

Harbour/Westphal in the Mainstreet Program was presented to Executive Committee. Executive Committee recommended that Council support the submission of an application to the Department of Small Business Development for a Mainstreet Program in Cole Harbour and a Village Square Program in Westphal.

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

"THAT COUNCIL APPROVE THE RECOMMENDATION OF EXECUTIVE COMMITTEE AND SUPPORTS THE SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF SMALL BUSINESS DEVELOPMENT FOR A MAINSTREET PROGRAM IN COLE HARBOUR AND A VILLAGE SQUARE PROGRAM IN WESTPHAL".

MOTION CARRIED.

FCM ANNUAL CONFERENCE

This item was deferred to the next Council Session as Warden Lichter was not present.

DEPARTMENT OF TRANSPORTATION - SOUTHWOOD ROAD

Councillor Giffin advised that he had written a letter to the Minister of Transportation and Communications on the deplorable condition of collector roads and highways in his District and advised that he received back a form letter signed by one of his aides. He asked for Council's support that Southwood Road in Highland Park be paved. It was now a gravel road. He explained that people on the road had been waiting for 15 years for it to be paved and it was only 500 meters long.

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

"THAT COUNCIL REQUEST DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS TO PAVE SOUTHWOOD ROAD IN HIGHLAND PARK".

MOTION CARRIED.

DEPARTMENT OF TRANSPORTATION - HAMMONDS PLAINS

Councillor Fralick referred to the set of amber lights at the intersection of Districts 1, 18 and 3 by the arena. He stated that, to his knowledge, there had been no accidents since the light had been erected and he would like to congratulate the Department of Transportation on this and ask when the additional improvements to the intersection would be implemented.

Councillor Giffin advised that there was \$40,000 included in last year's budget for that intersection to widen the lanes and install lights and approximately \$100,000 would be requested in the forthcoming budget. He hoped that the improvements would be

implemented in 1992/93.

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

"THAT A LETTER BE WRITTEN TO DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS, WITH A COPY TO THE LOCAL M.L.A., REQUESTING ADVICE ON THE STATUS OF IMPROVEMENTS FOR THE INTERSECTION".

MOTION CARRIED.

DEPARTMENT OF TRANSPORTATION - FLETCHER LAKE/WELLINGTON

Councillor Peters advised that about two years ago sidewalks had been constructed along Highway #2 in the Fletcher Lake/Wellington area with the provision to realign the road with an island so that when Holland Road met Highway #2, the traffic mixup would be eliminated. This has not been done and fatalities have occurred. She requested that Council support a letter to the Department of Transportation and Communications requesting the status of the realignment and, as well, ask when sidewalks would be built on Holland Road to and including Holland Road School as there has been an area rate levied for this purpose.

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

"THAT THE LETTER BE WRITTEN TO DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS AS OUTLINED ABOVE".

MOTION CARRIED.

PER DIEM RATE - DUNCAN MACMILLAN NURSING HOME

Councillor Smiley asked that this item be deferred until the next Council Session as she had been unable to meet with the Board of the Duncan MacMillan Nursing Home.

URGENT AGENDA ITEMS

Registry of Motor Vehicles

Councillor Smiley read a letter from Ronald Harding, Driver Education Instructor, Duncan MacMillan High School and William Kilfoil, Principal of Duncan MacMillan High School advising that it had been rumoured that the monthly driver examination service to the Sheet Harbour area would be eliminated. It had also been rumoured that there was a possibility that Court services would be eliminated, necessitating travel to Dartmouth. The letter requested re-examination of the alleged reduction in services.

Councillor Smiley advised she had also received a call regarding the rumour. She outlined the number of people who had been in

attendance for the last monthly driver examination day and outlined the problems that existed in her area with regard to low incomes and lack of transportation. She stated it was somewhat obscene how the rural areas are treated because of geography. She said they pay taxes too and require services as well as the urban areas and that they had fought hard to obtain the services that now exist.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION AND COMMUNICATIONS REQUESTING THAT TWICE-A-MONTH SERVICE FROM THE DRIVER EXAMINER BE RECEIVED FOR SHEET HARBOUR, NOW THAT WEATHER CONDITIONS HAVE IMPROVED, AND THAT THE SERVICE SHOULD NOT BE CUT OFF COMPLETELY AND THAT A COPY OF THE LETTER BE FORWARDED TO THE DEPUTY PREMIER".

MOTION CARRIED.

Councillor Smiley stated she would deal with the issue of the reduction in Court services at another time.

SEWAGE TREATMENT PLANTS - DISTRICT SCHOOL BOARD

Councillor Peters referred to Minutes from Halifax County/Bedford District School Board dated March 4, 1992 in which it was stated that with regard to sewage treatment plants, they anticipated a reduction in costs by taking over maintenance of their sewage treatment plants. She said this would be taken away from County Works Department and put under their own leadership. She referred to the summary of duties and work performed by the treatment plant operator which formed part of the Minutes and the fact that there was a 90-day hold on a treatment plant in Fall River because of a concern with the water quality on discharge from the treatment plant. She said it was the excellent reputation of Halifax County Works Department which made her feel more relaxed once decisions were made. She said there were a number of schools in Districts 14 and 17 that discharge into water courses and she stated she would have serious concern if the School Board was to take over something like this without the expertise and guidance of the Works Department. She asked if a report could be obtained or a letter of concern sent to the School Board.

Mr. Meech advised this was new information to him and that the County was still providing the contract to maintain the sewage treatment facilities. He agreed to approach staff of Engineering Department to find out what was taking place. Councillor Peters asked that the capital cost and quality of water be taken into consideration in approaching staff. She stated she was seriously concerned about the leadership role taken by Halifax County in tertiary treatment.

ADDITION OF ITEMS TO APRIL 7, 1992 COUNCIL SESSION

1. School Nurse and Examination of Primary Students by School Boards - Councillor Peters
2. Naming of Schools - Councillor Giffin

ADJOURNMENT OF ANNUAL SESSION

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

"THAT THE ANNUAL COUNCIL SESSION ADJOURN TO THE APRIL 7,
1992"

MOTION CARRIED.

