

MOTION CARRIED

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

"THAT THE REMAINING \$400.00 OF THE GRANT FUNDS BE GIVEN TO THE NEPTUNE THEATRE"

MOTION DEFEATED

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

"THAT THE \$400.00 BE DISTRIBUTED AGAINST THE CAD PROGRAMS THAT ARE PRESENTLY OPERATING INCLUDING SACKVILLE"

MOTION CARRIED

BY-LAW AMENDMENTS RE: NOISE CONTROL

Mr. Fred Crooks stated that the amendments to the Nuisances and Mischiefs By-law would incorporate noise control provisions and modify some existing provisions in that By-law. He stated that this was first circulated to council at the March 17th session. There was discussion, at that session, with regards to the text and it was decided that these amendments would await a special session of council.

Councillor Cooper asked if the RCMP had been consulted, with regards to types of noise complaints received by them.

Mr. Crooks stated that an RCMP constable was a member of the Noise Control Committee. There was discussion in which the RCMP constable participated about the nature of the noise control problems that the RCMP as well as staff had confronted. He stated that the text arises out of suggestions of the RCMP as well as staff.

Councillor Cooper asked what types of noise complaints were received by the RCMP.

Mr. Crooks stated that the RCMP did not indicate that the kinds of complaints they were customarily dealing with differed significantly with the kinds of complaints received by staff.

Councillor Cooper stated that in discussion there has been suggestion that there were a number of complaints with regard to noise amplification. He feel that there has not been enough emphasis placed on these. He stated that the proposal before council does not address some of the problems in the Municipality. The proposal, with regards to the 300 foot area, implies that noise projected beyond 300 feet will be a problem because this would encompass an area of approximately 3 1/2 acres. He asked the solicitor is a dog was making a noise could a complaint be made.

Mr. Crooks stated not under these provisions but there is a provision under the Dog By-law which can be invoked with respect to barking dogs and there is no distance consideration to those noises. The other factor is that its not only whether sound is projected beyond the distance of 300 feet but also whether, during the prohibited hours, the sound is audible within any dwelling unit provided that the dwelling unit is not in the same building as the equipment which is producing the sound. He stated there are two tests. The first is whether sound is being projected anywhere beyond a distance of 300 feet and the second question is whether or not the sound is audible, between those hours, in any dwelling unit.

Councillor Cooper stated that the draft does allow some type of leniency with regards to noise amplification and yet a dog within 50 feet could be sited for being a noise nuisance. There are inconsistencies with regards to noise which do not give adequate protection to all the residents. He stated that a Noise Control By-law should be able to be applied equally. He asked if the agencies such as the Nova Scotia Power Corp. are excluded from the provision.

Mr. Crooks stated they are excluded from the provision of proposed Section 15.

Councillor Cooper asked if any thought was given to including a clause that would exclude them only if they were working under emergency conditions.

Councillor MacDonald stated that the DOT is doing work on the 101 highway and wanted to know if Halifax County had any control of this.

Mr. Crooks stated that there are a number of considerations that have to be taken into account whether or not the Municipality has jurisdiction to act in this type of situation. One is whether or not they are pursuing their activities under contract to the Crown or whether they are carrying out those activities within the bounds of Crown lands. The nature and extent of the connection between this contractor and its activities and the Crown. If a contractor is carrying out activities under a contract with the Crown does not mean that they are exempt from the Municipality's regulatory jurisdiction. He stated that it would be appropriate to review the circumstances to determine whether or not there is a degree of connection with the Crown which would preclude the Municipality's jurisdiction. Mr. Crooks stated that he will look into this.

Councillor Richards asked, with regards to Section 4F, what is intended by that particular section with respect to the time frames.

Mr. Crooks stated that the concept is that nothing in this section

would restrict the ability of groups or bodies to engage in traditional, festive or religious activities even though they produce noise or sound which might otherwise offend the provisions of the By-law on the basis that these are part and parcel of what the community expects will take place within the community as part of the life of the community. It does impose a restriction between 1 o'clock and 7 o'clock in the morning. In other words, these activities are exempt unless they are carried on in a way which creates noise between 1 o'clock in the morning and 7 o'clock in the morning.

