

Mr. Wallace stated Mr. George Armoian, President of the Armoian Group, was also present. He stated there were a couple issues that came up as questions before that he would like to respond to help clarify some of the misunderstandings which he may have, perhaps, contributed to inadvertently. Regarding Councillor Ball's concern with respect to the discrepancy between ten lots and eighteen lots, on January 20, 1992 he advised he did make a presentation at the Planning Advisory Committee which involved basically reading a letter which he had prepared which was tabled at that time. He stated in that letter, a sentence he would have read at that time was 18 of the lots had construction activity on them. He stated he did not indicate there were 18 homes, he clarified he indicated that 18 lots had construction activity on them. From their perspective which appeared to be different from Staff's perspective, a construction activity was defined as houses, foundations, lot clearing operations, driveway installations, anything on the lot in which the owner had started the process of establishing a residential dwelling there. He stated he wished to point out one of the previous speakers in favor of the application had touched on the fact that from the developers perspective, it was the lot sales that defined activity. He stated that was true and he had no meaningful control over when individuals actually started construction; he was driven by the rate of consumption of the lots both in terms of sales and written purchase of sale agreements. At this time, although it changed daily, he felt they were in the order of pushing 60 lots out of the 89 during the first three phases which he indicated had been spoken for or sold or under written purchase or sale agreement. He stated there was a previous concern with respect to the implication that they led the Planning Advisory Committee to believe the adjacent Blue Mountain Resources Limited consented to the R-6 rezoning application. He stated he was reading from the agreement between The Armoian Group which was in fact a signed copy registered at the Registrar of Deeds and was a public document. "Annapolis consents to the Kingswood Development and to the increase in the rate of run off associated with this development." He stated he did specifically state here that Annapolis consented to the Kingswood development. Further, he stated he wished to quote from a newspaper article which appeared a few weeks ago in the Bedford/Sackville Weekly News. He stated the author of the document was Don Urquhart who was present tonight as well. He stated he wished to quote the information from the article. "Blue Mountain Vice President Al Chaisson said Monday he was not aware of The Armoian Group's application to expand the subdivision but said he had expected the company to do so at some time." He stated he wished to point out those two things to help shed some light on the fact Annapolis was aware of the project and had seen the plans. He stated he believed they were shown at the time the agreements were negotiated and there was no effort to hide what they were planning on doing from them and he believed they were fully aware of their intentions.

Councillor Cooper asked Mr. Wallace if it would be possible for him to view that agreement. Mr. Wallace presented Councillor Cooper with the agreement.

Councillor Bates questioned if individuals of the area agreed with Mr. Wallace with respect to the agreement that Mr. Wallace proceed to R-6 development which would eliminate Blue Mountain Resources Limited from putting a quarry there.

Mr. Wallace responded his knowledge of the written agreement which based on his reading of it, was that they were aware of the subdivision and the growth intentions that were established. He stated he did not believe that the R-6 rezoning was specifically discussed or asked for relative to the application. His point was that they were aware that this subdivision would be next door and that it was going to grow actively and expand as lot sales dictated. He stated it was not something that was happening underneath their nose without them being aware of it.

Councillor Bates expressed concern as he felt the individuals of the area thought the zoning was going to remain MR. He asked if that was correct.

Mr. Wallace responded he could not speak on their behalf. Mr. George Armojan might be able to "shed some light" with respect to that concern.

Mr. Armojan stated when the negotiation took place, they maybe had not done their research as much as they should have done with respect to what was being planned to do with regard to rezoning, etc. He stated he thought they found out about these things because of Halifax County's staff reports not because they had researched it, but due to the rezoning application. He stated he was not saying that those individuals were stupid, he felt they were very bright individuals. He stated he felt they had the best lawyers in the city. He felt they should have researched every point of the Planning Act. He stated they thought perhaps because of the 1/2 mile exclusion in the agreement, that covered them.

Councillor Ball questioned the agreement between The Armojan Group and Blue Mountain Resources Limited if The Armojan Group had an agreement with Blue Mountain Resources Limited to be in support of the rock quarry that Blue Mountain Resources had proposed.

Mr. Wallace responded the same agreement which he had passed to Councillor Cooper for review had a statement in it worded very similar to the one he read earlier whereby Armojan's acknowledged existing information contained in the UMA Environmental Assessment Report which outlined the quarry and how they planned on developing on it. He stated they consented to that adjacent land use.

Councillor Ball confirmed that The Armojan Group was consenting to Blue Mountain Resources Limited developing a quarry on the adjacent lands.

Mr. Armojan responded he could not speak with respect to the agreement because he had been threatened with a legal suit by Blue Mountain Resources Limited. He stated he only spoke in front of the Environmental Assessment Board because he was subpoenaed to appear to indicate how the agreement evolved. He suggested that Councillor Ball check the minutes of that meeting to find out how the agreement evolved and how they came about supporting it. He stated he did not wish to open himself up to any legal liability. The agreement was on record and was self explanatory and, if any more questions were asked with respect to this particular agreement, that might place him in jeopardy with respect to his legal position.

Councillor Ball stated he appreciated the answer: however, he was trying to shed a light on the fact that there was an agreement made.

Mr. Armojan stated he would like to elaborate more on the agreement but because of the notice with respect to being sued, he could not. He stated the evolvement of the agreement was a long story.

Councillor Ball stated the point he was trying to get across was that Blue Mountain Resources Limited agreed to have storm run-off on their property. He stated obviously, they wished something in exchange for that agreement, whatever that something was.

Mr. Wallace referred to the indication given on the front page of the report provided. He stated there was no effort to hide this from any of the purchasers.

Councillor Cooper questioned with regard to the indication on the front page, if that gave the proposed purchasers indication that The Armojan Group had tentatively put upon the successors of their title restrictions to oppose the development of the quarry.

Mr. Wallace responded this was just an indication which would cause the purchaser's lawyer to research that document, review it, and advise the purchaser of all the implications of that agreement in which ever way he saw fit.

Mr. Armoyan stated he had copies of this agreement in the office and it was provided to individuals who requested to see the agreement. He stated it was best to show individuals upfront as to the way things were, and they could make their decision.

Councillor Cooper asked if Mr. Armoyan indicated to the purchasers that he had agreed not to take action against Blue Mountain Resources Limited on his part and that the agreement indicated that successors would also not take that action.

Mr. Armoyan responded that was correct. He stated a lot of individuals had their own legal opinion with respect to the validity of that clause and they were to make their decision based on that.

Mr. Wallace stated one last thing was that there was talk with respect to Dexter Construction working in Kingswood and supplying the gravel and so on. He stated the contract for Phase #3 of the subdivision had been let and construction activity had started. He stated the contractors D. A. Lanthier Construction Limited of Bedford, who were not at all affiliated with Dexter Construction, and presumably, if the adjacent quarry was in existence, they quite possibly would be purchasing gravel and asphalt and so on from that quarry operation as opposed to Dexter. He stated he mentioned that to point out there were multiple contractors involved in this project. He read a letter prepared on behalf of The Armoyan Group. He stated it was being presented to Council to enable a fully informed decision to take place. He advised they would outline the positive developments of this application; however, first they would address staff's only remaining negative point of arguments. He stated in the 3rd report, staff in their conclusion led Council to believe that if The Armoyan Group's rezoning was approved, Council would be forced to either reject the quarry application or cause the limit of blasting to be reduced. He stated staff advises that Council's hands would be tied. He stated they maintain that applicants are entitled to have their issue adjudicated based on the laws and zoning in place on the date the application was made.

