ownership of that land. He stated that council should be taking steps to clearly define all the land that the Municipality owns to make sure abutting residents know who owns the land.

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

"THAT THE HALIFAX COUNTY MUNICIPALITY NOT AT THIS TIME ENTERTAIN THE IDEA OF ALLOWING ABUTTING PROPERTY OWNERS TO MAINTAIN PARKLAND".

Councillor McInroy stated that he supported the motion.

MOTION CARRIED

EMO

Councillor Peters asked if the county has an EMO plan.

Warden Lichter stated there is an EMO plan although it is not updated.

Councillor Peters asked if the EMO plan was operational.

Mr. Turpin stated that it not operational in the fact that it is not updated or as far as the current emergency measures act is concerned.

Councillor Peters asked if there was a JEPP Program for grants from either the Federal or Provincial Government for cost sharing on interlinking communications throughout the county.

Mr. Turpin stated that the County has a project underway to set up a county wide dispatch system for the fire departments. He stated that the project is stalled for the present but has not been dropped. He stated that with the changes in the Emergency Measures Act suggests that perhaps this should encompass all emergency communication resources.

Councillor Peters asked if something is not done within the next year does the County lose the 50% funding.

Mr. Turpin stated that this was true.

Councillor Peters asked Mr. Turpin if he has a beeper.

Mr. Turpin stated that he is looking at various ways of using a beeper system either through the fire departments communications systems or through MT&T. He stated that there is a 24 hour beeper system in Engineering and Works which it may be administered through. He stated that a cellular phone system may be another alternative.

Councillor Peters asked who does she contact if an emergency happened and where are the communications set up.

Mr. Turpin stated that at the present time the primary emergency response services are the Engineering and Works department and the local fire departments. He stated that the R.C.M.P. also have emergency plans that would come into play. He stated that the council chamber is designated in the existing plan as the site of communications but there has never been provisions made for the type of communications that would be needed in an emergency operations centre such as standby power. He stated that radio communications for wide spread emergencies that might affect the telephone system would be needed. He stated that mapping resources would be needed. He stated that emergency procedures need to be developed. He stated that staff also need to be trained to function in an emergency situation. He stated that the provision of one or more alternate sites that can be used if the county building was untenable was also desirable.

Councillor Peters stated that she had three concerns. One was a beeper for Mr. Turpin, second was that she would like to see the County take advantage of the cost sharing with the Provincial government and third a manager or an assistant under the direction of Mr. Turpin to coordinate the communications and request for needs.

Warden Lichter stated that Mr. Turpin should contact Mr. Perkins at the provincial EMO and tell him that Halifax County wants the one person year.

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

"THAT THE ISSUE BE REFERRED BACK TO THE EXECUTIVE COMMITTEE FOR THEM TO PROCEED TO UPDATE AND UPGRADE THE EMO PLAN AND COME BACK TO COUNCIL WITH ANY SPECIFIC RECOMMENDATIONS THAT THEY MAY HAVE".

MOTION CARRIED

SAWDUST PILE - TODDS ISLAND - COUNCILLOR MEADE

Councillor Meade stated that approximately five years ago the Department of Transportation reconstructed a bridge under the causeway leading to Todd's Island. He stated that they raised the invert of the pipe two feet which meant that the flow of water was restricted during low tide. He stated that the sawdust from the sawdust pile on Todd's Island is slowly creeping out into the bay and filling a small cove.

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

"THAT HALIFAX COUNTY ASK THE DEPARTMENT OF NATURAL RESOURCES TO LOOK INTO THE MATTER AND SEE IF THIS SMALL COVE CAN BE DREDGED OUT. FURTHER THAT A COPY OF THE LETTER BE SENT TO MR. DUNCAN DAUPHINEE".

MOTION CARRIED

DOT - CAMPERDOWN ROAD - COUNCILLOR BALL

Deferred for two weeks to December 17, 1991 council session.

MEMORANDUM 1991 METRO UNITED WAY CAMPAIGN

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

"THAT THE REPORT BE RECEIVED AND STAFF BE CONGRATULATED ON THEIR GENEROSITY IN CONTRIBUTING TO THE METRO UNITED WAY".

MOTION CARRIEDDATE FOR MINOR VARIANCE APPEAL

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

"THAT DECEMBER 17, 1991 COUNCIL SESSION BE SET AS THE DATE FOR THE MINOR VARIANCE APPEAL".

MOTION CARRIEDDOT - OLDHAM - GOFFS - COUNCILLOR PETERS

Councillor Peters stated that Goffs is in the northern boundry of the county in the Enfield area which covers the area just in behind the airport and the Aerotech park. She stated that there is approximately a three kilometer section of road between Goffs and Oldham which is not paved. She stated that it has only been two years since the road from the Aerotech park to Goffs was paved and about four years ago since the road from Enfield to the three kilometre section was paved. She stated that the three kilometre section was upgraded two years ago by being raised, widened, ditched and culverts were put in by the Department of Transportation. She stated that the road has since then been left and a piece in the middle section needs to be paved. She stated that the response time for the fire department through that area has been slowed down considerably. She stated that during the winter when the road is salted the road turns to mud. She stated that parents are requested to bring their children out to the paving as the road is too bad for school buses to go down.

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

"THAT HALIFAX COUNTY SEND A LETTER TO HON. KEN STREATCH, MINISTER OF TRANSPORTATION, REQUESTING HE PAVEMENT ON THAT SECTION OF ROAD IN THE OLDHAM AREA".

MOTION CARRIEDSTAFF REPORT - RACE RELATIONS COMMITTEE

Councillor Adams stated that page 3, #6 where it says "do their fair share" he would like to have changed to have the committee recommend to council that the Metro Tourism Association be contacted urging them to actively include programs and sites of black history in their normal promotions.

Warden Lichter stated that this would just be a matter of calling these recommendations to their attention and asking them to act on the recommendations.

Councillor Adams stated that #4 where it says the clause "not be endorsed" gives a negative signal.