SPECIAL COUNCIL SESSION

May 2, 1992

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 Snow
Councillor Giffin
Councillor MacDonald
Councillor Boutilier
Councillor Harvey
Deputy Warden Sutherland
Councillor Richards
Councillor McInroy
Councillor Cooper

ALSO PRESENT: Dale Reinhardt, Deputy Municipal Clerk
K. R. Meech, Chief Administrative Officer

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The meeting was called to order at 10:00 a.m.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY"

MOTION CARRIED

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

"THAT THIS MEETING BE DECLARED A CONTINUATION OF THE
ADJOURNED ANNUAL COUNCIL SESSION"

MOTION CARRIED

ATTENTION:

The following pages are dated May 2, 1992, but are a continuation of the March Annual Council Session. These pages should be scanned and included with the other March 1992 materials.

Please do not scan this note.

Thank you.

Councillor Boutilier asked if the tax rate is set at this meeting would it be advisable to inform the School Board and save the process of the School Board going through with the planned presentation at the Committee of the Whole on Monday, May 4, 1992.

Warden Lichter stated that a "no" vote had already been taken by Council with regards to Supplementary Funding. He stated that if the tax rate is set and the school board comes to council and additional monies would have to be found there are two ways of finding those additional monies: either by creating further cuts from the departmental expenditures and hand those over to the school board or committing certain amounts of funds that would then create some kind of a deficit for the Municipality.

Councillor Harvey stated that if a rate is set at this meeting then an indication of what that the school board should be notified prior to the meeting on Monday what this would mean with regards to funding.

Mr. Meech reviewed the background. He stated that at the last meeting the indication was that to achieve the 6.5% rate increase \$458,000. was still have to be identified either in increased revenues or reduced expenditures. He stated that it has been determined that the deficit situation is not as extreme as anticipated. He stated that he was also requested to identify services that could be cut to go from 6.5% to 4%. He stated that the deficit will be approximately \$800,000. He stated that the bulk of the overexpenditure is in Social Services as a result of increased users.

Councillor Bates stated that he is concerned about the education budget which will make it very rough on the people of the County. He stated that he understood that there was an agreement that Halifax County would not provide any supplementary funding.

Warden Lichter stated that when Council dealt with that item he pointed out that Council could not make a legal and binding motion because the only time Council can decide on supplementary education funding is when the two councils are present, both of them have a quorum, and 80% approval is given by that body.

Councillor MacDonald asked if this budget took into consideration financing for RCMP. He asked if any jobs had been cut in this budget.

Warden Lichter stated that no positions have been cut but the decision was made that there would be no new additional positions approved.

Councillor Meade asked, with regards to Social Services, if a family moved into Halifax County from another county can Halifax County bill the amount back to the other county up to a period of

12 months.

Mr. Mason stated that yes this was the case but most of the mobility is within the metro area. He stated that the amount of mobility with respect to the other Municipalities is very small. He stated that Halifax County has a agreement with Bedford, and Halifax City that if someone moves from Halifax County to Bedford or Halifax City the County is not billed and likewise the reverse is true. He stated that there is no such agreement in place with the City of Dartmouth.

Councillor Taylor asked what the overall net expenditure was for Social Services.

Mr. Wilson stated that they are over their budgeted figure by about \$2.8 million.

Councillor Meade asked if the \$1 million was still required from Water Utility.

Mr. Meech stated that this would not be required although the Municipality can legally do this.

Councillor Richards asked what would be the final date for setting a tax rate.

Mr. Wilson stated that to accommodate the billing system it should be set sometime in May. He stated there is a time limit because the Municipality can only spend up to 50% of the prior years budget and then the County cannot spend any more.

Councillor Richards asked when that point would be reached.

Mr. Wilson stated that would be approximately six months into the year. He stated that if you wait until that point there is difficulty with giving the people 30 days to pay before due dates which have been set.

Mr. Meech stated that a 3% increase could be achieved if part of the Ocean View Manor or Water Utility surplus was tapped.

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

"THAT THE TAX RATE BE 3% SUPPORTING OPTION 5, SCHEDULE 0-1 AS IMPLEMENTED"

Warden Lichter stated that he wanted to point out that in order to be able to have that motion dealt with the Council would have to go through Schedule 3 and 3-1 to try and identify what Council would be willing to support to get to that point. He stated that although the items are all identified some of those may be impossible to achieve or may not be the desire of council to cut.

He stated that the motion on the floor would not be setting a rate but beginning an exercise. Both the mover and the seconder agreed.

MOTION CARRIED

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

"THAT DEBATE BE LIMITED TO FIVE (5) MINUTES FOR EACH MOTION"

MOTION CARRIED

1. CONFERENCES

Warden Lichter stated that the budget right now is \$21,000. in the Legislative for conferences.

It was moved by Councillor Meade,

"THAT THE CONFERENCE BE REDUCED BY \$20,000. NOT \$27,500."

The motion was lost for want of seconder.

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

"THAT THE CONFERENCE BUDGET BE REDUCED BY \$17,500."

MOTION CARRIED

14 IN FAVOUR

5 AGAINST

2. TRAVEL

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

"THAT THE \$18,000. FOR TRAVEL BE REDUCED"

MOTION CARRIED

3. PLAN & DEVELOPMENT - Leave of Absence

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

"THAT THE LEAVE OF ABSENCE IN PLANNING AND DEVELOPMENT NOT BE REPLACED FOR THE SIX MONTH PERIOD FOR AN AMOUNT OF \$9,500.00"

MOTION CARRIED

4. SOCIAL SERVICES - Vacancy

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

"THAT THE VACANCY FOR A CO-ORDINATED HOME CARE NOT BE FILLED FOR AN AMOUNT OF \$6,500.00"

MOTION CARRIED

5. SOCIAL SERVICES - Grant East Preston B & G Club

It was agreed by Council that the Grant to the East Preston Boys and Girls Club stay in the budget for the year 1992/93.

6. PART TIME STAFF POSITIONS

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

"THAT THE PART TIME POSITIONS BE ELIMINATED FOR AN AMOUNT OF \$41,500.00"

MOTION CARRIED

7. FINANCE

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

"THAT THE AMOUNT OF \$5,000.00 FOR PROFESSIONAL SERVICES BE ELIMINATED"

MOTION CARRIED

8. RECEPTIONS

It was moved by Councillor MacDonald, seconded by Councillor

"THAT THE AMOUNT OF \$3,000.00 FOR RECEPTIONS BE ELIMINATED"

MOTION CARRIED

9. PROPERTY MANAGEMENT - Egan Building

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

"THAT PROPERTY MANAGEMENT BE REDUCED BY \$20,000.00"

MOTION CARRIED

10. FINANCE - INFO SERVICES - RENTALS

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

"THAT SURGE PROTECTION BE ELIMINATED FOR AN AMOUNT OF \$20,000.00"

MOTION CARRIED

11. ENGINEERING OTHER - SIGNAGE

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

"THAT THE SIGNAGE PROGRAM BE REDUCED BY \$6,000.00.