Deputy Warden Sutherland asked if Mr. Wallace was reading from the presentation that was forwarded to all Council members. Deputy Warden Sutherland advised Mr. Wallace's completed document was forwarded to all members of Council.

Mr. Wallace responded the points were the same; however, he tried to condense them in the interest of clarity.

Mr. Wallace stated one point he mentioned regarding the right to have the application adjudicated based on its date of application had two critically important implications - the first one being that on the date the Blue Mountain Resources application was made, it was in compliance with the half mile setback requirement from residential zones. He stated they maintain that approval of The Armoyan rezoning application would not alter this fact. Staff was suggesting that the proposed quarry operation would have to be either rejected by Council or scaled down by approximately 43 acres. He stated Council would not have their hands tied when they dealt with the quarry application. The second point was in considering the rezoning, Council was to consider the policies of the Municipal Planning Strategy. He stated one of the policies outlined the matters to which Council should give appropriate regard. He stated it ensured "that controls be placed on the proposed development so as to reduce conflict with any adjacent or nearby land use." He advised this policy did not direct Council to give regard to pending applications for adjacent proposed developments - only existing factors on the date of application were to be considered. The proposed Blue Mountain Resources quarry was simply that - proposed. He advised on the date of their application and even today, it was not an as of right permitted use in a zone within which they were located. He advised their application was for a Development Agreement which was outside of the normal permitted uses that they were entitled to. He stated they believed that this approach was very sound as it prevented situations within the Municipal Planning Strategy as was the case

here from an adjacent owner creating that situation being to prevent an adjacent owner from creating a potentially significant delay in the enjoyment of the as of right benefits of his neighbor. He stated The Armoyan Group, as of right, was entitled to this application. Further, they were in compliance with the Municipal Planning Strategy and were not in conflict with the adjacent existing uses or existing zoning. He advised within the conclusion of the third report, staff argued that within the resource designation, quarries took priority over residential development. He advised this same point he believed was argued in some of the correspondence that was tabled at tonight's meeting as well. This argument had been previously put forth by staff in the first two reports. He advised with reference to the plan Council could note that the quarry was not in a resource designation and staff's position had no factual basis. He advised all policies outlined in the resource designation portion of the Municipal Planning Strategy which included Policy P-47, which he believed was the policy that caused quarries to have priority over residential development, must be interpreted without reference to the proposed quarry as it was not located in the designation to which this policy referred.

He showed the line (by map) that separated the resource designation from the mixed use designation to Council. He advised the quarry was located on the right hand portion which was in the mixed use designation and there were no proposals that they were aware of on the left hand side of this line within the resource designation.

He stated Staff's argument which was intended to avoid conflict with the quarry by preventing a rezoning which would lead to additional residential development was misleading. He stated the implication was that by rejecting the rezoning, residential development would not be permitted at all. He stated with reference to the same plan, Council should note that the lots in the Kingswood development that were closest to the limit of the proposed quarry (explained which lots by map) were in fact the last portion of the quarry proposed for development. He advised these lots were presently zoned MU-1 and that lots today could, as of right, be developed (according to the zoning) as small as 20,000 square feet. Within the area to be zoned R-6, (colored pink on the plan), the developer could today, as of right, develop residential lots having a minimum area, according to the zoning, of 80,000 square feet.

He stated the issue clearly was not the existence or denial of residential homes, the purpose of the rezoning was to allow lots that would be based on on-site sewage disposal criteria rather than the 80,000 square foot minimum size required by the existing zone. He advised the average lot size incidentally, in the first three phases of Kingswood, was 51,000 square feet approximately. He advised if the rezoning did not take place, the bottom line result would be the need to substantially increase lot prices in order for the development to be feasible; affordability for the citizens of the County would be greatly compromised. He stated with all the discussion and reports, there were some positive points to support this rezoning. He advised the proposed rezoning was consistent with the intent of the Municipal Planning Strategy in relevant areas and the Planning Strategy recognized this expansion of residential development into the resource designation. He advised the Planning Strategy expressed the desire for residential development to occur on local streets rather than directly on main highways, which was the case here. The Municipal Planning Strategy had acceptance of rezoning the applications for residential development within the resource designation.

He advised the Municipal Planning Strategy expressed the desire for rural residential development R-6 which was the zone for which they were seeking approval in undeveloped areas where rural residential environment was desired.

He advised the Land Use By-law, in this area, had designated neighbors to the northwest as R-1 and MU-1. He advised the R-1 zone was required to develop the residential flavour and the MU-1 had the right to develop with the residential

flavour. He advised both of these properties extended past the resource boundary (shown on map). He advised their development would be consistent with what was required of neighbors to the northwest. The second positive point was that the Kingswood development was a medium scale, low density infill project. This subdivision was located within developing portions of Halifax County. He stated that centralization of the residential development would increase the efficiency of public services provided by the Municipality.

He stated that Kingswood Development serviced the housing needs of the average income segment of the population working in metro Halifax. Growth potential was significant as the project offered affordability in a prime location. He stated many residents of the adjoining Municipalities had moved here and the trend was expected to continue and that the Kingswood development population would support Halifax County and regional business districts.

He advised the subdivision had been designed to provide the neighborhood with many amenities without damaging the environment. As an example, there was restricted covenants in place which would strictly limit tree clearing operations on the properties particularly along lake frontage. There were generous park areas which had been provided in environmentally sensitive areas around the brooks. He stated quiet, peaceful areas would be available to all residents. Lot sizes were relatively large and lake access for the public was included in the plan. He stated all roadways were to be paved by the developer, dust control and maintenance requirements were reduced. Provision of municipal water by the developer would prevent individual wells from accessing the ground water reserve.

He stated the proximity of the Bicentennial Highway provided convenient access from the Kingswood development to all parts of the Halifax region without bringing additional pressure on local roads. The close proximity of Kearney Lake Road would diffuse traffic volumes.

He stated the Kingswood development would assist the recovery of County costs incurred by providing central water services to Uplands Park via the Bedford Connector of the Pockwock Water System. The new water system in Kingswood installed at the developer's expense would provide revenue to Halifax County's Water Utility from new users. County costs were minimal. He stated this project was revenue generated for Halifax County. They had examined the fiscal issues associated with the development based on information provided by Halifax County on the 1991/92 tax assessment, tax rate and expenditures. He stated all figures had been converted to a twelve month fiscal year.