Councillor McInroy stated that he feels that the section on ringing of bells and shouting in streets has not outlived it's usefulness. He stated that he did not see any harm in leaving this section in because there may be occasions when it could be advantageous to have it there. He asked Mr. Crooks to outline penalties.

Mr. Crooks stated that Section 16, the penalty section, applies to all the provisions other than Section 15. He stated that he would have to look at this again. He stated that, to his recollection, the general statutory authority of the Mischiefs and Nuisances By-law gives the Municipality the authority to adopt the penalty provision along these lines. He pointed out that the penalty provision which would apply with respect to the proposed Section 15, which is enacted under separate statutory authority, provides for a fine ranging from \$250.00 to \$1,000.00 and in default of that imprisonment of 15 days to three months.

Councillor MacDonald asked if the RCMP were prepared to uphold this By-law.

Mr. Crooks stated that they participated in the development of the By-law and he has had a call from the RCMP wondering noise control regulations in the Municipality and whether or not the By-law had been adopted. He stated that this would indicate readiness on the part of the police force to enforce whatever regulations are adopted by the Council.

Warden Lichter stated that when this By-law was drafted it was designed in such a way that certain districts could opt out because what may apply in an Urban area does not apply in a Rural area.

Mr. Crooks stated that this was considered and it would be intended that, when the By-law was put in its final form, it would include a provision which would enable those districts not wishing to participate to be exempt.

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

"THAT THE COMMITTEE BE RECONVENED TO CONSIDER ADEQUATE PROTECTIONS FOR THE RESIDENTS OF THIS MUNICIPALITY BY RECONSIDERING, FOR INCLUSION OF THE STREET NOISE

PROVISION, THE REQUIREMENT OF THOSE EXEMPTED TO BE OPERATING ONLY UNDER EMERGENCY SITUATIONS. FURTHER THE PROVISIONS THAT WOULD EXTEND TO NEIGHBOURING PROPERTIES BE EXTENDED TO PROPERTIES IN DWELLINGS ON THE SAME PROPERTY OR IN THE SAME BUILDING AND FURTHER THE TIMES FRAMES FROM 10 O'CLOCK IN THE EVENING TO 7 O'CLOCK IN THE MORNING BE CONSIDERED THE GENERAL PROVISIONS FOR THE MUNICIPALITY WITH PERMITS FOR EXEMPTIONS OBTAINABLE FROM THE MUNICIPALITY TO GO BEYOND 10 O'CLOCK"

MOTION CARRIED

WASTE MANAGEMENT

Warden Lichter stated that two mediators have been appointed by the Ministers. The first meeting for the introductory mediation session is set for July 10th. He stated that he wanted to find out if it was council's wish to meet with one or both of the mediators.

Councillor Bates stated that it was his understanding that the province made the suggestion that the mediators would meet with the Chief Magistrate and CAO.

Warden Lichter stated that he did not speak with the mediators but Mr. Meech had informed him that between now and July 10th he should give some consideration to the idea of whether or not the mediators should meet with council. As a result, he felt it only fair that he ask the question.

He stated that the Power Corporation was not prepared to give an extension. The motion that passed at the last meeting of the Metro Authority was that by midnight June 29, 1992 there would be no extension from the Power Corporation for signing the agreement for sale of 10 megawatts of power. The agreement was signed today. This is an agreement that can be cancelled and after one month Halifax County would pay a \$5,000.00 penalty.

ADJOURNMENT

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

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

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

&

PUBLIC HEARING
JULY 27, 1992

&

COMMITTEE OF THE WHOLE
JULY 6 & 21, 1992

&

SPECIAL COUNCIL SESSION
JULY 13, 1992

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COMMITTEE OF THE WHOLE

July 6, 1992

PRESENT WERE:

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

ALSO PRESENT:

Mr. G. J. Kelly, Municipal Clerk

RECORDING
SECRETARY:

Julia Horncastle

Warden Lichter called the meeting to order. He advised introductions were being made by Mr. Jim Donovan of the Planning Department.