MOTION CARRIED

12. ENGINEERING OTHER - OTHER IMPROVEMENTS

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

"THAT \$25,000.00 BE ELIMINATED FROM ENGINEERING OTHER - OTHER IMPROVEMENTS"

MOTION CARRIED

13. PLANNING & DEVELOPMENT - VACANCY

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

"THAT THE ONE (1) FULL TIME POSITION NOT BE REPLACED FOR AN AMOUNT OF \$25,000.00"

MOTION CARRIED

14. ADMIN - EXEC - LEGAL

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

"THAT LEGAL SERVICE IN THE AMOUNT OF \$25,000.00 IN EXECUTIVE ADMINISTRATION BE REDUCED"

MOTION CARRIED

15. LEGISLATIVE - POLICE AND AUDIT COMMITTEE

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

"THAT THE \$12,000.00 FOR POLICE AND AUDIT COMMITTEE TO BE ELIMINATED"

Warden Lichter stated that he had received word on Thursday afternoon that the Wage Restraint Board had given its okay for that

expenditure.

MOTION DEFEATED

11 IN FAVOUR

13 AGAINST

The amount stays in the budget.

16. LEGISLATIVE - COMMUNICATIONS

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

"THAT THE AMOUNT OF \$5,000.00 BE CUT FROM LEGISLATIVE - COMMUNICATIONS"

MOTION CARRIED

17 - 22 RECREATION

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

"THAT NUMBER 17 TO 22 INCLUSIVE BE LEFT IN THE BUDGET FOR A TOTAL OF \$55,000.00 AND FURTHER THE AMOUNT OF \$76,000.00 FOR PART TIME POSITIONS (NUMBER 32) ALSO REMAIN AS PART OF THE BUDGET"

MOTION CARRIED

23. COMMUNITY DEVELOPMENT - MAINSTREET

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

"THAT ONE (1) PART TIME POSITION BE CUT FROM THE MAINSTREET PROGRAM FOR AN AMOUNT OF \$34,000"

MOTION CARRIED

24. ADMIN - MUNIC CLERK - INFO CENTRE

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

"THAT ONE (1) PART TIME STAFF POSITION BE ELIMINATED FOR AN AMOUNT OF \$10,000.00"

MOTION CARRIED

25. PLAN & DEVELOPMENT - ONE VACANCY

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

"THAT THE ONE (1) FULL TIME VACANCY NOT BE FILLED FOR AN AMOUNT OF \$25,000.00"

MOTION CARRIED

26. ADMIN. - EXEC - LEGAL

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

"THAT LEGAL FEES BE REDUCED BY \$25,000.00"

MOTION CARRIED

13 IN FAVOUR

10 AGAINST

27. SOCIAL SERVICES - EMPLOYMENT RESOURCE

Mr. Meech stated that this is a net saving on a twelve month basis as this is a program where Halifax County has a cost sharing with the province.

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

"THAT THE AMOUNT OF \$72,000.00 REMAIN IN THE BUDGET"

MOTION CARRIED

28. COMMUNITY DEVELOPMENT - MAINSTREET

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

"THAT THE ONE (1) FULL TIME CO-ORDINATOR POSITION BE ELIMINATED FOR AN AMOUNT OF \$78,000.00"

MOTION DEFEATED

Position stays

29. FINANCE - INFO SERVICES- SUPPORT SERVICES

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

"THAT THE SUPPORT SERVICES FOR AN AMOUNT OF \$10,000.00 BE ELIMINATED"

MOTION CARRIED

30. INDUSTRIAL COMMISSION - AEROTECH MARKETING

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

"THAT THE MONEY FOR THE INDUSTRIAL COMMISSION BE REMOVED

FROM THE BUDGET AND FURTHER THAT HALIFAX COUNTY ACTIVELY SEEK SOMEBODY TO TAKE OVER THE AEROTECH PARK FOR WHATEVER IS THE OUTSTANDING AMOUNT. FURTHER TO ASK MR. MEECH TO TAKE A LOOK AT FURTHER REORGANIZATION OF THE INDUSTRIAL COMMISSION WITH REGARDS TO ITS AIMS AND OBJECTIVES AND HOW TO BEST PROMOTE INDUSTRIAL ITEMS IN HALIFAX COUNTY.

MOTION DEFEATED

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

"THAT THE \$50,000.00 FOR THE AEROTECH MARKETING POSITION BE LEFT IN THE BUDGET"

MOTION CARRIED

16 IN FAVOUR

7 AGAINST

31. ADMIN - EXEC- TRAINING COURSES

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

"THAT \$4,000.00 BE ELIMINATED FROM THE BUDGET FOR TRAINING COURSES"

MOTION CARRIED

Warden Lichter stated that this brings the cuts to \$335,000.00.

Mr. Meech stated that the following could be tapped: 1) Water Utility; 2) Ocean View Manor surplus or 3) Halifax County surplus.

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

"THAT \$10,000.00 BE INCLUDED IN THE BUDGET FOR THE DERELICT VEHICLE PROGRAM"

MOTION CARRIED

Warden Lichter stated that the Council would direct Mr. Meech to take this \$10,000.00 and the difference between what has been reduced and the \$386,000.00 from the area Council wishes him to take this amount.

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

"THAT THE AMOUNT BE TAKEN FROM THE HALIFAX COUNTY SURPLUS; BOTH THE AMOUNT FOR THE DERELICT VEHICLE PROGRAM AND THE DIFFERENCE BETWEEN WHAT WAS CUT AND WHAT SHOULD HAVE BEEN CUT FOR A TOTAL OF \$61,000.00"

Mr. Meech stated that there would be an amount of \$200,000.00 taken

from the Ocean View Manor surplus as well.