He stated prior to the development of Kingswood Subdivision, tax related income for Halifax County from this land would be \$575.00 per year. He stated they anticipate by the time they get to Long Lake, the annual tax generated would amount to \$320,000 per year. He stated the annual cost to Halifax County to provide additional services to the new homes would equal approximately \$170,000 per year. A positive net difference of \$150,000 per year, if that was figured into the County budget, at for example 10% interest, it could be demonstrated that this project would provide Halifax County net revenue of approximately \$2.6 million dollars over the next ten years. Revenue prior to this development at \$575.00 per year would have been approximately \$10,000, 0.4% of the post development total. While this figure was an approximation based on certain assumptions, it clearly indicated the positive fiscal benefits derived from this development. He stated by granting this rezoning, Council would provide the necessary zoning to allow the full realization of this monetary benefit.

He stated as many were aware, this had been a very frustrating experience for the developer. He stated staff's misinterpretation of the Municipal Planning Strategy has caused a drawn out confrontational process resulting in an overabundance of reports and letters, some of which he admitted to being the author of.

He stated, in closing, they requested that Council vote on this rezoning application with full consideration to the following three points that they felt summed up the issues.

(a) Was the proposal consistent with the Planning and Development desires of the citizens of the County of Halifax as expressed in the publicly prepared Municipal Planning Strategy. He stated that they maintained that the framework to allow this rezoning was in place within the Municipal Planning Strategy. As indicated previously, they felt this development would address several development objectives outlined in the Municipal Planning Strategy.

(b) Was the proposal in conflict with any policy statements outlined in the Municipal Planning Strategy based on existing laws, existing zoning and existing uses in the area. He stated they maintain by disposing of all of staff's concerns and information requirements, they had satisfied this point. He indicated they felt conflict did not exist.

(c) By approving this rezoning, was Council enabling and encouraging responsible, appropriate and desired development with Halifax County. He stated as they had demonstrated, the benefits were significant. Centralization of development, affordability for the average income segment of Metro Halifax, attractive and environmentally sensitive neighborhood with an abundance of amenities, added population to support Halifax County and regional business, located in proximity to major roadways which prevented additional burden on transportation routes, it was a positive revenue generated for Halifax County. He reiterated the impact over a ten year period amounted to approximately \$2.6 million dollars.

He stated these benefits had been recognized by purchasers. His latest figures which to date, might have a slight error, 62 out of 89 lots had been sold or spoken for since the development opened up seven short months ago. After a sunny weekend, four additional lots had been sold. He stated a positive vote was necessary to allow all of the benefits to be fully realized. He stated they trusted that Council, acting in the best interests of County residents, would vote to approve this rezoning application.

#### QUESTIONS FROM COUNCIL

Councillor Cooper stated there was a point of clarification he felt should be addressed while Mr. Wallace was present. Staff had indicated that the proposed area was within the rural resource designation which was the primary use. He stated Mr. Wallace had indicated that this was located in the Mixed Use B and should not be considered in the rural resource designation. He requested clarification.

Mr. Pyle stated Mr. Wallace's comments were correct. The subdivision was located in the Rural Resource Designation. The quarry was located in the Mixed Use Designation.

Councillor Cooper questioned if the Mixed Use B designation permitted quarry operation.

Mr. Pyle responded the Mixed Use B Designation permitted quarry operation.

Councillor Cooper questioned if the proposed quarry would be located in the Mixed Use B Designation which permitted a quarry operation by Development Agreement.

Mr. Pyle responded the quarry would be located in the Mixed Use B designation where quarry operations were permitted by Development Agreement.

Councillor Cooper stated the crucial point was that quarry operation was not permitted in the Rural Resource Designation. It was quoted in the staff report

that the area was zoned as Rural Resource Designation and it was the primary intention of that area. He questioned this issue.

Mr. Pyle responded the Rural Resource Designation was a priority to resource development. In this case, staff saw Blue Mountain Resources Limited as a resource development and this designation gave support to this type of development. He stated the Mixed Use B Designation permitted quarries by development agreement but expressed concern with respect to what the policies permitted in the Rural Resource Designation.

Councillor Cooper questioned if this would be located in the Rural Resource Designation.

Mr. Pyle responded no, it would not be located in the Rural Resource Designation.

Councillor Ball stated there were some things he was uncertain about. His first question to Mr. Wallace or Mr. Armoian was under the current MR-1 zone (pink area as indicated) which they were planning to rezone, how many lots if this proposal did not go through would be allowed to be developed on that property.

Mr. Wallace responded the difference was approximately 20 lots.

Councillor Ball questioned if the plan had been forwarded to the Department of Health.

Mr. Wallace responded the first portion of the pink area indicated had been submitted for tentative approval by the Department of Health. He stated the Department of Health, due to weather conditions, was not in a position to proceed with that portion until May or June. He stated he would reiterate the fact that they had done significant tests of the site and all factors were pointing, in their opinion, that lots there would be similar to what had happened in the previous phases.

Councillor Ball questioned outside of the pink area indicated, did Mr. Wallace own any other lands that would abut the area proposed for the quarry.

Mr. Armoian said The Armoian Group owned 1100 acres of land there.

Councillor Ball stated it was suggested that Mr. Armoian owned across Long Lake. He questioned the blue area below as shown on the map provided by Mr. Wallace.

Mr. Wallace responded the blue area shown was the Annapolis Basin Tidewater Consortium.

Councillor Ball stated he understood that the developer went through considerable expense to install central water, etc. into the development process. He stated he also wanted it to be reflected that the developer, in going through that considerable expense to develop his lot, charged the appropriate lot charges to the consumer to get back any expenditures that he put in.

Mr. Wallace responded that was correct, that was included in the price. At the same time, the purchaser then did not have the burden to install a drilled well. He stated they, therefore, have favorable municipally supplied water.

Councillor Rankin referred to the plan shown and said, as he understood it, the lots by right were 20,000 square feet. He asked if that was correct.

Mr. Wallace responded based on zoning, by right the lots were 20,000 square feet.

Councillor Rankin asked he was correct in stating that this was in closer proximity to the proposed quarry.

Mr. Wallace responded that was correct; those lots were closest to the proposed quarry.

Councillor Rankin referred to the pink area shown on the plan by Mr. Wallace and stated here 30,000 square feet was being asked for.

Mr. Wallace responded they were asking for whatever the Department of Health allowed them to do, 30,000 square feet being the smallest. He stated soil conditions were excellent.

Councillor Rankin questioned if because it would be in a so called "P" area, was the issue at hand as far as the plan was. They were asking for a larger lot outlined in pink on the map. He questioned if that was correct.

Mr. Wallace responded with respect to the lots in the line area, the sizes were being driven by the Department of Health criteria. He stated the lowest lot size was 30,000 square feet. He stated the zoning allowed 20,000 square feet; however, that was an incidental factor because the Department of Health criteria was governed. He stated in the R-6 (pink according to map) zone, the more stringent requirement at present was the 80,000 square foot lot size by the zoning. He stated they wished to proceed with the R-6 zone as this would allow them to have the Department of Health criteria which was the same object that was driving their lot sizes in the MU zone.

Councillor Rankin stated it appeared to him that the issue was the labelling of that, not MU zone but the R-6 zone. He stated MU zone was allowed by guidelines but because it was a different type of residential, it perhaps was not permitted.

Mr. Armoian stated they wanted the zoning to be the same as the first phase which was MU-1 but according to Staff that was not permitted and the zoning would have to be R-6.