Warden Lichter stated that he recommended that the committee does not endorse that particular recommendation until after clarification from the writers as to what they mean by near and what they mean by black community. He stated that he is not prepared to endorse that because as long as we all produce garbage we all have a responsibility for it and to endorse that particular one without any clarification as to what the committee meant by it is saying that you can tell us how far away is far enough for you and the rest of us will then take the landfill.

Councillor Adams stated that the distance must be defined and how you identify the community must be defined.

Councillor Bates stated that the wording is the concern. He asked if instead of saying "not be endorsed pending etc" it say The Race Relations Committee Recommend To council for approval that the recommendation with respect to landfill sites in a black community be further considered after clarification of the clause "near" as well as a definition of "Black Community".

Councillor Deveaux stated that he didn't think a class of person should justify saying they don't come under the same category for landfill as any other community. He stated that unless it was coming back later for approval he could not approve it at the present time.

Warden Lichter stated that it will not be coming back for further approval but staff would take a look at the document and the endorsement that council gave and see what work as to be activated in order to bring about those changes.

Councillor McInroy stated that he was concerned that provincial recommendations on race relations addresses only one minority group. He stated that he did think that any of the recommendations made here should be ones that can apply to other minority groups as well.

Councillor Rankin stated that he would like clarification of the words "Black Community". He stated that there are three distinct communities in his district with Beechville being a black community. He stated that black community should be defined and what areas are going to be looked at in that context.

Councillor Peters commented on #2, page 2. She stated that she agreed with the recommendation but would like to make additions to that. She stated that she did not feel that it should be a required course on the curriculum but offered as an option. She stated that she would like to see a serious look to be given to



history books that are used in school systems to include the history of black people.

Warden Lichter stated that one of the recommendations deals with that item.

Councillor Deveaux stated that with regards to #2 that as a former member of the school board that these courses are already available in high schools.

Councillor Adams stated that the Race Relations Advisory Board was struck to deal specifically with the problems of the black community of Nova Scotia. He stated that there is a multicultural task force looking at other related problems to other related races and ethnics but this one is specifically is for blacks in its entire scope.

Councillor Cooper asked how the phrase in #1 of recommendations "Only apply to and affect Halifax County". He asked if it affects Halifax County and no other Municipality or that it could affect Halifax County along with other Municipalities in the area.

Warden Lichter stated that along with other Municipalities because many of the recommendations have implications for other Municipalities as well.

Councillor Cooper asked if the council is dealing with these recommendations is Halifax County implying other approvals to the rest of this report. He stated there are some areas of the report that he has concerns with and it could be interpreted that Halifax County is approving the rest of the report. He asked if Halifax County is saying they are keeping their hands off the report.

Warden Lichter stated that he believed that the committee worked by consensus and had no chairman. He stated that council did not want to deal with those issues that were to be implemented by the Federal Government or the Province or the School Board with the exception of the one on a course. He stated that the committee dealt with the issues that do affect Halifax County directly. He stated that the county did not take a stand on any issues that affect some other government levels or agencies.

Councillor Cooper stated that there are several recommendations that probably could be looked at as applying to Halifax County that bear a second look recognizing the fact there seems to be some grey area as to the application of the report in that it proposes to be for race relations and discrimination. He stated that there are items in it that give him concern such as the proposal regarding daycare centres. He stated that he felt it would be inappropriate to support the recommendation on page 5

regarding the director of race relations to be of black origin. He asked if we are then saying that no other people are capable of filling that role. He asked if the committee looked at those sections and consider their implications.

Warden Lictor stated that the committee's decision was to not deal with those items that do not directly affect the Municipality. He stated that the Municipality does not dictate to daycare centres what type of programs they put on. He stated that if the province is going to hire a race relations coordinator the county would not state whether or not this coordinator is black or not but the person who was best qualified. He stated that the committee tried to stay away from those issues that did not affect the Municipality in particular even though it may have some indirect impact on the Municipality. He stated that each individual may have to take a stand on his or her own on some recommendations.

Councillor Cooper stated with regards to recommendations before council he would endorse #2, #3, #4 as amended and #5. He stated that #6 be further enhanced.

Councillor Adams stated that he also felt that a person should be judged and hired on his ability. He stated that he agreed with the daycare enhancement portion about projecting positive images about black people.

Councillor Bates stated several councillors may have their own opinions. He stated that these councillors have an opportunity to express them in writing. He asked if we could endorse the report with the modifications and if other councillors feel strongly about some other points they could raise them separately and send them on.

Warden Lichter stated that if council agrees to the six recommendations as have been modified those are the six recommendations being supported but may have concerns about others throughout the document.

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

"THAT THE RECOMMENDATIONS OUTLINED IN THE REPORT WITH RESPECT TO ITEM #4 CHANGE THE WORDS "NOT TO BE ENDORSED PENDING FURTHER" TO "BE FURTHER CONSIDERED AFTER" AND FURTHER THAT #6 "RACE RELATIONS COMMITTEE RECOMMEND TO COUNCIL THAT TOURISM ASSOCIATIONS BE CONTACTED URGING THEM TO ACTIVELY INCLUDE PROGRAMS AND SITES OF BLACK HISTORY IN THEIR NORMAL PROMOTIONS".

MOTION CARRIED

EMERGENCY AGENDA ITEMS

CROSSWALKS - COUNCILLOR DEVEAUX

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

"THAT A CROSSWALK BE PLACED ON THE COW BAY ROAD ACROSS FROM THE ISLAND VIEW SENIOR CITIZENS HOME".

MOTION CARRIED

OLD SACKVILLE ROAD - COUNCILLOR HARVEY

Councillor Harvey stated that he was referring to the section between the Walker Service Rd. and Sackville Drive. He stated that section of the road is dangerous for both pedestrians and motor vehicles. He stated that runoff water goes across the road and freezes.

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

"THAT A LETTER BE SENT TO THE MINISTER OF TRANSPORTATION ASKING THAT THE PROBLEM OF WATER RUNOFF ON THAT SECTION OF THE ROAD BE INVESTIGATED AND FURTHER THAT ANY STEPS REQUIRED TO CORRECT IT BE TAKEN IN THE INTEREST OF IMPROVING THE SAFETY OF THIS SECTION OF ROAD. FURTHER THAT A COPY OF THE LETTER BE SENT TO JOHN HOLM, MLA FOR SACKVILLE AND JOHN SHEPPARD, HALIFAX COUNTY STORM WATER ENGINEER. FURTHER A COPY OF THE LETTER FROM THE RESIDENT, MR. DENNIS BICKNELL, BE ATTACHED".