MOTION CARRIED

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

"THAT A TAX RATE NOT BE SET AT THIS MEETING BUT WAIT
UNTIL HALIFAX COUNTY HAS MET WITH THE SCHOOL BOARD"

MOTION DEFEATED

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

"THAT THE TAX RATE FOR THE 1992/93 OPERATING BUDGET YEAR
BASED ON THE ADJUSTMENTS MADE TODAY BE SET AT 3% - \$0.882
PER \$100.00 OF ASSESSMENT FOR RESIDENTIAL AND \$2.217 PER
\$100.00 OF ASSESSMENT FOR COMMERCIAL"

MOTION CARRIED

PUBLIC HEARING

MARCH 9, 1992

PRESENT WERE: Warden L. Lichter
Councillor Holland
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor MacDonald
Councillor Boutilier
Councillor Harvey
Deputy Warden Sutherland
Councillor Richards
Councillor Cooper

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

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

"THAT Jeanette MacKay be appointed recording secretary".
MOTION CARRIED.

Warden Lichter outlined the procedure to be followed for the public hearing.

ZA-SA-01-92 - Application by the Municipality to amend the Land Use By-law for Sackville in order to delete reference to the word "nightclub" in Section 2.16 "Entertainment Use"

Jim Donovan presented the first application. He advised that the application is by the Municipality to amend the Sackville Land Use By-law in order to remove cabarets as a permitted use within the C2 General Business Zone and C3 Commercial Core Zone of the Sackville Land Use By-law. The application was initiated through the Planning Advisory Committee which directed staff to prepare amendments to the by-law in order to accomplish this. The direction from PAC was in response to a concern by a Sackville Councillor that given the extended hours cabarets are permitted to operate under Provincial licensing legislation and given the close proximity to commercially zoned properties along Sackville Drive to residential properties, that cabaret operations are not an appropriate use within Sackville's commercial zones.

The amendments (attached to staff report) would remove reference to cabarets as an entertainment use within the C-2 and C-3 zones. Cabarets and Lounges are presently categorized under a generic category of "nightclub" according to the definition of entertainment use in the Sackville Land-Use By-law. Entertainment

Uses are permitted both within the C2 General Business Zone and C-3 Commercial Core Zones. Cabaret operations differ from lounge operations and beverage operations in various respects, particularly in regards to the licensing requirements from the Nova Scotia Liquor Licensing Board. Furthermore, the term "nightclub" is not used in Nova Scotia Liquor Licensing regulations.

At present, there is only one cabaret operation in Sackville and the license for this operation was suspended and has not been operating since January 18, 1992. At this time it is not certain removing reference to cabarets in the land use by-law would render that particular business nonconforming given that the suspension of the operation was not willingly done on the part of the owner.

The current land use policies which address commercial development within the commercial core and general commercial designations for Sackville make no mention of cabaret operations as a matter of community concern. Therefore, the Planning Strategy is largely silent on the issue. However, there is specific policy, P-60, which specifically states that development of commercial lands outside of the commercial core must be accommodated without substantially detracting from the development of a community core and causing undue hardship to abutting residential properties. Given the concerns that have been raised with respect to cabaret operations, therefore, the development of cabarets outside the commercial core could be viewed as being inconsistent with the overall intent of the planning strategy. Therefore staff finds no policy basis which would preclude the approval of the proposed amendments.

The amendments would specifically replace reference to the term "nightclubs" in the definition of entertainment use with that of lounges and would specifically exclude cabarets as an entertainment use and by doing so would render these not a permitted use within both the C-2 and C-3 Commercial Zones in Sackville. Staff would also recommend that the existing reference to the term "tavern" be updated to "beverage room".

Councillor Harvey asked Mr. Donovan about grandfathering and in particular to which operator it would apply to.

Mr. Donovan responded that it would be the operator who has recently held the license.

Councillor Boutilier stated that the amendment is aimed specifically at one particular proprietor and it is an existing use. He asked if there was anything under the Planning Act that would prohibit such a specific type of amendment coming through.

Mr. Donovan advised that the amendment is intended to be a general amendment that would not permit the future development of cabarets in Sackville.

Councillor Boutilier asked about appeals and the rights of the applicant and if he could see any complications in this area.

Mr. Donovan responded that if it was a business that was currently operating, there would be no question that any amendment to the Planning regulations would not affect current operations because they are currently in existence at the time and therefore would be deemed nonconforming uses and protected under the

Planning Act in terms of whether they can continue operating. Since the license has been suspended for this particular operation, it is not currently operating, but believe that since it was not willingly done on the part of the proprietor that they would still have the nonconforming use status as provided for under the Planning Act and therefore these amendments would not close them down.

Councillor Boutilier asked for clarification on the current status of the license.

Mr. Donovan advised that there is a question as to whether it is suspended or revoked. He understood there was a hearing held recently to revoke the license, but it maybe pending appeal and therefore is not sure what standing that would mean.

Councillor Boutilier asked if grandfathered, would J'B's be awarded the Grandfather clause or would it be Beau's?

Mr. Donovan responded that if is grandfathered into the Land use By-law, then it would be grandfathered into the current operation, but under the Planning Act, it does not matter what the name of the operation is. A use established at that particular location would be protected as a non-conforming use under the Planning Act.

Councillor Boutilier asked if the amendment is successful, if it would be targeted to new nightclub uses.

Mr. Donovan responded that it is specifically aimed at cabarets generally. Under the current by-law cabarets fall under the category of entertainment use which includes a variety of uses including lounges, beverages rooms and cabarets. By excluding reference to the word cabaret, were saying that future cabarets would not be permitted. He stated he is not certain how it will effect the current operation. If someone came in and made application for a development permit to re-establish it or continue its operation, not sure whether they would even need a permit because they already have an established use.

Mr. Fred Crooks advised it is not possible to determine if the use is existing at the date that the notice was published, but the fact the operation is temporarily suspended, whether by reason of order of the Liquor License Board or otherwise, would not necessarily mean that the use was not existing at the time of the publication of the notice. Open question, but the fact that it was not actually operating on the date of publication of the notice would not decide the issue.

Mr. Crooks also stated the amendments are not targeted at any one particular operation. Their designed to implement policy objectives with respect to the whole area which is to be affected and in this case as in any other existing uses are affected to the extent that their inconsistent with the intent of the proposed amendments. It is fair to say Council is not in a position to act legislatively in a way that is designed to deal specifically with a particular operation in a way which would proport to impose restrictions over and above those which would be imposed by the adoption of the amendment under the Planning Act. It is important it is understood that the amendments are directed to implementation of the objectives of planning policy over the whole of the area to be affected by the amendments.