Councillor Rankin stated he could not understand the arbitrary criteria of MR being allowed but not R1. He stated it was all residential in his view.

Councillor Bates questioned if it was MR-1 at present.

Mr. Wallace responded it was zoned MR-1 at present.

Councillor Bates referred to the property (pink on the map) being located within a 1/2 mile of the proposed quarry. He asked if that was correct.

Mr. Wallace responded portions of that property were.

Councillor Bates stated as he understood it, under the Municipal Planning Strategy, if it remained MR-1, it would have no bearing on the quarry development but once changed to R-6 if granted permission, then the property being within 1/2 mile remained the same. He stated at present they were talking of an R-6 zone, and that being the case, the Municipal Planning Strategy says that a quarry could not be developed within 1/2 mile of an R-6 development which was the concern of Annapolis. Annapolis, in turn, indicated their concern to their Solicitor. He asked if that was correct.

Mr. Wallace responded that was correct.

Councillor Bates asked if Mr. Wallace understood that if Council agreed to this, they were automatically shutting down any prospects of the quarry.

Mr. Wallace stated he recognized that as being Staff's presentation to Council. He stated they wholeheartedly disagreed with that on the fundamental basis that applicants had the right to have their application adjudicated based on the laws and zoning in place on the date their application was made. He stated that point



gave the quarry the right to have their application heard without considering a rezoning which could be approved tonight and secondly, it gave The Armoyan Group the right to have their application heard without considering the potential use next door as opposed to an existing use next door.

Councillor Bates questioned how this would be squared off. He stated they say according to the Municipal Planning Strategy, if R-6 is within 1/2 mile, then it was over and done with as far as the quarry was concerned.

Mr. Wallace responded on the date of their application, R-6 was not within a half mile.

Councillor Bates stated no, but if the application at present was approved tonight, that would automatically and at the same time wipe out any chance of the quarry. He asked if that was correct.

Mr. Wallace responded that was not their position at all. He stated they felt that Council would be able to evaluate the quarry application completely on its own independent merits at the time it appeared before them.

Councillor Bates asked the Solicitor if Council changed the designation of this pink section to R-6, if it would automatically rule out the possibility of a quarry going in that location.

Mr. Allan Dickson responded he did not think it would automatically rule it out.

Councillor Bates stated there was something strange here; the Municipal Planning Strategy says that if you are in within 1/2 mile of an R-6 development, you cannot put a quarry there. He stated the lawyer was saying that it did not automatically rule out the possibility of a quarry. He questioned what the Solicitor was talking about.

Mr. Allan Dickson responded, for example, Council could amend the Municipal Planning Strategy.

Deputy Warden Sutherland stated he thought the point Mr. Wallace and Mr. Armoyan were trying to make was if Annapolis made their prior application at the time when existing rules and regulations were in place, that would have been addressed at present.

Councillor Merrigan stated this was very confusing and referred to the map on Page 5 of the third staff report. He stated he was trying to figure out if MU-1 or MR-1 boundaries were compared to what Mr. Wallace had to say. Staff showed it in a different position, and they showed an overlapping of the quarry.

Mr. Wallace responded staff was showing the boundary between MR-1 and the MU-1 zones.

Councillor Merrigan stated the staff report showed part of the quarry in the MU-1 zone. He stated he wished to have this clarified. Staff agreed with Mr. Wallis a few minutes ago stating that none of the quarry was located in the MU-1 zone, but the report was showing that it was.

Mr. Pyle stated what was on the staff report was the actual zoning not designation.

Mr. Wallace stated the policies applied to the designation not the zoning.

Councillor Merrigan asked the Solicitor if the quarry application would have gone ahead first, would it stop the R-6 (rural residential) zone from going in place. He stated he was trying to understand Mr. Wallis's reasoning based on the date of the application. It seemed to him if he made application to do something, and

then afterwards, an individual desired to change the zone, it would interfere with the applicant. He questioned where the interference was.

Mr. Dickson stated he was not sure he could answer that question.

Councillor Merrigan felt earlier if there was something pending that could be adversely affected, then Council had to take that into consideration. He stated he had to determine in his mind if the quarry would be adversely affected.

Mr. Dickson responded Policy P-47 required Council to consider the effect of the proposed development on existing and potential resource development, notwithstanding the Blue Mountain Resources proposal or application, just the fact that there was a positive aggregate on that adjoining land. He stated that was enough for Council to consider as a factor in assessing this application.

Mr. Dickson stated he was not satisfied that what Mr. Wallace was saying was correct. He felt there would be a strong argument that by rezoning the lands here tonight, it would be a factor that would be considered in assessing the quarry application in four months.

Mr. Wallace stated once again, they submitted that the Policy which caused the quarry in the minds of staff to be recognized as a factor in considering The Armoyan Group's application was contained within the Rural Resource Designation portion of the Municipal Planning Strategy and the quarry, was not by staff's own admission within the Rural Resource Designation of the Municipal Planning Strategy. Therefore, it was not correct to consider the quarry in assessing their application because it was not in the designation to which that policy applied.

Councillor Taylor asked Mr. Armoyan if it was merely coincidental that this application came up after Blue Mountain Resources' application.

Mr. Armoyan responded they bought this land in late 1989 or early 1990 through an estate through which Central Guarantee Trust represented. He stated if he would have known there would have been this hassle, he probably would not have bought the land.

Councillor Taylor questioned if Mr. Armoyan knew there was an application.

Mr. Armoyan responded they were unaware of the application. He stated when a title search is done, you really can't tell if there is an application or not. They decided to make an application later on that year. He stated this morning was the first time he knew Blue Mountain Resources Limited made an application before they did. He stated he called the Planning Department and they faxed him a copy of the application. They did not know exactly when that application was made. He stated he was present only in his best interests to develop the land he had.

Mr. Armoyan referred to Councillor Ball's question earlier on in the hearing. He stated they put their lots up for sale in which they have agents working for them to bring purchase and sale agreements. He stated to date, they had 62 purchase and sale agreements out of the 89 lots. 40 or 41 lots were closed and money in the bank. He stated he was not a builder, he was only a developer. He stated he could not control when individuals wished to start activity. At the rate he was going, he had seven lots left in Phase 2 which was the only phase ready at present. If things continued, he would be sold out within the next 60 days. Phase 3 which was presently under construction would not probably be ready until May or June. He stated he had 11 out of 33 lots sold. He stated there was no development in the Metropolitan area that he knew of that sold 62 lots within seven months. He stated 40 were closed and, between now and March 31st, everything would be closed except for the 11 lots to be sold in the next phase which he could not close.

Mr. Armoyan referred to the question Councillor Bates asked with respect to Blue Mountain Resources Limited sending a letter. He stated why they did send a letter amazed him as well. There had been some friction between The Armoyan Group and Blue Mountain Resources Limited over the last month or two since Mr. Armoyan was subpoenaed to appear in front of the Assessment Board to speak with respect to the agreement. He stated the facts he had to give were the true facts and felt they held something against him for the past.

Mr. Armoyan referred to the lady who mentioned Dexter Construction. He stated The Armoyan Group tendered their jobs through public tendering in which four companies were usually invited. He stated it happened that Dexter Construction was the lowest bidder for the first two phases as well as the lowest bidder for the Armcrest Subdivision. He stated 80% of the time they did receive jobs was because they were the lowest bidders.