Mr. Donovan advised the purpose of the meeting was to bring Council Members up to date with respect to the Plan Review Process for the Timberlea/Lakeside/Beechville area hopefully obtaining a tentative date for a Public Hearing for the purpose of completing the Plan Review Process for this community.

He advised attached to the agenda was an overview of the summary of public participation into the process which began officially at the beginning of 1988 with a kick off meeting held in the community by the Plan Review Committee. He advised later in February of that year, a questionnaire was distributed to all households. He advised there was a twenty-one percent response rate which compared

to the other Plan Review plan areas was the highest of all five plan areas being reviewed. He advised there was a total of four public meetings held by the Plan Review Committee in Timberlea, Lakeside and Beechville, first being January 1988 - the kick off meeting, April 25, 1989 and December 5, 1990 to discuss commercial and industrial development issues particularly appendix uses which were a fairly conscientious issue throughout the Plan Review Process. He advised a final meeting had taken place in May of 1992 to discuss a draft Planning Strategy and Land Use By-law. The Plan Review Committee also held a total of nine evening meetings throughout 1988-1990 to receive submissions from individuals. He advised these meetings were advertised to ensure that the residents of Timberlea, Lakeside, and Beechville were notified. He advised there were two open house sessions held in May of this year leading up to the public meeting where all members of the public were supplied with a synopsis of the Planning Strategy and Land Use By-law. He advised the Plan Review Committee held a total of 78 meetings which this area was discussed. He advised these were itemized on the 3rd page of the agenda circulated. He advised all sessions were advertised in the Chronicle Herald and the Mail Star. The use of radio stations and fliers were also circulated.

Mr. Donovan advised there was a Community Group made up of the original Members of the Public Participation Committee that was responsible for preparing the original Plan and By-law for the community. They participated to an extent in the Plan Review Process but after they had made their submission to the Plan Review Committee, they disbanded and have not been functioning as a Plan Review or Public Participation Committee since roughly 1990.

Mr. Donovan provided a brief overview and highlight of the changes that the Plan Review Committee had approved with respect to the draft Planning Strategy and Land Use By-law. He advised most of the changes that had occurred with respect to the Plan Review Documents related to updating and consolidating the various sections particularly at the front part of the Strategy with respect to development statistics in the community profile as well as population figures. He stated there were some minor changes with respect to Environmental Health Services. He stated there was more serviceable land in these areas than there was demand for it. He advised changes were made with respect to the Services Boundaries Map. A new map was included that was more accurate defining the existing boundaries. He stated this map was proposed to be included as Map 2 on the Planning Strategy.

He advised with respect to community services such as Police, Fire Protection, Education, and Recreation, these matters were identified in the questionnaire as being quite significant to the residents. He stated there was some attention paid to these issues in the Planning Strategy.

He advised one major change with respect to recreation had been incorporated in the Planning Strategy with respect to what should constitute acceptable Municipal parkland. He advised this was

outlined on Recreation Policy #2, Page 35. He stated there was a fairly extensive list of what the community would like to see with respect to the characteristics of parkland before it was deeded to the Municipality. Some of the changes that had occurred were as a result of the public meeting that was held in May in the community. Specifically, the ones that the residents had asked to see included were Subsection (f) for example,

That Council shall attempt to acquire property:

(a) which does not include unguarded areas of danger, such as cliffs, steep slopes, wet bogs, rock falls, etc.;

(b) which is located in a central area of the development allowing activities and play of children to be observed by local residents and not located on the exterior fringe of lands protected from sight which would be considered unsafe and entice loitering activities after dusk,

(c) which provides a minimum frontage of 100 feet along a developer roadway

(d) which has been clearly identified by the Municipal Department of Parks and Recreation for future use as a green area sportsfield playground areas or a mix of each.

He reiterated these were specifically asked for by residents and included in the draft at the request of the Plan Review Committee.

He advised there was also a policy to establish a long range Recreation Master Planning Process for Timberlea which residents in the area were fairly positive to at the Public Meeting.

He advised with respect to Education, some updating had occurred with respect to current enrolment levels, the identification of schools in the community, an indication to look at the manner in which new school sites were selected, and also to support the community use of school facilities. He advised all of these were addressed in specific new policies in the Education section of the Planning Strategy.