MOTION CARRIED

ADDITION OF ITEMS TO THE DECEMBER 17, 1991 AGENDA

No additional items.

ADJOURNMENT

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

"THAT THE MEETING BE ADJOURNED".

MOTION CARRIED

COUNCIL SESSION

DECEMBER 17, 1991

PRESENT WERE:           Warden Lichter  
                  Councillor Rankin  
                  Councillor Fralick  
                  Councillor Holland  
                  Councillor Ball  
                  Councillor Deveaux  
                  Councillor Bates  
                  Councillor Adams  
                  Councillor Randall  
                  Councillor Bayers  
                  Councillor Taylor  
                  Councillor Peters  
                  Councillor Merrigan  
                  Councillor Brill  
                  Councillor Giffin  
                  Councillor Boutilier  
                  Councillor Harvey  
                  Deputy Warden Sutherland  
                  Councillor Richards  
                  Councillor McInroy  
                  Councillor Cooper

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

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OPENING OF COUNCIL - THE LORD'S PRAYER

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

APPOINTMENT OF RECORDING SECRETARY

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

"THAT SANDRA SHUTE BE APPOINTED AS RECORDING SECRETARY".

MOTION CARRIED.

APPROVAL OF MINUTES - NOVEMBER 19, 1991

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

"THAT THE MINUTES OF MEETING HELD ON NOVEMBER 19, 1991 BE APPROVED AS CIRCULATED".

MOTION CARRIED.

LETTERS AND CORRESPONDENCE

1. Letter from Ken Streach, Minister of Transportation and Communications to Dale Reinhardt dated November 26, 1991 re change in name of Upper Bell Street in East Preston to John Cross Drive and the installation of a "No Exit" sign on John Cross Drive

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

2. Letter from Dr. F. S. Rockwell, Medical Health Officer, Atlantic Health Unit dated November 22, 1991 re Irving Truck Stop at Enfield outlining the result of their investigation

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

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

"THAT COPIES OF PERTINENT CORRESPONDENCE REGARDING THE IRVING TRUCK STOP TO DATE BE FORWARDED TO COUNCILLOR PETERS".

MOTION CARRIED.

3. Letter from Councillor Ball to Paul Calda, Halifax Harbour Cleanup Inc. dated December 9, 1991 re Options for Herring Cove Outfall

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

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

"THAT WHEREAS SEVERAL MEETINGS HAVE BEEN HELD BETWEEN THE RESIDENTS OF HERRING COVE AND HALIFAX HARBOUR CLEANUP INC. AND WITH THE RESIDENTS OF PURCELLS COVE, ETC., COUNCIL ENDORSES THE COMMUNITY'S SELECTION OF OPTION 2 OF THE REPORT ADDENDUM, WHICH IS THE REVERSAL OF THE PIPE BACK TO ROACHES' POND WITH AN OVERLAND ROUTE OF THE MAIN

TRUNK SEWER GOING TO THE ONE REGIONAL PLANT AT MCNAB'S ISLAND".

Councillor Deveaux stated that pending his further study of the selection, he would have to vote against the motion.

MOTION CARRIED.

It was agreed that Mr. Kelly would write a letter to Mr. Calda advising him of Council's endorsement.

4. Letter from Ed Young, McDonald Lake Development dated December 10, 1991 to Warden Lichter requesting Council's consideration of an amendment to legislation that building lots created by land developers and subdividers continue to be taxed by the Municipality as resource land until ownership is transferred to a purchaser.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

Warden Lichter advised that he had received a number of phone calls regarding this item and more would be received for the first Council session in January. He explained that somebody might have a piece of land and, the minute it was subdivided, the lots were considered to be building lots and assessed as such. Even if the lots are unable to be sold for several years, the tax is still being levied at the higher rate. This forces developers to stop any activity of subdividing because, in today's economic climate, the cost cannot be borne. He also noted that there were other costs up front, such as surveying. Warden Lichter recommended that a Staff Report from Planning Department could be provided to indicate what kind of problems and/or advantages would result if serious consideration was given to the request.

Councillor Richards asked if this type of situation was controlled by the Tax Department or the Assessment Department, based on provincial regulations. Warden Lichter responded it was a decision that would require some changes to the Assessment Act.

Councillor Richards asked if whatever Council decided to do with these kinds of requests, would it only be a recommendation to the province. Warden Lichter responded yes.

Councillor Merrigan asked when the change of use tax would be paid, based on the value of the lot when it is sold or when it was converted. Warden Lichter stated he did not think that this was what the developers were talking about but Councillor Merrigan said, in his opinion, it was.

Councillor McInroy said that he and Councillors Bayers and Randall and people from Municipal Affairs met with a number of County developers approximately two weeks ago to discuss this matter. He said that currently the provincial Assessment legislation requires that individual parcels of land be assessed individually and at market value, which is an estimate usually based on sales data. What brought this to light was that there has been a lot of sales investigation taking place recently with respect to land values in preparation for the upcoming reassessment. The critical point of trying to establish the value of a building lot is key to this new oasis assessment system that is being put into place. Developers were made aware that market value was what was going to be looked at, which historically has not been the case. He said there was merit in the argument that a large acreage of land was no more burden to the Municipality in terms of fire protection, police protection or garbage removal than when they were subdivided. Councillor McInroy stated that the best direction was to obtain a Staff Report.

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

"THAT A STAFF REPORT BE REQUESTED ON THIS MATTER FROM PLANNING DEPARTMENT".

MOTION CARRIED.

5. Letter from Joel Matheson, Solicitor General dated December 4, 1991 to Warden Lichter advising that in recent negotiations on the RCMP Contract, the Federal Government has agreed not to insist on the communities of Cole Harbour and Sackville becoming direct municipal contracts.