Mr. Armoyan referred to the conflict with respect to the quarry land. He stated the quarry land was not zoned MR-1. He stated again, he wished to state he disagreed with staff's interpretation. He stated he did not want a quarry, he only wanted to rezone the land to rural residential.

Mr. Armoyan referred to the 1/2 mile mentioned. He stated this was a mere technicality. He stated one way or the other, there was going to be homes there; they were trying to develop an affordable subdivision. He stated, in conclusion, he would like Council to judge this application based on its merits, nothing else. If it was a good development, he wished Council to support him.

#### SPEAKERS IN OPPOSITION

Mr. Graham Steele spoke on behalf of Blue Mountain Resources Limited. He stated Mr. Grant sent his regrets for not being present at this meeting due to out of town business. He advised Mr. Grant, however, submitted a letter which Mr. Kelly advised had been distributed to Members of Council. He stated their position was set out adequately in that letter; however, Mr. Grant did feel a personal appearance on behalf of Blue Mountain Resources Limited was important tonight to underline the strength of their opposition to this rezoning application. He advised the message of Blue Mountain Resources Limited was simple - they were in complete agreement with the report of staff. He stated they believed their interpretation of the Planning Strategy was accurate and they believed their application of the Planning Strategy in the writing of the report and the two addenda were accurate. Despite what had been said in favor of the application, the issue was very simple. Was the quarry operation adversely affected by this rezoning application? He stated the answer was yes and the issue was as simple as that. He stated it was a prior application and the reason why their development was going more slowly was because they voluntarily submitted the matter for an environmental assessment. The Armoyan Group submission would amount to saying that they were prejudiced because they wanted to put it before a full and complete environmental hearing at which all parties were heard over many days of hearing. He stated that was not the law and the staff report acknowledged that. He stated they were in agreement with that.

He stated the only other reason he was present tonight was to outline something said in Mr. Grant's letter and that had been picked up by some of the Councillors which was that the agreement, by no stretch of the imagination, amounted to consent on behalf of Blue Mountain Resources to this rezoning application tonight. He stated Blue Mountain Resources Limited did not and would not consent to this rezoning application which would affect 43 acres of the quarry development. As Mr. Dickson has pointed out, this issue is going to affect the application of Blue Mountain Resources when it does come before Council. He stated he knew it was very tempting to let the matter drift to the merits of the quarry application but this was not what the application was about. He stated it was the rezoning application in keeping with the Planning Strategy which was the sole issue before Council tonight. He stated there would be another day at

which the merits of the quarry would be discussed. He stated that day would come where everybody would be heard. He urged the Warden and Councillors to reject the rezoning application because it was incompatible with a prior proposed use.

QUESTIONS FROM COUNCIL

Councillor Taylor asked Mr. Steele if he admitted that the quarry was not by right but by Development Agreement.

Mr. Steele responded they concurred with staff's assessment with respect to that.

Councillor Taylor questioned if it was by right.

Mr. Steele responded no, it was not by right.

Councillor Taylor stated he wanted Council to confirm this. He asked if they had vested interest to state their disapproval. He stated he could not see, by law, them receiving vested interest in the process.

Mr. Steele responded he felt they had vested interest in the process. He stated the question was what impact would that have.

Councillor Ball asked if Mr. Steele had signed an agreement with The Armoian Group that they could take their storm water drainage across Blue Mountain Resources property?

Mr. Steele responded that was correct.

Councillor Ball asked what this agreement was in exchange for.

Mr. Steele responded essentially in return for The Armoian Group agreeing not to object to the quarry development.

Councillor Ball questioned when Mr. Steele stated agreeing not to object, did that mean support or did that mean remain silent on the quarry issue.

Mr. Steele, stated as a lawyer, he was a little reluctant to para-phrasing an agreement. He did not have a copy of the agreement available for each of the Councillors to read and would have to let the agreement speak for itself. He stated Mr. Grant had asked him to convey to Council if there were continuing concerns over just what was in that agreement, that they would specifically ask that the vote be deferred in order that the parties might address that issue more fully in writing to Council. He stated if it was something they wished to be addressed more fully, they would be willing to do that.

Councillor Giffin asked if Mr. Steele would acknowledge the fact that they could build homes on 80,000 square foot pieces of land.

Mr. Steele stated they could build homes on 80,000 square foot pieces of land within the current zoning.

Councillor Giffin asked if Mr. Steele felt The Armoian Group building homes on 30,000 square feet pieces of land would make a difference in Council's adjudicating the quarry proposal when it came to them.

Mr. Steele responded what made the difference was whether the proposed quarry site came within 1/2 mile from a residential zone.

Councillor Merrigan asked if Mr. Steele was only objecting to this because it was interfering with the application in front of them, but not on the merit of the rezoning or anything else.

Mr. Steele responded that was correct; however, he would not comment on the merit of the rezoning. He stated they were only commenting on the fact that this affected a pre-existing proposal.

Councillor Merrigan stated it seemed to him they had a fairly good development in front of them with the request for rezoning. He felt it difficult to determine the difference between 80,000 square foot lots and a 50,000 square foot lot. He asked the Solicitor if Council was able to defer the situation on the application in front of them until after the quarry application was dealt with.

Mr. Steele responded he thought they were able to do this.

Councillor Merrigan stated they could then deal with the merits of this without jeopardizing a hearing that could come before them. He stated the only concern tonight was if they approved this application, they might be putting themselves in a position as well as the developer in terms of appeals, etc.

Mr. Donovan read Section 69 of the Planning Act to Council.

Councillor Merrigan asked if this could be deferred for 120 days from today. He stated he thought that was done in the past.

Councillor McInroy stated it seemed to him the same logic being used in terms of deferring this application until the quarry application was heard would have the same impact on this application when Council came to look at it. He stated if the issue was whether or not there could be a quarry located within 1/2 mile of the R-6 zone, he stated they knew at present that quarry was located within 1/2 mile of the land indicated by pink. He stated as soon as the quarry was approved, if in fact it was within its current boundaries, Council had prejudiced the consideration of the R-6 zone. He felt this was a hypocritical situation where basically Halifax County's plans should be changed because Halifax County's plans said that you could put a quarry close to a house in a MU zone but not close to a house in an R-6 zone.

Councillor Merrigan expressed concern with jeopardizing another situation they knew would be coming before Council for discussion.

Mr. Steele stated he believed this was open to Council tonight to consider this application on its merits in accordance with the Policies in the Municipal Planning Strategy. He advised this application was entitled to be dealt with on that basis and that if Council decided to allow this application tonight, there was always the right to appeal.

Councillor Boutilier stated he had a question for Mr. Dickson. He stated if they could not consider this application by The Armoyan Group this evening, why was it placed on the agenda in the first place. He questioned if Mr. Dickson's opinion was that Council could not deal with The Armoyan Group's application this evening.

Mr. Dickson stated, in his opinion, Council could deal with the application this evening.