He advised the Protection of Emergency Services section was relatively unchanged except for a minor updating. He advised this still referred to the existing RCMP service provided by the Oxford Street Headquarters in the City of Halifax, although, most Committee members were aware that there was a proposal or, at least, Council approved rezoning to establish a new RCMP Detachment Building in the Upper Tantallon area. He stated this was not reflected in the draft to date due to the building not being constructed as yet.

With respect to Transportation, there were some new policies dealing with Transportation issues such as sidewalk and transit services particularly with respect to seeking some community input into reviewing the existing pedestrian systems in the community. In terms of other transportation changes, there were some minor changes made to the Transportation map to update the map with respect to recent changes to the transportation network and to establish a road transportation classification system which was identified in the Schedule to the Planning Strategy. He advised to a large extent, the existing road system in Timberlea was made up of a major collector road being Highway #3 or the Bay Road, an artillery road - Highway #103 which basically transects the community, and a series of local roads that had been developed in conjunction with residential subdivisions. He advised the map reflected these changes. He advised there was also a system that, whereby, new roads were developed, they would then be looked at in accordance with the classification criteria outlined on the Appendix and being identified as local, minor or major collector roads. He advised the purpose of this road classification system was to establish a basis for evaluating future development proposals with the stated intention that if there was more land use intensive activities like apartments, etc., they should be located on more major roads than on local roads and secondly, to establish a system whereby requests for services, ex. sidewalks, could be looked at in a systematic way. He advised there was also a request that the Department of Transportation and Communications prepare conceptual plans showing the future location of major roads that were being contemplated in conjunction with new developments in the community making those plans more widely known to the public.

He advised the major part of the Planning Strategy was the Land Use intent which began on Page 47. He advised the designations on the generalized future Land Use Map were established in conjunction with that section. He advised the Land Use Designations were shown on the coloured map as well as on Map 1 included within the Planning Strategy contained in the draft before Council. Essentially, the boundaries for the various designations were the same as they were in the past. He advised staff had made a few changes to more closely relate to boundaries of a Land Use Designation to existing property lines on the ground. He advised the Urban Residential Designation was the major designation in the plan area and was shown on the coloured map in green. He advised it basically replaced the residential designation that was established in 1982 but primarily in terms of the name not the location or intent. He stated it applied to the majority of the built up community and established the main policies relative to future residential development. It also included references to an overall housing mix that would be a target for looking at future development proposals; as well as the creation of a new zone to accommodate auxiliary dwelling units and larger commercial

developments within comprehensive development districts, as well as some revised policies dealing with existing businesses within the residential designation. The 1982 Planning Strategy recognized a number of existing businesses in Timberlea on an Appendix to the Land Use By-law and provided for future development expansion only by development agreement. He advised there was an extensive amount of community discussion in regards to how some other arrangements could be made to accommodate the future development expectations of the business community while, at the same time, provide some protection to residential neighbourhoods where those businesses developed over the years.

He advised the revised document had, to an extent, attempted to accommodate most of the existing businesses to the application of either the C-1 zone which is a local commercial zone or a new C-3 service business zone to be applied to those properties that were previously identified in the appendix. He advised to a large extent, most of the businesses who expressed an interest in getting commercial zoning as opposed to appendix zoning were proposing to acquire the new zone particularly where they were located along the main highway. He advised there were some problems with respect to some businesses still located in residential areas. He stated there were some uses that remained on that appendix. He advised most of those businesses were relatively satisfied with the appendix in the first place. He advised the main issue seemed to be the business owners who had properties along the Bay Road who felt it was unfair that they could not receive commercial zoning. He advised the proposed C-3 zone would enable some limited expansion and change of use to occur on those properties enabling expansion beyond the 5,000 square feet that was proposed as the maximum permitted floor area to be considered by development agreement.