Letter from Laszlo Lichter to Joel Matheson dated December 11, 1991 in reply.

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

"THAT THE TWO PIECES OF CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

6. Letter from Mort Jackson, Executive Director, Metropolitan Authority dated December 11, 1991 to Mr. Kelly advising that on December 17, 1991 consultants would present a recommended short list of three candidate landfill sites. Mr. Jackson asked Council to indicate a date for the consultants to make a presentation to Council at a Committee of the Whole session.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

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

"THAT THE MEETING BE HELD IN EARLY JANUARY".

MOTION CARRIED.

EXECUTIVE COMMITTEE REPORT

1. New Cole Harbour Fire Station Capital Project - \$260,010 Financing Requirement

Mr. Kelly outlined the report.

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

"THAT FINANCING FOR THE NEW COLE HARBOUR FIRE STATION CAPITAL PROJECT BE APPROVED AS FOLLOWS:

a) Withdrawal of municipal incentive fund reserve	\$103,900
b) Loan advance	\$156,110
Total	\$260,010

REPAYMENT OF THE LOAN, PRINCIPAL AND INTEREST, WILL BE GUARANTEED BY THE COLE HARBOUR/WESTPHAL FIRE DEPARTMENT AREA RATE OVER A MAXIMUM TEN YEAR REPAYMENT TERM. SHOULD SALE PROCEEDS FROM THE FORMER FIRE STATION PROPERTY BE FORTHCOMING, THE PROCEEDS WOULD BE APPLIED DIRECTLY TO THE LOAN BALANCE".

MOTION CARRIED.

2. Proposed land exchange - Halifax County Municipality and the Department of Transportation

Mr. Kelly outlined the report.

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

"THAT THE PROPOSED LAND EXCHANGE BETWEEN THE DEPARTMENT OF TRANSPORTATION AND HALIFAX COUNTY MUNICIPALITY BE APPROVED AND THAT A STAFF REPORT BE PREPARED WITH RESPECT TO ACQUIRING THE ADDITIONAL LANDS".

MOTION CARRIED.

3. Loan Request - Ketch Harbour Recreation - \$10,000

Mr. Kelly outlined the report.



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

"THAT LOAN REQUEST IN THE AMOUNT OF \$10,000 FOR KETCH HARBOUR RECREATION BE APPROVED FOR INSTALLATION OF A TENNIS COURT. THE LOAN ADVANCE, WITH PRINCIPAL AND INTEREST, WILL BE REPAYABLE OVER A MAXIMUM TEN YEAR PERIOD WITH COUNCIL RESERVING THE RIGHT TO LEVY AN AREA RATE IN DEFAULT OF PRINCIPAL AND/OR INTEREST REPAYMENT".

MOTION CARRIED.

4. Loan Request - Mushaboom Volunteer Fire Department - \$30,000

Mr. Kelly outlined the report.

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

"THAT LOAN REQUEST IN THE AMOUNT OF \$30,000 FOR MUSHABOOM FIRE DEPARTMENT BE APPROVED FOR THE PURPOSE OF CONSTRUCTING A FIRE STATION. THE LOAN ADVANCE, WITH PRINCIPAL AND INTEREST, WILL BE REPAYABLE OVER A MAXIMUM TEN YEAR TERM WITH COUNCIL RESERVING THE RIGHT TO LEVY AN AREA RATE IN DEFAULT OF PRINCIPAL AND/OR INTEREST REPAYMENT".

MOTION CARRIED.

5. Capital Grant Requests

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

"THAT DISTRICT PARKLAND GRANT, DISTRICT #25, IN THE AMOUNT OF \$500 BE APPROVED".

MOTION CARRIED.

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

"THAT A DISTRICT CAPITAL GRANT, DISTRICT #8, IN THE AMOUNT OF \$1,500, THAT A DISTRICT CAPITAL GRANT, DISTRICT #9, IN THE AMOUNT OF \$1,500, AND A GENERAL PARKLAND GRANT IN THE AMOUNT OF \$1,500 BE APPROVED. THE GRANTS ARE FOR THE PURPOSE OF CARRYING OUT REPAIRS TO THE COMMUNITY CENTRE, PORTERS LAKE".

MOTION CARRIED.

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

"THAT GENERAL PARKLAND GRANT IN THE AMOUNT OF \$16,050 BE APPROVED. THE PURPOSE OF THE GRANT IS TO IMPROVE DRAINAGE AT 31-33 GLENALVA COURT, COLE HARBOUR".

MOTION CARRIED.

MEMORANDUM - HOME CARE ADVISORY COMMITTEE

Warden Lichter advised that some time ago, a Home Care Advisory Committee was set up by the province and it was requested that a representative from Council be assigned to that Committee. Council had raised the question as to whether or not it was necessary to have a Council member sit on the Committee. Debra Harvey, a member of the Social Services Department had been assigned to the Committee who reported that the Social Services Department was of the opinion that an elected municipal official was unnecessary.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

MEMORANDUM - COMMUNICATIONS COMMITTEE

John Markesino, Chairman, Communications Committee provided a Memorandum dated November 27, 1991 requesting ratification of the Committee membership for 1992/93 after which it would review its mandate, its budget requirements and prepare the next issue of "Municipal Focus".

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

"THAT THE COMMUNICATIONS COMMITTEE BE ENDORSED".

MOTION CARRIED.

Warden Lichter noted that Mr. Kelly could now make arrangements to have the Committee meet early in the new year.

DEPARTMENT OF TRANSPORTATION - CAMPERDOWN ROAD

Councillor Ball advised that this item could be deleted.

CANADA POST CORPORATION

Councillor Taylor advised that he had received a copy of a proposed Resolution from the Postmistress in Middle Musquodoboit which had been sent to all municipalities in the province. Councillor Taylor said that he felt, as did employees of Canada Post, that it could only mean a further reduction to already dwindling service.

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

"THAT THE RESOLUTION BE SIGNED ON BEHALF OF HALIFAX COUNTY COUNCIL AND FORWARDED TO HONOURABLE HARVIE ANDRE, MINISTER".