Councillor Boutilier stated he seemed to get the feeling Council was present to deal with The Armoyan Group's application but, at the same time, because the Blue Mountain Resources application was still pending could put everything on hold. He stated he disagreed with that - the application was here at present and should be dealt with. He asked how any single application could be jeopardized premised on something else that will or might happen in the future. He stated they should look at it now on its merits, and he felt that was all Council should do.

Councillor Brill stated he agreed with Councillor Boutilier. They were present to deal with this specific application. He felt they should stick to it.

Councillor MacDonald asked the Solicitor if the application was turned down, could they build houses on that land.

Mr. Dickson responded they absolutely could build houses on that land.

Councillor MacDonald stated he could not understand the objection from Blue Mountain Resources Limited whether there was going to be a few square feet difference. He stated at present, the other phases were in 1/2 mile of the existing land for the quarry. He stated his point was that either way they were going to build houses on this land.

#### DECISION OF COUNCIL

Mr. Kelly read into the record Correspondence dated February 24, 1992 submitted by Mr. R. J. Clinger, P.Eng., Dartmouth, in support of the rezoning application by The Armoyan Group.

Councillor Brill advised last month, he was invited to speak to the Halifax County Business Association and there had been between 40 to 50 ladies and gentlemen in attendance. He stated they were frustrated particularly with their planning process, delay after delay. He felt it was time Council started working together and fast track their process without jeopardizing the public interest and create work.

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

"THAT the application by Armoyan Group Limited to rezone property located adjacent to Kingswood on the Lake subdivision on the Hammonds Plains Road, from MR-1 (Mixed Resource) Zone to R-6 (Rural Residential) Zone in order to permit a proposed extension of the subdivision to Long Lake on the basis of lots having a minimum lot area of less than 80,000 square feet be approved by Municipal Council."

Councillor Merrigan stated he supported the motion on the floor.

Councillor Giffin stated they were elected to make decisions and did not feel this decision should be put off. He stated he thought they had shown that the rezoning was not premature and that health requirements had been satisfied. He felt Blue Mountain Resources Limited was incompatible with Halifax County's plan and incompatible with the Uplands Village and the other Municipalities of Bedford and Halifax that had rural residential development in their area. He stated there was more than just Halifax County involved here. He stated there were no other individuals present to oppose the application. He referred to Policy P-47 Mr. Dickson referred to. He stated the only concerns and responses that were not satisfied were those dealing with Blue Mountain's quarry. He stated whether a house was on an 80,000 foot lot or a 30,000 or 40,000 foot lot, it would make no difference in this particular exercise. Finally, he advised District 18 was a bedroom community, it was not an industrial district. They needed residential development and to stifle any good development in this economic state was not only ludicrous but reprehensible.

Councillor Bates stated he was under the impression there was some unfairness here where the individuals who were interested in developing the quarry were being crowded out by this development. However, he stated he supported the motion on the floor because Mr. Armoyan had the right to build houses on this land.

Councillor Ball stated with respect to this matter, he found himself between a rock and a hard place. He stated quite frankly, there were still things that bothered him with respect to the application. Those things were some of the contradictions that were said at the Planning Advisory Committee meeting. He stated he wished the record to reflect that because Council possibly could

approve this application here tonight, it won't reflect that that in no way suggests, by any stretch of the imagination, that Council may necessarily be in opposition to a quarry. He stated he wanted it to be understood that residents of the area in purchasing the lots were fully aware that a proposed quarry was going there.

Councillor Cooper stated there was a lot of information before Council tonight that he felt really did not effect what they should be considering. He stated he found it quite interesting that in the staff report, Page 5, that the shape of the quarry 1/2 mile boundary (staff report of February 17, 1992) was tailored so that it would not go into the R-1 zone adjacent to the MU-1 zone owned by Mr. Armoyan. He questioned why the quarry boundary was tailored to avoid an R-1 zone in that report if it was not of concern to the boundaries and to the plan and was to be taken into consideration. He requested Council to look at the map on Page 5 of that report. He questioned and answered the questions necessary with respect to the application.

1. Was the rezoning permitted, yes the rezoning was permitted.
2. Was the quarry in a primary resource zone, no, it was not according to the maps.
3. Have they transferred from a resource area into a Mixed Use B area, the rights of that resource area. He stated if it was a resource area strictly, then the quarry would have priority. If it was in a Mixed Use B area where it is permitted by Development Agreement, did it have that same priority. He said he felt this was another question that needed to be answered.

He stated because of those reasons, he felt it appropriate to consider this rezoning and make a decision on it. He stated the residential development was becoming to be the intended use of the land. He stated on many occasions, they had made decisions in favor of individuals who had prior claims. He stated again this was something that Blue Mountain Resources Limited would have taken into consideration whether their prior claim or prior application was being detrimentally affected. He felt they had made a decision today on the fact that somebody had done something previously and Council had supported them. He stated Council was placing themselves in a dilemma.

Councillor Cooper stated with respect to being in favor of the motion, subject to an individual coming back and saying they were wrong in not considering a previous application, he stated they should consider the fact that the quarry was basically held up by environmental assessment to make its decision over something that the Province had basically slowed down, he again felt they should proceed with this. He felt Council should make a decision on the rezoning. He stated he was in favor of the rezoning.

Councillor McInroy stated he wished, as well, to speak in favor of the motion. He stated what they had there was a legal right to continue with an actual residential development. He stated it seemed to him they should be looking at what was in the best interest of all individuals involved with this particular application.

MOTION CARRIED UNANIMOUSLY.

#### ADJOURNMENT

It was moved by Councillor Boutilier that this meeting adjourn.

Time of Adjournment: 10:30 p.m.

MINUTES & REPORTS  
OF THE  
FIRST YEAR MEETINGS  
OF THE  
FORTY-FOURTH COUNCIL  
OF THE  
MUNICIPALITY OF THE COUNTY OF HALIFAX  
MARCH COUNCIL SESSION  
TUESDAY, MARCH 3 & 17, 1992

&

PUBLIC HEARING  
MARCH 9, 1992

&

COMMITTEE OF THE WHOLE  
MARCH 2, 1992

Includes May 2, 1992 Special Council  
Session as a continuation of the March  
Annual Council Session



INDEX

MARCH COUNCIL SESSION - 1992

Armoyan Group Ltd. ....	12
Broom Lake Watershed .....	10
Borrowing Resolution .....	32
Cole Harbour Place Expansion .....	10 - 12
Cole Harbour/Westphal Community Committee Report .....	20
Council Committee Structure .....	22
Capital Grants - Cultural and Recreational Facilities .....	32
District Capital Grants .....	22
Doyle Drive - Porters Lake .....	22
Driver Examiner - Sheet Harbour .....	41 - 42
Grants .....	6 & 31
G.S.T. Exemption .....	6
Heritage Advisory Committee Report .....	20
Letters & Correspondence .....	2 - 6 & 25 - 30
Ledwidge Lumber Rezoning .....	22 - 23
Motion - Appointment of Recording Secretary .....	1, 24 & 44
Motion - Approval of Minutes .....	1 - 2 & 24 - 25
Motion - Letters and Correspondence .....	2 - 6 & 25 - 30
Motion - Police Requirements .....	2 - 4
Motion - Temporary Borrowing Resolution .....	6
Motion - Mosher River Fire Department .....	6
Motion - Grants .....	6 & 31
Motion - G.S.T. Exemption .....	7
Motion - Uniform Closing Day By-law .....	7
Motion - Social Service Caseload and Expenditures .....	7 - 8
Motion - Nathan Smith Park .....	8
Motion - Property Tax Exemption .....	8
Motion - Tax Ememption By-law .....	8 - 9
Motion - U.N.S.M. Dues .....	9
Motion - Broom Lake Watershed .....	10
Motion - Cole Harbour Place Expansion .....	10 - 12
Motion - Armoyan Group Ltd. ....	12
Motion - Public Hearing Dates .....	12 - 13 & 31
Motion - Signing Officers - Ocean View Manor .....	13