SPEAKERS IN FAVOUR OF APPLICATION

Mr. Leon Doof, 171 Hallmark Avenue, Lr. Sackville. Mr. Doof advised he is one of the adjacent properties to the cabaret and wished to state he is in favour of the proposed amendment. He indicated that the area is not suitable for the operation of a cabaret. Had to endure for five years loud noises coming out of the establishment from 10:00 p.m. to 3:30 a.m. They have been convicted in court and fined having been in violation of the County Noise By-law and also their license has been revoked by the Liquor License Board because they failed to guarantee the quiet enjoyment of neighbouring properties, either public or private. In his opinion, such establishments should be situated in an area far enough removed from any surrounding properties so that there is no possibility of disturbing anyone. He urged Council to pass the amendment so that they will be guaranteed their rights as citizens and taxpayers to live in peaceful surroundings. Had enough. Anyone in favour should have it located in their area and then they would know what they have been through. Establishments should not be allowed to operate beyond 1:00 a.m. providing that during the hours of operation they do not disturb the surroundings. Also emphasized there are no complaints in the particular area about other businesses, i.e. furniture business, garages, building supplies, etc. They operate during normal hours. Stated that he would like to quote one statement made awhile ago in Dartmouth that has similar problems "that people who operate a lounge or cabaret, etc. cannot guarantee the peace and quiet and privacy of residents, they should not be there".

No questions from Council.

Dennis Bicknell, 162 Hallmark Avenue, Lr. Sackville advised that the one cabaret in Sackville has been a disaster for the residents. The cabaret has created a lot of noise to the distraction of nearby residents, many of who have not been able to sleep during the period of the time when the cabaret has been in operation. He advised that those people who are looking for more excitement and continuing on their festivities are the ones that frequent the cabarets. He advised that when cabarets are located close to a residential area, it can cause problems, not only during the operation of the cabaret, but in the parking lots outside. He also mentioned that there is a problem with squealing of tires, and the talk of drugs being dealt at these facilities. He advised that this one example has been a disaster and it is now time for Council to take action and make sure it does not re-occur by passing this amendment. Much stress to residents can be avoided if the amendment is approved. The issue of whether the residents were there first or not, is not an issue. It is a question of neighbours getting along together. Residential areas and cabarets do not mix. In conclusion he asked Council to vote in favour of this amendment.

QUESTIONS FROM COUNCIL

Councillor Bayers asked Mr. Bicknell how long he lived in the area. He responded that he has been there since 1985-86.

Warden Lichter asked Mr. Bicknell if he was referring to the cabaret in Sackville when he stated that drugs have been known to be dealt with at facilities like this.

Mr. Bicknell stated that it has been pointed out to him that this does occur at this particular establishment, however, he has no direct knowledge.

Councillor Holland asked for clarification of the hours of operation of a cabaret and a lounge.

Mr. Bicknell advised that all cabaret's are open until 3:00 a.m. and that lounges are open until 2:00 a.m. He stated that the point is that the people that are in beverage rooms in other parts of the City of Halifax, Dartmouth will leave at 2:00 and go to the other establishment.

Councillor Merrigan advised that lounges are open until 2:00 a.m. and beverage rooms until 1:00 a.m. and you are going to have the same problem if that is what everyone is trying to do.

Jim Donovan clarified that lounges are open until 2:00 a.m., beverage rooms until 1:00 a.m., and cabarets until 3:00 a.m. and cabarets are also open on Sundays.

Susan Gay, 77 Hartford Drive, Riverside Estates spoke in favour of the amendment. She stated she has lived in the subdivision for three years and has been involved in late music and noise disturbances from J.B'.s cabaret, Sackville Drive. She advised that her family have gone through a lot just so they can have a restful evening and it has caused a great deal of stress and disturbances to her family for three years. She stated that she is concerned that if another cabaret was put anywhere along Sackville Drive or within residents areas, that they will go through what she has gone through the last couple of years. She strongly suggested that this amendment be passed.

Questions from Council

Councillor Richards asked Ms. Gay if she was aware that the cabaret was there at the time she moved into the area. Ms. Gay advised that she was not aware because Riverside Estates is no where near the cabaret. They are over 800 feet away with a wide span of woods, a river and a large parking lot between them. A cabaret of this sort was not pointed out as a problem and should not be a problem where they live. She advised that the people from the last hearings who reside even closer to them have gone through nightmares. She advised there were many nights that they couldn't sleep. People think they have to sell their homes because they can't take it any more.

Councillor Richards asked if she realized that if the amendment passes it does not put the current operation out of business. It will only prevent future operations from establishing themselves in the Sackville Community. If the license suspension is lifted, they could be back in business subject to the liquor license board.

Ms. Gay advised she does understand this and stated that a lot of other noises could be caused if new ones opened up and would hate to see anyone else go through what they have gone through.

Councillor Holland asked if there has ever been a petition taken up against the cabaret. Ms. Gay advised that she has only been there three years and in that time has been involved in hearings and court cases that has brought convictions against the cabaret. The petition was thrown out on an earlier hearing, but does not know the reason for that. She advised that Mr. Doof has a petition from previous hearings with 55-60 names on it.

Councillor Brill advised that pickets were put up prior to the establishment being created opposing it. Many people opposed it, but for one reason or another it was approved. It is not as though they didn't know in advance that it wouldn't be well received. He advised that district 16 is adjacent to it and he has had many complaints about noise as well.

Donna MacDonald, 3 Contessa Court spoke in favour of the amendment. She stated that she lives very near J.B's and has lived there for 3 1/2 years. She stated she complained on many occasions to the RCMP, to Councillor Harvey and to Warden Lichter about the noise.

Joyce and Jeff Beaudry, 240 First Lake Drive, owners of the establishment spoke in favour of the amendment from the perspective of residents who have suffered, patrons and as owners. Mrs. Beaudry indicated that they have operated the establishment for over 11 months. As previously stated, young people go downtown early because they know they can go back to Sackville for the late hour cabaret. As a mother of a 22 year old and a teenager it bothers her to see young people go downtown early knowing that they can come back later to a cabaret because of it being opened until 3:00 a.m.

Jeff Beaudry pointed out that he would not wish his experience on anyone and would not want to see anyone get into the situation that he and his wife were put in. He advised that he did not realize the problem was an on-going problem for five years in the community when they purchased the business. They were told by the landlord there were thousands of dollars spent on soundproofing the exterior walls in the building, but recently it was proven to him that it had never been done. Now it comes down to the point that the building needs extensive soundproofing and the liquor license board hired a professional acoustics consulting firm to do a study. Their study concluded that after everything is done in the building, they doubt very much if it would work. The reason being that Mr. Bonang owned all the property at one time and then it was subdivided and sold off for residential development. Houses are too close to the building and don't ever see the problem being corrected.