MOTION CARRIED.

SUMMARY REPORT - METROPOLITAN AUTHORITY

Mr. Kelly advised that Summary Report dated December 17, 1991 re Solid Waste Management Project - Landfill Site Identification and Concept - Design Components had been circulated to members of Council prior to the meeting.

Warden Lichter advised that the report indicated what was shared with Metropolitan Authority members, i.e. that Metropolitan Authority and the consulting staff had narrowed the eleven sites down to three. The three remaining sites were G, H and L and these sites were described in terms of distance and other features as well as capital and annual operating costs. This document would form the basis of Council's discussion with Metropolitan Authority early in January.

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

"THAT THE REPORT BE RECEIVED".

MOTION CARRIED.

Councillor Peters asked how Site H would be accessed. Warden Lichter responded it would be accessed from the existing Aerotech ramp, approximately 2.5 miles up the Aerotech Park Road. This use would require negotiations with the Industrial Commission and the Municipality. Another option would entail access from the Aerotech ramp with a direct road built to the site. Warden Lichter stressed it would definitely be through a new access road, not through a populated area.

EMERGENCY AGENDA ITEMS

Interest on Unpaid Taxes

Councillor Harvey advised that Councillor MacDonald had asked him to bring this matter forward. He asked what the interest rate was that was being charged on overdue taxes and if the rate had been reviewed lately and adjusted downwards in terms of the current interest rate picture.

Mr. Meech responded that he had had discussions recently with Mr. Wilson, Director of Finance, and thought the County was currently charging 15%. He agreed to prepare a Staff Report for next Council

meeting so that if there was a desire to change the interest rate, it could be done by Council at that time.

Councillor Harvey requested that the Staff Report also indicate what neighbouring municipalities were charging and when the last time our interest rate was adjusted.

Speed Limit

It was moved by Councillor Brill:

"THAT HALIFAX COUNTY MUNICIPALITY SEND A LETTER TO HON. KEN STREATCH, MINISTER OF TRANSPORTATION AND COMMUNICATIONS, RECOMMENDING THAT SECTION 102, SUBSECTION 1 OF THE MOTOR VEHICLE ACT BE DELETED".

Warden Lichter stated that, in order to have Council understand, Councillor Brill might wish to explain his motion. Councillor Brill said he would do so once there was a seconder. Seconded by Deputy Warden Sutherland.

Councillor Brill advised that removing this section of the Act would in effect remove the defence section of prima facia. At the moment, our 50, 60 and 70 kilometer per hour speed limits are not absolute. You may travel 60 or 70 kilometers in a posted 50 kilometer per hour zone but you will not receive a speeding ticket; rather you may receive a warning. He said that Nova Scotia is one of the last provinces, if not the last, to have such a rule and there is very little point in having a posted speed zone if you do not expect it to be obeyed. Such an amendment would be acceptable with regard to complaints of speeding motorists particularly on Sackville Drive, the RCMP and the Department of Transportation and Communications.

Councillor Boutilier asked if another department other than the Department of Transportation would be involved in making such a change. Warden Lichter stated that it would be the Attorney General's Department. Councillor Boutilier then said that if he understood the motion correctly, the recommendation was that the Minister of Transportation, through the Attorney General, would do everything possible to make the deletion.

Warden Lichter advised that he had explained to Councillor Brill that this item had been debated by UNSM at its regional meeting.

Councillor Richards said he was not certain he could completely support the motion at this time because of the real need of the change. He said certainly the municipal forces have within their jurisdiction the ability to fine somebody if they are driving in excess of the posted speed limit and could be fined according to the current regulation. He asked, therefore, why the change was being requested, because Nova Scotia was the only province that

still had the regulation? He said he would need more reason than that alone.

Councillor Boutilier said he realized that Councillor Brill might have good intentions with regard to this but that, with regard to the Sackville Community Committee, this was the first time he had heard about this and he did not know about the others on the Community Committee. He said this was certainly something that was more broader ranging than affecting the community of Sackville; the recommendation would affect all of Nova Scotia. He would have appreciated, as one of the five Sackville Councillors, that some prior discussion would have been held and that the Sackville Community Committee was previously the forum that was used to discuss such items.

Councillor Brill said that the reason he brought the motion forward was because the public was concerned about safety in the community. Indeed, it could have gone to the Sackville Community Committee but it did affect everybody. He said the Department of Transportation would like it to be implemented, as well as the RCMP and advised that the City of Halifax has brought this matter forward to UNSM. He said if there are a number of people requesting this change, what was the need to procrastinate and why could Council not proceed?

Deputy Warden Sutherland said that as he understood prima facia, it did not refer to the signing but prima facia under the Motor Vehicle Act.

Mr. Crooks advised he was not familiar with the Section. He would have to read it and read the language to give an answer to the question.

Councillor McInroy said he had some concern with regard to supporting the motion because of his ignorance of the Section and the lack of legal advice with respect to a recommendation that it be deleted because Mr. Crooks has not had an opportunity to review the matter. He suggested Council would be in a better position to support the motion if more information was available inasmuch as it would impact on all of Halifax County.

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

"THAT THIS ITEM BE REFERRED TO EXECUTIVE COMMITTEE".

MOTION CARRIED.

Traffic Engineer

Councillor Brill stated that with all due respect to Councillor Boutilier, he was trying to address what he considered to be

important issues and felt it was appropriate to bring it to Council as opposed to the Sackville Community Committee.

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

"THAT HALIFAX COUNTY COUNCIL SEND A LETTER TO HON. KEN STREATCH, MINISTER OF TRANSPORTATION AND COMMUNICATIONS RECOMMENDING THAT AN URBAN TRAFFIC ENGINEER BE APPOINTED TO ESTABLISH A TRAFFIC DEPARTMENT FOR THE URBAN SECTIONS OF HALIFAX COUNTY AND THAT THE ENGINEER WOULD LIAISE ON AN AS-REQUIRED BASIS WITH COUNTY COUNCILLORS OF THE URBAN COMMITTEE".