INDEX

MARCH COUNCIL SESSION - 1992

Motion - Minor Variance Appeal .....	13
Motion - Solid Waste Management .....	14
Motion - Refuse Collection .....	14 - 18
Motion - Transit Committee Report .....	18
Motion - Police Committee Report .....	18 - 19
Motion - Heritage Advisory Committee Report .....	20
Motion - Cole Harbour/Westphal Community Committee Report .....	20
Motion - National Wildlife Week .....	20
Motion - Municipal Building Permits .....	21
Motion - Margaret Latter Manor, Herring Cove .....	21 - 22
Motion - Council Committee Structure .....	22
Motion - District Capital Grants .....	22
Motion - Doyle Drive, Porters Lake .....	22
Motion - Ledwidge Lumber Rezoning .....	22 - 23
Motion - Adjournment .....	23 & 43
Motion - Federal Budget Communique .....	25
Motion - Coleridge Estates Petition .....	29 - 30
Motion - Task Force Local Government .....	30
Motion - Write-off Accounts .....	31 - 32
Motion - Capital Grants, Cultural and Recreational Facilities ....	32
Motion - Borrowing Resolution .....	32
Motion - Mischiefs and Nuisances By-law .....	32 - 34 & 36 - 37
Motion - Union Variance Appeal .....	34 - 36
Motion - Recyclable Collection Tender .....	37 - 39
Motion - Mainstreet Program .....	39 - 40
Motion - Southwood Road .....	40
Motion - Improvements Hammonds Plains Road .....	40 - 41
Motion - Improvements Highway # 2 .....	41
Motion - Driver Examiner, Sheet Harbour .....	41 - 42
Motion - Tax Rate .....	45 - 53
Nathan Smith Park .....	8
National Wildlife Week .....	20
Ocean View Manor - Signing Officers .....	13
Police Requirements .....	2 - 4
Property Tax Exemption .....	8
Public Hearings - Dates .....	12 - 13 & 31
Police Committee Report .....	18 - 19
Refuse Collection .....	14 - 18
Recyclable Collection Tender .....	37 - 39
Social Services Caseload and Expenditure .....	7 - 8
Solid Waste Management .....	14
Southwood Road .....	40

INDEX

MARCH COUNCIL SESSION - 1992

Temporary Borrowing Resolution .....	6
Tax Exemption By-law .....	8 - 9
Transit Committee Report .....	18
Task Force - Local Government .....	30
Tax Rate .....	45 - 53
Uniform Closing Day By-law .....	7
U.N.S.M. Dues .....	9
Write-Off Accounts .....	31 - 32

COUNCIL SESSION

MARCH 3, 1992

PRESENT WERE:

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

ALSO PRESENT:

K. R. Meech, CAO  
G. J. Kelly, Municipal Clerk  
Fred Crooks, Solicitor  
Jeanette MacKay, Recording Secretary

=====

Warden Lichter called the meeting to order with the Lord's Prayer.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Jeanette MacKay be appointed Recording Secretary".  
MOTION CARRIED.

APPROVAL OF MINUTES

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

"THAT the minutes of the February 4, 1992 Council Session be approved."  
MOTION CARRIED.

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

"THAT the minutes of the January 20, 1992 Public Hearing be approved."

MOTION CARRIED.

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

"THAT the minutes of the February 10, 1992 Public Hearing be approved."

MOTION CARRIED.

#### LETTERS AND CORRESPONDENCE

Mr. Kelly outlined a letter from Joel Matheson, Solicitor General dated February 12, 1992 respecting policing requirements in Halifax County. The letter was in response to our letter indicating that Council approved, in principle, an additional 10 RCMP in Halifax County.

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

"THAT the letter be received."

MOTION CARRIED.

Councillor Richards indicated he had a problem with the terminology used in the letter, specifically with respect to the words "enhanced level of policing". He stated that he was told there would be a constant upgrading of police person years to meet the growing demands of Halifax County by the Ministers Department. This never took place and for the Minister to refer to the extra service as enhanced is ridiculous.

Councillor Richards suggested that Council respond to the Minister expressing this concern. If Halifax County was reaching a level of population base to police officer of approximately 1-400, then that would be referred to as enhanced level of policing and there would be some justification for this terminology.

Councillor Boutilier advised that the letter reiterates RCMP request has been in and that enhanced means we are asking for additional police officers over and above what they are prepared to give .

Councillor Brill inquired what the ratio is for policing in Nova Scotia.

Councillor MacDonald stated it was 850-1 by the N.S. Police Commission guidelines. Halifax County's was originally 1700-1.

and enhanced policing took it down to 1300-1. However, Halifax County's population has grown and therefore more should be supplied.

Mr. Meech responded that the Province establishes the population to police ratio. One of the things lacking was there was a policy the police to population ratio should be for the RCMP policing that they were providing under an agreement with the federal government.

Mr. Meech advised that the City of Halifax and Dartmouth is 1-400 or 450 and most towns are somewhere between 400-500 to 1. We are far in excess of that. The last time it was discussed with RCMP personnel we were trying to achieve on paper a minimum standard of 1-800 and it can fluctuate depending on the community form - rural of urban but basically it is somewhere between 1100-1200. He indicated that the ratios are back to the same level if not greater than they were 6-7 years ago when the agreement was made to provide additional policing. No formal commitment - our assumption was that the Province would still continue, on a annual basis to increase manpower at least related to the population increase, but in fact, ever since we agreed to pay for the additional manpower, if there has been any it has been minimal in terms of increases to the detachment staff and has been some changes to serviceable boundaries for the detachments.

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

"THAT County Council takes exception to the term "enhanced level of policing" and that the County in no way provides an enhanced level of policing and that this in fact will only help bring our policing ratio to population base in line to where it should have been ten years ago and not where it should be today and further that the Province be requested to provide the ratio the Province uses to determine the number of RCMP officers required in Halifax County."  
MOTION CARRIED.

The Warden asked Mr. Meech if we have to enter into a dialogue with the Solicitor General's Department in order to work out a policing agreement. If so, a decision will have to be made as to whether we proceed with the negotiations and signing an agreement.

Mr. Meech responded that it has achieved what we wanted it to do initially and that was to get the request into the budget process with the RCMP, but in fact the bottom line is that if we want to have these additional personnel we would have to advise the Solicitor General's Department by the first of April that we are prepared to execute some type of agreement and are prepared to

pick up the cost. In the next number of weeks a decision must be made as to whether or not we want to contract for the additional ten officers.