To summarize, Mrs. Beaudry stated that any cabaret opening in Sackville should not be near a residential area. She also clarified the status of the liquor license by advising that even though the press has indicated that the license has been cancelled, it has been cancelled with a condition. It is still in a limbo state. She stated that she does not know what the exact status of the license is and did not know if the premises will reopen with or without a public hearing.

Mr. Beaudry thought the solution was to transfer the cabaret license to a suitable location and it came down to the point of who was going to do the soundproofing. As licensees, it was their responsibility to make sure that the soundproofing was done and spent approximately \$85,000 inside the building over a period of 8

months. He also had an estimate of about \$165,000 for the soundproofing of the building with no guarantee that it would do the job. They were not prepared or in a financial position to do this so they made arrangements with the landlord and had it in writing that they would proceed with the soundproofing. The deadline was January 31st. They realized it was not going to be done, so they vacated the premises and decided that maybe the solution was to transfer the license to a new location that would meet the needs of everyone in the community. They proceeded to do that and were told that it would have to go to a public hearing. Then an injunction was pending, if we were to transfer the license by the landlord, so they decided to cancel the license and turn it in to the liquor license board. This is what they wanted to do as a licensee holder. They received a letter that they were to go to a show cost hearing and that their license would be cancelled. They went to the show cost hearing with the understanding that the license would be cancelled. It wasn't cancelled. There was a condition put on the license and the condition was pending that the litigation would be settled between the landlord and themselves. He advised it has been settled.

Questions from Council

Councillor Brill asked Mr. Beaudry who presently has the license. Mrs. Beaudry advised that Mr. Bonang does if the liquor board approves the transfer. It has been transferred from us to him through a court order.

Councillor MacDonald asked Mr. Beaudry if he has any plans to open the facility again. Mr. Beaudry responded he would never open it again as a cabaret. Mrs. Beaudry stated it is a "metal warehouse". She advised that as parents it is just as frustrating for them to be involved, as it was for the residents. They tried everything to meet their needs, but it was an impossible situation. The only situation he sees is that it never reopens.

Councillor MacDonald asked about what they meant about a new premise and if it would use the same license.

Mrs. Beaudry advised that initially they were going to transfer the cabaret license to a more suitable location for the community. Mr. Beaudry explained that they did not want a cabaret license, they just wanted to do that to meet the needs of the community and then after they got it in the new location that would be suitable to the community they would turn it in and re-apply for the dining room/lounge license and were willing to put this in writing. Mrs. Beaudry advised that the Sunday operation and 3:00 was not suitable and mentioned that since the tragedy in September, the Nova Scotia Liquor License Board granted them the right to not have to open during the week days. Since September it was only opened Thursday, Friday and Saturday nights.

Councillor Boutilier asked if they were interested in a future lounge license or beverage room license. The Beaudry's responded that they are. They had no choice when they took the license over because it was a cabaret license and they had to operate on Sundays and until 3:00 a.m. It is not a business that they would ever enter into again. Mr. Beaudry explained that a cabaret license requires you to provide live entertainment four nights a week, stay open until 3:00 a.m., 7 days a week.

Councillor Holland asked the Solicitor if the transferring of the license has any effect on the grandfather clause.

Mr. Crooks responded that the status of the use under the nonconforming use provisions of the planning act does not vary according to the occupant or owner. The right inheirs on the property, under the section of the planning act that deals with that. He suggested that the focus of the Council in respect to these amendments must be on their broad application rather than on the particular circumstances of the cabaret. While Council will want to be mindful of the impact of the nonconforming use provisions on any existing use, it is really not the primary focus of the proposed amendments.

Warden Lichter advised the Beaudry's that when the Bonang's owned it, about a year and a half ago, some of the people contacted him a number of times concerning the noise. Every time someone called him, he called Mr. Bonang and at least for a week or so things died down and then picked up again. He concluded that the patrons must have been deaf. The volume had to be so high there was no way to provide enjoyment to them without turning it up to the maximum volume.

Mrs. Beaudry responded that young people thrive on the base and it is the base notes that are emanating from the roof of the building. No matter what kind of soundproofing is done it will never correct the problem. They were forced by the liquor board to turn the decibels down. What the Warden experienced was that after the complaints, the sound would have been taken down and then you have unhappy patrons. So you either have unhappy neighbours or unhappy patrons. They can't enjoy the music if it is not loud and this building can not provide the need to the young people.

Councillor Bayers asked if the license had not been suspended, would they be there tonight speaking against the amendment.

Mr. Beaudry advised the license was suspended because the soundproofing was not done and they were not prepared to do the soundproofing. Had they believed in what they were doing and were prepared to put the money into it, they would have been operating the business. But this was not their choice.

Councillor Bayers stated that the neighbours could have complained all they like.

The Beaudry's said that was not fair because they would have soundproofed and made the investment. They did make a major investment inside the building. They did put interior walls in, soundproof walls in, springloaded walls inside, changed the entertainment, moved the stage and spent at least \$100,000 inside the building, but couldn't win. Tried everything they could to correct the problem, but couldn't.

Mrs. Beaudry advised that she only went into the detail they did was because they did not want history to repeat itself and if a cabaret were approved in Sackville in an area that was close to residents it could be another potential problem.

Rene Doof, 171 Hallmark Avenue spoke in favour of the amendment. She lives behind the cabaret and advised has been bothered by it for five years and their lives have been very unpleasant. In May she had a heart attack due to stress because of lack of sleep. Every night at 10:35 the sound began and whatever they did and wherever they went they got no reply. Finally they had a hearing. Mr. Durling of the Liquor License Board advised her they spent a lot of money and as a result had to put sound proofing in which was never done. The best thing they can do is remove the cabaret from the place it is altogether because there are two subdivisions there. She advised she complained before it was built when she was living at Pinehill Drive and signed a petition because it would bring a lot of traffic in the streets. The petition was not honoured, the cabaret went ahead anyway. She moved to Riverside Estates, where they live now. She advised that there is fighting in the parking lots, screaming, squealing of cars, etc.