Councillor Brill stated that, in particular, the communities of Sackville and Cole Harbour have a dire need for such a staff person who could draw up urban transportation policies much like Halifax, Dartmouth and Bedford. Our present government is saying that in some cases we have too much government and he tended to agree with that. If this department could be established, there would be no need to set up separate traffic departments. The urban areas were being shortchanged and perhaps now was the time to move on this matter before the Department of Transportation and Communications reorganizes, which they are presently doing.

Councillor Deveaux stated that some of these issues, as indicated by Councillor Boutilier, should be discussed at the Community Committee because that was the reason they were set up. He said, over and above that, in drawing up the Charter, was there not indication given that some changes along these lines would be made in conjunction with the Department of Transportation.

Councillor Boutilier stated that over the last three years, the Sackville Community Committee has had good discussions with the Department of Transportation representative, Paul O'Brien, in Bedford. He said not all the problems were solved but some inroads were made. Now, to have no prior discussion, no warning and all of a sudden just simply making a motion as opposed to his previous experience of sitting down and discussing a problem and pointing out a need, there is a better chance of getting it. This was not preparing things in the proper way. To simply spring something on someone suddenly out of the clear blue - not that the recommendation does not have merits - but in this case it is not just the Sackville Community Committee but also the Cole Harbour/Westphal Community Committee. If the Halifax County Charter does come through, there was a place for the Sackville Community Council to have its own transportation authority. Members of the committee previously were very pleased that this was included in the Charter and were looking forward to it. He could see the short term gain, but not the long term gain. He said he was sorry he appeared to be taking a negative stance but he had a vested interest in the Sackville Community Committee and the fact

that over the last three years, all members of that Committee were very cohesive and worked very hard. He took exception to the fact that anyone who wants to go off and do something on their own makes it very difficult for the other people who are trying to maintain and encourage the type of situation which has been established. Also, the people of Sackville, in the 1988 Plebiscite, indicated that they wanted more direct say in what affected them. The Sackville Community Committee was established on the premise that the five elected representatives, along with Councillor Merrigan occasionally, would make decisions that affected the community and now the Community Committee was being bypassed. He said there were times that there was merit to having the weight of the whole Council but simply to bypass Councillor Harvey, as the current Chairman of the Committee, and the other members was not proper.

Councillor McInroy said that he agreed with Councillor Boutilier. He felt that as a Council we undertook to support the process of the Community Council concept and that in Cole Harbour/Westphal it was found to be effective. He felt it was not so much an offence at being bypassed - in his opinion it was not the intention - but in order to really evaluate the motion and come to what was a reasonable position on it, time would be required to consider it. It could be deferred pending some recommendations from the Community Committees. This motion was intended to impact only on the urban areas; however, Councillors from the rural areas generally tend to support the Community Committees and show support for the process that has been put in place.

Councillor Brill stated it was not his intent to get into this kind of a situation; however, it was here. He agreed that the Sackville Community Committee would perhaps be the appropriate place to bring this up; however, his constituents for the past 2-3 years have raised this issue of traffic to the Sackville Community Committee to no avail. He asked how long did it take? He took the liberty to talk to the RCMP, both in Sackville and Cole Harbour, and found, much to his surprise, that Councillor McInroy had been effective in getting some stop signs put in Cole Harbour so a precedent had been set, yet Sackville was being told they could not have that because a precedent might be set - it had been in the newspaper. He stated that three years was far too long. He said his discussions with Department of Transportation had come about because he was referred by our Divisional Engineer and he had a very good meeting and thought something was going to be done. In future, he said he sincerely hoped that the Sackville Community Committee was as effective as Cole Harbour's.

Warden Lichter said that the past record of both Community Committees indicated that they were effective and that many times the delay or inaction was not either Council's or the Community Committee's fault. The fact that the Divisional Engineer or the RCMP or the Department of Transportation indicates that something was going to be done could be taken with a grain of salt. He said

he has had delegations to them many times and come away believing that things would be happening; however, it turned out that this was not so. In defence of the Community Committees, it was certainly not lack of effort on their part that things were not done. He wished the Community Committees and Councillor Brill luck in realizing what was promised but felt that it would take a great deal of push from everybody to get Department of Transportation one inch closer to accomplishing what we would like to have them accomplish. He said he hoped that the reorganization going on now bore fruit, nothing else in the past did.

Deputy Warden Sutherland stated he had no problem in understanding what Councillor Boutilier was saying and what Councillor Brill was attempting to do was borne strictly out of frustration. He said dealing with Department of Transportation in the past, he has felt there has to be a better way as he has tried to make some improvements but it was very difficult. From Department of Transportation point of view, all they see is the 100 Series Highways. Such a small thing as having a stop sign or no parking sign installed takes a fair amount of time. He agreed that Councillor Brill should have come through the Sackville Community Committee but if he could get a result, he wished him good luck.

Councillor Merrigan said that Council had to be fair as well to the Department of Transportation. He admitted Department of Transportation was the most frustrating department to deal with in the province of Nova Scotia; however, over the last six years he could see a substantial improvement in the Department of Transportation and with regard to Beaver Bank in particular. He stated Council should be looking at what the outcome of the changes that Department of Transportation was proposing and which could pose a problem in the future.

Warden Lichter asked if Council was ready for the question whereupon Councillor Bates asked if an opportunity was going to arise to refer this to the Community Committees inasmuch as there was considerable discussion. He said that, in his opinion, the mover was not opposed to referring it to the Community Committees rather than having the motion defeated.

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

"THAT THE MATTER BE REFERRED TO SACKVILLE COMMUNITY COMMITTEE".

MOTION CARRIED.

#### Criteria for Emergency Agenda Items

Councillor Rankin asked what criteria was involved as to what constituted an Emergency Agenda item. Warden Lichter replied that it was something that could not possibly wait until the next



Council session and that he would have to be advised of the item before 6:00 p.m. He said the proper term was probably "urgent" instead of "emergency".