The warden asked if we should wait for a reply to that letter before we move on the execution of the agreement.

Mr. Meech replied that the agreement would just be an exchange of letters whereby we indicate that we want to confirm our request and are prepared to pay the additional cost associated to the Province to have the additional police.

Councillor Richards suggested that it be referred to the Police Committee for discussion there and then brought back to Council. Before any agreement is entered into, we must wait for the federal government response to this. He advised that it would be on agenda for discussion at the next Police Committee meeting.

Letter from Department of Transportation, re Beaverbank Road

Mr. Kelly outlined a letter from the Department of Transportation and Communications in response to correspondence with respect to a dangerous location on the Beaverbank Road in which we asked the department to correct the problem.

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

"THAT the letter be received."  
MOTION CARRIED.

Letter from Hon. Doug Lewis, Solicitor General of Canada

Mr. Kelly outlined a letter from the Hon. Doug Lewis, Solicitor General of Canada in response to our correspondence in which Council supported a resolution passed by a municipal unit in Ontario with respect to the Air India tragedy of June 1985.

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

"THAT the letter be received."  
MOTION CARRIED.

Letter from Deputy Minister of Municipal Affairs

Mr. Kelly outlined a letter from the Deputy Minister, Department of Municipal Affairs to Mr. Meech acknowledging receipt of a letter dated February 5th advising that the County Charter is from the Municipality's perspective complete and ready for introduction into the Legislature. The letter indicated that she

would discuss the matter with the Minister and seek direction in light of the process now underway regarding local government structure.

Mr. Kelly also outlined a letter from the Minister of Municipal Affairs, Hon. Brian Young dated February 24, 1992 respecting the County Charter.

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

"THAT the letters be received."  
MOTION CARRIED.

The Warden indicated that on March 5th all of the Mayors, Wardens, Executive Members of UNSM and the Honourable Brian Young will be meeting to discuss the document that has been prepared which is looking at rationalization of Municipal Boundaries and Services.

Letters respecting Assessment and Taxation on Approved Lots

Mr. Kelly outlined two letters, one from Onorio Pirri and the other from E. K. Aston respecting assessment and taxation on approved lots.

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

"THAT the letters be received."  
MOTION CARRIED.

The Warden indicated there has been many letters received respecting this issue and asked that the same action be taken and that Mr. Meech check with Planning Staff on this because a recommendation should be forthcoming soon.

Mr. Meech advised that he had signed the report today and it will be tabled with Executive on Monday, March 9th for discussion.

Letter from Joel Matheson, Minister Responsible for HHCI

Mr. Kelly outlined a letter from the Solicitor General, Joel Matheson respecting the Halifax Harbour Cleanup Project along with an outline of planned costs for the project.

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

"THAT the letter be received."  
MOTION CARRIED.



The Warden indicated that he and Mr. Meech attended a meeting on March 2nd with the Hon. Joel Matheson respecting this and indicated that the main concern was what is the municipal financial commitment to the project. It was agreed that the Municipal commitment is 25% of the overrun. The estimated cost of the project is in excess of 400 million dollars.

#### EXECUTIVE COMMITTEE REPORT

##### Temporary Borrowing Resolution

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

"THAT council approve temporary borrowing resolutions as follows: 88-02 Hubbards Industrial Mall - \$1,250,000  
90-05 Equipment (Computer) - \$ 300,000

MOTION CARRIED.

Mr. Meech advised that the temporary borrowing resolutions are to renew the borrowing resolutions related to the capital project for the Hubbards Industrial Mall and computer equipment. He advised these must be renewed on an annual basis.

##### Moser River Fire Department

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

"THAT Council approve the acquisition and transfer of property on behalf of the Moser River Fire Department as outlined in the staff report."

MOTION CARRIED.

##### Request for Grants

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

"THAT Council approve the following grant requests as outlined in the Executive Committee report:

- a) District Capital Grant, District, District 17 - \$500;
- b) District Capital Grant, District 8 - \$500 and a General Parkland Grant - \$500;
- c) District Capital Grant, District 5 - \$1,110;
- d) District Capital Grant, District 12 - \$1,000
- e) District Capital Grant, District 1, 3 and 18 - \$600".

MOTION CARRIED.

G.S.T. - Rental Facilities for Minor Sports Groups

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

"THAT Council write to the federal department to request that rental for facilities for minor sports groups be exempt from the Goods and Services Tax".

MOTION CARRIED.

Uniform Closing Day By-Law - By-law #57

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

"THAT Council approve a resolution that the Uniform Closing Day By-law, #57 be repealed".

MOTION CARRIED.

Social Services Caseload and Expenditure Projections

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

"THAT Council send a letter to the Province of Nova Scotia asking them to proceed with the study to resolve the duplication of services between the province of Nova Scotia and the various Municipalities and assess who should have the legitimate responsibility for funding the various programs, and further to request that a meeting be arranged with the Minister and representatives of Halifax County".

MOTION CARRIED.

Councillor Fralick asked what was meant by resolving the duplication of services between the Province and the Municipality.

Mr. Meech advised that it means the Municipality must either help in assisting with supplementary benefits to those that are receiving provincial social assistance, i.e family benefits. He advised that the Municipality pays additional assistance over and above what they would be entitled to under the family benefits program, or the County pays for the period in which they make the application for family benefits until such time as they are actually approved, which sometimes takes between 3-6 months.

The Warden advised that the Municipality has written to the Minister asking for a meeting at which time they will be presenting the case of Halifax County and the difficulties the County is facing. He advised that the County may have to ask for special assistance.

Councillor Brill asked what kind of controls the County has on the Social Services budget. He advised that it has gone up substantially in his district and wondered if we could do the same as the province does and put a cap on it.

The Warden advised that in certain areas there is no choice. The amount of assistance that must be given to an individual or a family is prescribed by by-laws as well as the provincial regulations. In other cases, which Mr. Meech spoke about, are cases which are above and beyond these amounts. Many people have special needs besides what family benefits actually pays like medication for family members, etc. He indicated that staff does the best they can in making sure that they do what is absolutely essential both for the survival of families and also essential from the point of view of the Municipality. Unfortunately, both of those don't always coincide. All of this will be discussed with the Minister in the hope that he will understand our resources are very limited and this is an extremely difficult time for all municipalities.

#### Nathan Smith Park

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

"THAT Council approve the boundary location between lands of Gerald Smith and Nathan Smith Park (Lands of the Municipality of the County of Halifax) by a boundary agreement and quit claim deed signed jointly with Gerald Smith".

MOTION CARRIED.

#### 1992/93 Property Tax Exemption

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

"THAT Council approve that the maximum income of all family members residing in a household not exceed \$11,500 and that the maximum exemption be \$315. for the 1992/93 fiscal year".

MOTION CARRIED.

#### Amendment - By-law Respecting Tax Exemption By-law #51

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

"THAT Council approve an amendment to the Tax Exemption By-law with minor modifications, for the purpose of having the by-law in effect for a further three (3) year period."

MOTION CARRIED.