Councillor Bayers asked if the amendment goes through, does that remove the license of the cabaret that is there now? Warden Lichter advised that it does not do that automatically.

Councillor Bayers stated then it does not satisfy Mrs. Doof's concerns.

Warden Lichter explained that this particular property has to be under a grandfather clause.

Warden Lichter further stated that the amendment will prevent any further cabarets opening.

Councillor Brill asked Solicitor Crooks, if the amendment is approved, and the government decides to grant this establishment the status of a cabaret, if it would be possible to take it to the Supreme Court.

Mr. Crooks advised that there might well be an issue with respect to this use or any other use with respect to whether or not it was existing at the date of the publication of the Land Use by-law, but the fact that an operation is temporarily ceased at the time of publication of the notice, does not in itself mean that the use was not existing at the date of the notice. The court will look at a number of considerations, including the intentions of the owners, the length of the discontinuance, the purpose of the discontinuance, whether or not during the discontinuance the property was converted to some other use. A range of factors would go into the courts making that determination.

Councillor Brill asked if the amendment would have any bearing on the courts, i.e. the will of the people.

Mr. Crooks advised that as a matter of law, it is not possible to impose greater restrictions than those which are permitted to be imposed pursuant to the planning act and the planning act specifically provides for protection of existing uses and if it can be established as a matter of fact on the evidence in court, that this use was in existence at the date of the notice, then the protection accorded by the Planning Act would apply.

Councillor Brill advised they opposed the cabaret from day one, before the license was even granted. Surely the people must have some say. Can they go back to that? Where do the people have any rights at all.

Warden Lichter advised that if you go back to the Municipal Development Plan for Sackville, there was prohibition as this amendment implies now for the establishment of a cabaret. Municipal Development was kind of silent on the issue and that was the reason why the cabaret was able to be established. He advised that there are certain things that people can do by rights, otherwise, it would be chaos. Bureaucrats and politicians would change their mind daily. The law was you can establish it regardless of how people would feel about it. The secondary issue is the fact that the County has given subdivision approvals to lots does not mean in any way that people have to rush in and build in an area that they don't find desirable. Anyone that has moved in with the anticipation that because it wasn't anything other than western music at the time they moved in that it would remain western music forever. Indication that perhaps the wrong judgement call was made because taste do change. Young people want a different kind of music. Can't accept that the County is to be blamed because the County gave subdivision application.

Councillor Brill advised that the building initially was a furniture store and that's where the public were deceived. A furniture store and a cabaret are quite different.

Warden Lichter advised it was quite a separate issue before the cabaret went in and the furniture store went in and somewhat quite a bit later became a cabaret and it was an issue at that particular time and the County couldn't do anything about it because the Municipal Development Plan was silent on that. This is why the amendment now.

Councillor Holland asked if the Liquor License Board would take the public's concern into consideration.

Warden Lichter advised the Liquor Licensing Board certainly could take these things into consideration.

Councillor Holland advised that this is where they should be applying the pressure.

Warden Lichter advised that they have and to some extent it has worked because it was the Liquor License Board that ordered the improvements to be made. Apparently the improvements cannot be made. It is prejudging right now whether they will or will not grant a license, but that is beyond our power.

Barbara O'Quinn, 15 Contessa Court, Lr. Sackville spoke in favour of the amendment. She advised she has complained many times to the Liquor License Board and have lived there a little over 3 years and lost a good many nights sleep. It is like heaven now and you can sleep at night.

There were no questions from Council.

SPEAKERS AGAINST THESE AMENDMENTS

There were no speakers against the amendments. However, there was correspondence that was passed around to Council dated March 5, 1992 from Jack Innes, Solicitor in relation to the amendment to the Land Use By-law taking opposition to passing the amendments.

Councillor Harvey commented on the letter. He advised the second paragraph describes the amendments as being aimed obviously at the premises, 328 Sackville Drive. He would dispute that. In the last paragraph of the first page, the letter continues the Board, meaning the Liquor License Board has indicated that it is in favour of revoking the license. This has not occurred to date and is pending further information. There is therefore an effective liquor license in place for the premises which license is under suspension pending the installation of soundproof treatment to the premises. He contests that strongly and thinks the chairman of the Liquor License Board would also because he spoke to her Thursday. His information is that there isn't any doubt in the minds of the Liquor License Board that this license is not suspended, it is revoked, without an effective date. This was the status last week and that is the status it is today until the Liquor License Board makes further decisions in this matter. There is not an effective liquor license for the premise at this time. The period of suspension began when the deadline for the soundproofing passed which was the 31st of January. The establishment had two months to complete the order of the Board and that was one of the things that was not done so if any of the parties involved in this matter were serious about protecting their valuable license, they would have seen to it that the order of the board was followed by January 31st.

Further, the next page talks about being grandfathered. The license they would see being grandfathered in this letter is an operation that hasn't had a license or run the place since November 1990 so thinks it is unclear at best. The status of existing use has been discussed here. That is not clear cut at all and would need a court action to decide whether the use was existing or not on the date of publication for these changes. Certainly they were not in operation, certainly the deadline for meeting the Boards' order had long passed. Quite unclear as to whether there is an existing use as a cabaret at that location. It hasn't operated since the 18th of January. The last sentence in the next paragraph "it is also important to note that the cabaret was operational long before any residential development occurred within close proximity to it". Surprised it would be put in there because it is the same lawyer that represented the operation in court on June 28, 1991 and heard the judge say that this was an unacceptable defence for the cabaret. That the cabaret had to abide by our Noise By-law regulation no matter when it came there. Meaningless.

In the next long paragraph, letter refers to an admission that the cabaret has during the past year been operated in a manner which is inconsistent with the peaceful and quiet enjoyment of neighbouring residents. During the past year would be when the Beaudry's operated it, but it was the previous licensee that was convicted under the County by-laws and that had 30 noise complaints against them in a 12 month period and almost as many other charges resulting from the operation of the premises and the patrons thereon. This has been going on much longer than the past year. Last paragraph again suggests that this amendment is not likely to effect the operations of a cabaret at that location and would suggest

that this is quite unclear at this time. Certainly pending the decision of the liquor licensing board which could in its wisdom go through a transfer procedure back to the operation of Mr. Bonang, but it is not clear that they are going to do that. Right now the license is cancelled without an effective date.

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

"THAT Appendix B of the staff report be approved and further that this type of landuse is incompatible when closely located to residential neighbourhoods and also because of the various regulations cabarets operate under, including seven days a week and until 3:00 a.m".
MOTION CARRIED.