MINOR VARIANCE APPEAL

The Staff Report was presented by Ms. Sharon Bond who stated that the Minor Variance application dealt with a request from Brian Barrett to legalize the location of an existing private detached garage one foot from the left side property line instead of the required eight feet. Mr. Barrett stated that the garage was built about four years ago. At that time he received a building permit and understood his garage had to be eight feet from the side property line. At the time of construction, he and the adjacent property owner understood that the property line was in a location that would allow the garage to be located where it was built and still meet the side yard requirement. Recently, when Mr. Barrett was selling his property, he had a survey done and realized that the property line was not located where he thought it was and that the garage was only one foot from the line. The Development Officer felt this was not intentional disregard for the requirements and approved the minor variance.

She said that on November 24, 1991, an Appeal was received from Mr. James Cullen, the only property owner within 100 feet of the variance. Mr. Cullen stated he would not have an objection if Mr. Barrett constructed a fence from the Beaverbank Road back approximately 332 feet. Mr. Barrett stated he would only be willing to construct a fence 100 feet in length along the left property line.

She said the Planning Act has the following general restrictions with regard to minor variance requests: no variance shall be granted where the variance is not minor in that it violates the intent of the Land Use By-law; the difficulty experienced is general to the properties in the area or the difficulty experienced results from the intentional disregard for the requirements of the Land Use By-law. Upon review of the application, it was determined that the request was not the result of intentional disregard; therefore, the application was approved.

Ms. Bond showed slides to illustrate.

QUESTIONS FROM COUNCIL

Councillor Harvey asked what was the definition of a garage. He said that 35' x 40' seemed pretty big. Ms. Bond responded that the property was located in a MU-1 zone which allows garages to be that size.

SPEAKERS IN FAVOUR OF THE APPEAL

Mr. James Cullen stated he was very much surprised when he heard Mr. Barrett was considering to put up a 100' fence. The last conversation he had had with Mr. Barrett about the fence was that he had said he was not going to put up a fence. He said had he known he was prepared to put up a 100' fence, although it would not be adequate and satisfy him, he would have been more than willing to sit down and talk to Mr. Barrett and this would not have had to be discussed here this evening. Mr. Cullen said it was not his intention to have Mr. Barrett move his building or tear it down. He knew that Mr. Barrett wanted to sell his property but hoped he didn't but pointed out that, with regard to the slides, Mr. Barrett has used a portion of his land for parking for a number of years and he had no objection to this as Mr. Barrett had been a good neighbour; however, when the property was sold, he was not going to extend that privilege beyond Mr. Barrett. In other words, the next tenants would not be allowed to park on his property. He said the only way to stop was the old saying, "good fences make good neighbours".

QUESTIONS FROM COUNCIL

Councillor Boutilier asked when the garage was constructed, was Mr. Cullen satisfied that it was totally on Mr. Barrett's property and not infringing on him. Mr. Cullen replied that he was surprised that the line was as close to the building as it was. He thought he at least had six feet. Councillor Boutilier asked if he felt a fence would solve the problem for the future and Mr. Cullen replied yes.

Deputy Warden Sutherland asked if Mr. Barrett's property was for sale at this time. Mr. Cullen replied he understood it was. Deputy Warden Sutherland asked, in Mr. Cullen's opinion, would a fence where the garage and parking area was, which was the problem area, be the solution to the problem as the 300 feet of fence would be excessive. He realized that Council was being asked to either approve or disapprove the minor variance, not get involved with the fence. Mr. Cullen replied that 100 feet would probably run from where the trees ended to the end of the garage.

Councillor Merrigan asked for clarification in that Mr. Cullen did not have any problem with the garage itself but the use of his property and the fence would define his land. Mr. Cullen replied that he had no problem with the garage location and never had and the fence would establish that whoever bought the land would not park on his property.

Councillor Merrigan asked Mr. Crooks how this then constituted an objection to the minor variance. Mr. Crooks replied it did not. Warden Lichter stated that there was an objection; however, Council

could not make its decision on whether or not a fence was built - either the minor variance was approved or not.

Councillor Merrigan again asked Mr. Cullen if he was or was not objecting to the location of the garage. He said if Mr. Cullen did not want it torn down or moved, then he was not objecting to the minor variance. Mr. Cullen stated he thought he had made himself clear - he was not objecting to the garage. Had he known the garage was going to be one foot from his line before it was built, he would have objected to it then but the garage had been there for at least three years.

SPEAKERS IN OPPOSITION TO THE APPEAL

Mr. Brian Barrett stated that he had the property for sale for approximately a year and finally got an offer when this problem came up. He had already moved to another residence and lost the sale of the house and had records available for proof. He approached Mr. Cullen once and asked if this could be straightened out. He said yes there was no problem with a fence and at that time Mr. Barrett agreed with him and asked what kind of fence Mr. Cullen would like. Mr. Cullen asked for a fence with wolmanized lumber, posts dug four feet deep and eight feet high, eight feet apart and stretching from one line to the other - 335 feet. Mr. Barrett got a quick appraisal done for the cost of material - he was going to build it himself - and this was \$3,295 for material. This was totally unreasonable as far as Mr. Barrett was concerned and let it go for awhile and tried to get the matter straightened out with a minor variance. He went back to Mr. Cullen a second time, told him he thought he was being unreasonable and that a fence from the garage to the lamppost would block the area at a length of 100 feet. Mr. Cullen said that was no good and things started to go downhill from there. Mr. Barrett also stated that Mr. Cullen had stipulated that the fence would have to meet his inspection once it was built so, as far as Mr. Barrett was concerned, to try to deal with a fence under those conditions was unreasonable and decided not to bother. Mr. Barrett said that as far as parking was concerned, he likely was parking on Mr. Cullen's land but from looking where it was thought the old line was, you would swear the garage was not near the property line. He said he had lots of land and there was no need to be that close if he had known. He said if Mr. Cullen did not want the new people parking on his land, then it should be at his expense to stop it. The garage got located where it was built because he wanted to locate it on his lot next door but was not allowed. He stated he was not willing to negotiate on a fence because he did not think it would work out.

QUESTIONS FROM COUNCIL

None

DECISION BY COUNCIL

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

"THAT COUNCIL UPHOLD THE DECISION OF THE DEVELOPMENT OFFICER AND THAT THE MINOR VARIANCE BE APPROVED".

Deputy Warden Sutherland stated that Council was placed in a no-win situation. It was unfortunate that this matter had gotten this far and it could have been resolved between the neighbours.

Councillor Bates said he did not understand why there was a no-win situation as there was no oppositon to the minor variance.

MOTION CARRIED.

LESSER SETBACK APPLICATION

The Staff Report was presented by Mr. Paul Morgan who stated that the lesser setback application fell under the provisions of the Municipality's Zoning By-law No. 24. The applicants were Tracy Brophy and Kevin Wagner who requested a reduction to the sideyard setback requirements of the By-law in order to accommodate a dwelling on property identified as 3409 Prospect Road in Whites Lake (District 4). The location of the dwelling on the lot was on Map 3 which was taken from a location certificate produced by the applicants for the financial institution from which they are trying to get a mortgage loan. It was discovered at that time that the dwelling was 4.5 feet from the left sidelot line and that the By-law required that a dwelling be located eight feet from the property line. The applicants requested this application in order to get a mortgage loan. Unless the setback was granted, the mortgage loan would not be approved.

Mr. Morgan stated he was able to determine from municipal records that a building permit for an addition was issued in 1976. The original house was built 2-3 years earlier and he was able to trace that there was a location certificate for the initial house which was approximately 16 feet from the property line. There was no location certificate required for the addition; however, the permit does say that it was to be eight feet from the lot line. Sixteen years later, it was found that it was in fact 4.5 feet.

Mr. Morgan showed slides to illustrate.

Mr. Morgan stated that unlike a minor variance provision, By-law No. 24 requires that any variance to setback standards be approved by Council. It was under a general provision called Powers of Council which stated that Council was empowered to grant a variance to setback requirements where, in its judgement, the public convenience and welfare would be substantially served or the appropriate use of neighbouring properties would not be

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significantly or permanently affected. This provision also requires that notification be given to members of the public. Abutting property owners within 100 feet of this property were given notification, given a copy of the location certificate and given an opportunity to comment for Council. No comments were received.

Mr. Morgan said that given the criteria, it was Staff's recommendation to approve the lesser setback. He said the building has been there for 15 years and no one was aware of any complaints and that it would appear at this time that the abutting property owners would not be significantly affected.

QUESTIONS FROM COUNCIL

None

SPEAKERS IN FAVOUR

None

SPEAKERS IN OPPOSITION

None

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

"THAT LESSER SETBACK APPLICATION No. LS-12-91-04 BE APPROVED".

MOTION CARRIED.

STATUS OF UNSM FACT FINDING PROPOSAL

Warden Lichter referred to a Communique from Mayor John Savage, President of UNSM which he said was basically self-explanatory. He stated he wanted to handle this at the same time as the Memorandum he had circulated which he requested that Councillors bring to this Council session.

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

"THAT THE COMMUNIQUE BE RECEIVED".

MOTION CARRIED.

Warden Lichter stated that the Memorandum he had circulated outlined some of the important issues that were dealt with by UNSM Executive last week and related in some way, except for one item, to the motions that were made by Council and the motion that was the very last page of the package (Attachment #7). He said he felt

obliged that Council become aware of all of this information and asked if there were questions or comments.

Councillor Richards stated he read the report yesterday and the more he read the more upset he got. He said he found it interesting and thought he understood what it was saying at times and then at other times he wondered if there was something that was not said. The unclear sections were the ones that bothered him.

Councillor Bates stated he had only received his copy of the report that evening and had not had an opportunity to look it over. Councillor Richards obviously had more of a chance. He said he would like more time.

Warden Lichter said that the report had been placed in Councillors' mailboxes yesterday and those who had come in for Executive Committee meeting would have received theirs but because there were no Planning meetings, other Councillors might not have gotten theirs. He said he did not have any hesitation in discussing the matter at another time - he wanted to make sure the information got to Councillors as soon as possible.

Councillor Richards stated he felt the only fair way to proceed was to make sure that every Council member had an opportunity to read the report.

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

"THAT THE WARDEN'S REPORT AND THE COMMUNIQUE FROM MAYOR SAVAGE BE DEFERRED TO THE NEXT COUNCIL MEETING".

MOTION CARRIED.

ADDITION OF ITEMS TO JANUARY 7, 1992 COUNCIL SESSION

1. Councillor Randall - Department of Transportation
2. Councillor Rankin - Feasibility of a Mainstreet Program for Lakeside/Timberlea
3. Councillor Deveaux - Sale of Liquor in Commercial Outlets

IN-CAMERA ITEM

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

"THAT COUNCIL MOVE IN CAMERA".

MOTION CARRIED.

Council agreed to move out of Camera.

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

"THAT KEITH MENZIES BE OFFERED THE POSITION OF ADMINISTRATOR, OCEAN VIEW MANOR, SUBJECT TO NECESSARY NEGOTIATIONS BEING COMPLETED".

MOTION CARRIED.

ADJOURNMENT

Meeting adjourned at 8:00 p.m.

PUBLIC HEARING

December 9, 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 Brill  
Councillor Giffin  
Councillor MacDonald  
Councillor Boutilier  
Councillor Harvey  
Deputy Warden Sutherland  
Councillor Richards  
Councillor Cooper  
Warden Lichter

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

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Warden Lichter called the meeting to order at 7:00 p.m. Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Fralick, seconded by Councillor Richards

"THAT Julia Horncastle be appointed as Recording Secretary."  
MOTION CARRIED.

PA-FEN-22-91 AND ZAP-FEN-22-91 - APPLICATION BY THE MUNICIPALITY TO AMEND THE MIXED USE A AND B DESIGNATIONS OF THE MUNICIPAL PLANNING STRATEGY FOR PLANNING DISTRICTS 15, 18 AND 19 TO PERMIT THE DEVELOPMENT OF TAKE-OUT RESTAURANTS WITHIN THE C-2 (GENERAL BUSINESS) ZONE AS ILLUSTRATED ON APPENDICES A AND B OF THE STAFF REPORT OF AUGUST 12, 1991 AND ZA-FEN-11-91, APPLICATION BY THE