DA-LM-15-91-08 - APPLICATION BY EAST PRESTON AUTO SALVAGE TO ENTER INTO A DEVELOPMENT AGREEMENT IN ORDER TO PERMIT AN EXISTING AUTO SALVAGE YARD ON LOT 13, LOWER PARTRIDGE ROAD, EAST PRESTON

Kurt Pyle, Planning Department presented this application. He advised that the application was submitted by Clifford Thomas on behalf of East Preston Auto Salvage Limited to enter into development agreement with the Municipality in order to permit an existing salvage yard at 94 Lower Partridge River Road, East Preston. The operation has been in existence for approximately 6 years and consists of a storage yard that can hold approximately 400 automobiles, an office storage building and an auto repair shop. There is also a residential dwelling on the property. The property is situated within a mixed use designation which supports and encourages the continuization of existing diverse land use patterns in this area. The site is zoned SR-1, which permits residential, institutional, commercial, and resource uses by right. Salvage yards are also permitted, but by development agreement only pursuant to the policies of P-42, P-43, P-60, P-61, and P-120.

In the opinion of staff Mr. Thomas's salvage yard is consistent with the intent of the planning strategy and will not negatively effect surrounding properties. Salvage yards are regulated by the Public Utilities Board and Mr. Thomas will be required to obtain a salvage yard license once the agreement is signed. The development agreement will also require Mr. Thomas to limit the number of automobiles on site to 400 and to provide screening on site to limit the impact of the development on the surrounding properties. Mr. Thomas brings in a portable crusher 3 or 4 times a year for approximately 3 or 4 days a year to crush and remove automobiles. The location of the crusher on site will be restricted by the development agreement to allow for easy loading of automobiles and the clean-up of materials. The development agreement will also define the location of all loading and unloading areas which includes the loading area used by the crusher.

Parking of all vehicles associated with this salvage yard and the automobile repair shop is to be carried out within the confines of the salvage yard to limit the visual impact of the development on the surrounding properties. The existing access driveway to the salvage yard does not meet DOT site stopping distance requirements. A new driveway has been found on-site and the DA will require Mr. Thomas to construct the driveway immediately following the signing of the development agreement. The Lower Partridge River Road is a local road which

intersects with Highway #7 and dead ends a few hundred feet beyond Mr. Thomas's operation. Mr. Pyle showed slides of the road and salvage yard.

Policy P-43 requires industrial uses, including salvage yards, have access to a major transportation route and that no additional heavy truck traffic be created in residential areas. Although Mr. Thomas's property does not directly have direct access to Highway #7, this is not a requirement of the Planning Strategy. Between Highway #7 and the salvage yard, which is approximately 1600 feet, there are only 8 single residential dwellings disbursed along the road. As most of the vehicles arrive on site by tow truck or flatbed, the associated traffic is not seen to be additional traffic as the frequency of truck traffic is light.

Mr. Pyle went on to state that a common concern with salvage yards is the pollution of ground water and water courses. The Department of Health and Fitness has advised that no health related complaints have been identified concerning the salvage yard, while the Department of Environment has received some complaints. The Department of Environment conducted tests on the salvage yard and has advised staff that it has no concerns with the operation now or in the past. Therefore, it is the recommendation of staff that Council approve Mr. Thomas's application for development agreement to operate a salvage yard at 94 Lower Partridge River Road.

Councillor Peters asked if the Department of Health and Fitness considered the concern for batteries and the oil out of the vehicles before they go into the crusher.

Mr. Pyle advised that the agreement states that all fluids and oil will have to be removed and it will also be a requirement of the salvage yard licensing act to have this done.

SPEAKERS IN FAVOUR OF APPLICATION

Bill Colley spoke in favour of the application. He advised that he is a developer in the community. He stated that economic development will come from this operation and employment spinoffs will come to area residents. He advised he is pleased with the location. It is very private and no one would realize it was there. There is no noise coming from the establishment now and he is pleased with the owners of the operation. Mr. Thomas and his family is well known throughout the community and they do have the support and respect of the community for the operation.

Noel H. Johnson, 84 Lower Partridge River Drive spoke in favour of the application. He advised that he lives directly across the street from Mr. Thomas' operation. He has lived there for over 32 years and is pleased with the operation that is taken place there now. He advised that he is the chairman of the fund for East Preston which is assisting the businesses in the area. There is an increased flow of traffic, but there are no environmental factors involved whatsoever. There is no noise or visual pollution. The operation will bring further employment to the neighbourhood and will give a person the opportunity to move ahead faster.

Craig Williams, East Preston spoke in favour of the amendment. He advised he has known Mr. Thomas for some time and is an equal opportunity employer. He has kept his establishment in better shape than any other around. He stated you don't even know it is there unless you look really hard.

A letter was received in support of the application from the Preston Area Board of Trade.

SPEAKERS IN OPPOSITION

There were no speakers in opposition to the amendment.

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

"THAT the Municipality enter into a development agreement to permit Mr. Thomas to operate an existing auto salvage yard at Lot 13, Lower Partridge River Drive, East Preston".
MOTION CARRIED.

Councillor Adams expressed that the general community of East Preston and beyond gives widespread support for this development. Mr. Thomas is a well respected citizen of the community. He is the son of a former County Councillor, the late William B. Thomas. Mr. Thomas's efforts and conduct on the site makes for a positive adjunct to other economic development initiatives in the community and in the region. The immediate residents concerns are addressed in the development agreement. Councillor Adams advised he has talked to immediate neighbour of the site and his four concerns are included in the agreement and had no opposition given that understanding that the ground water pollution would be protected. The change in the driveway would take place to be away from his driveway and the closing off of the old driveway would take place. Operating hours would be from 8:00 a.m. to 8:00 p.m. and would be enshrined in the development agreement. Councillor Adams moved in support of the agreement.

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

"THAT the council move in-camera".
MOTION CARRIED.

MINUTES & REPORTS
OF THE
FIRST YEAR MEETINGS
OF THE
FORTY-FOURTH COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX
APRIL COUNCIL SESSION
TUESDAY, APRIL 7 & 21, 1992

&

PUBLIC HEARING
APRIL 27, 1992

&

COMMITTEE OF THE WHOLE
APRIL 14, 1992

&

SPECIAL COUNCIL SESSION
APRIL 1, 1992

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