He advised with respect to the other designations, there was a commercial core and a general commercial designation that had both been established to basically replace what was called a commercial designation in the existing Planning Strategy. He advised the existing Planning Strategy had one designation but had sort of a two fold purpose. He stated they set up two commercial designations to basically accomplish the same thing but in a little more straight forward manner. He stated the commercial core designation had applied to the more major commercial developments near the centre of the community and it was intended to provide a community focus. The general commercial designation had been applied to existing small concentrations of commercial development located along the Bay Road in each of the three communities. He stated the general commercial developments did not show up too well on the map.

Councillor Richards questioned why it was necessary to create two

designations.

Mr. Donovan responded the C-2 zone basically would apply in conjunction with all of those properties. He stated there were certain policies with respect to development of larger scale commercial developments over 50,000 square feet, for example, by development agreement as well as apartments in conjunction with commercial uses by development agreement. He stated all of those could occur only in the commercial core area. He stated this was why it was necessary to create two designations.

Mr. Donovan stated the industrial designation was essentially unchanged. He stated it was the area colour coded dark grey on the map. It was basically intended to reflect the development area of the Lakeside Industrial Park. He stated some minor changes had been included in the Planning Strategy to basically update the current development level within the park but no other changes had been included other than those in the draft.

He stated the resource designation was again an area that applied to outside the developed area of the community.

Mr. Donovan stated with respect to the conservation designation which applied to properties which had been identified as being prone to flooding along either side of the Nine Mile River right in the centre of the residential designation, no changes were made.

Mr. Donovan stated with respect to the Land Use By-law, most of the changes that occurred in this document were either to update references to new legislation, for example, or to respond or implement policy changes made to the Planning Strategy. He stated most notably, there was the R-1A zone on Page 34 which was an auxiliary dwelling unit zone. He stated there was also definition of an auxiliary dwelling unit included in the By-law and the zone itself which could be applied for by individuals wishing to have basement apartments or in-law suites within the residential designation. He stated there was also a couple of requests made through the Plan Review Process for the R-1A zone that the Plan Review Committee approved. He stated these changes were reflected on the new Zoning Map.

He stated some changes with respect to the R-2 zone also occurred mainly in response to some concerns that residents expressed regarding the current standards. He stated the flankage?? of the yard had been increased from 20 feet to 24 feet because that was considered to be at least a car length, whereas, with the 20 foot setback, there was some concern with this setback being inadequate.

He referred to Page 38. He stated there was an architectural

requirement with respect to two unit dwellings and that was that no electrical utility meter or conduit could be attached to the front face of any main building. He stated this was in response to some community concerns that they were seeing too much of utility meters and pairs of utility meters at the front of two unit dwellings.

He stated there was also an exception made with respect to existing R-2 zone lots from the 20 foot setback on Page 39, that would allow lots that would have been shown on a tentative or final planning subdivision to be developed according to the current standards and, therefore, exempted from the 24 foot setback.

He stated the most significant change was the inclusion of the C-3 Service Business Zone. He stated this was outlined on Page 51. He stated the zone applied to properties that were formerly on the Appendix and located on the Bay Road. He stated since this did not permit all the uses that were formerly on the appendix as new uses but it did permit the existing ones, they had taken these uses out of the Appendix listing them as permitted existing uses within that zone. For example, Longard's Trucking, although it is not a permitted commercial use, is permitted as it exists now and will have expansion rights as any other type of commercial use. However, Mr. Longard could not open up such a thing as T. A. Products. He stated he also could not sell his property for another Trucking Business but could change it to Metal Fabrication. Mr. Donovan stated he could change it to a retail store, restaurant or any of those uses permitted under the zone. He stated there were certain limitations as to the extent to which an owner could develop a C-3 zone lot. He stated the maximum lot coverage was thirty percent. He stated there was a maximum floor area of 5,000 square feet. However, as he mentioned earlier, there was a policy in the Planning Strategy to allow for the consideration of expansion beyond that by development agreement. He stated there were existing buildings already over 5,000 square feet. He stated there was a provision that if there was an existing building over 5,000 square feet in floor area, it could still be permitted to change to any other use without the need for a development agreement.

Mr. Donovan questioned if Council wished to ask any questions.

Deputy Warden Sutherland stated in reference to the servicing of the duplex properties there, if it was Policy of the Utility Company to provide one meter to the face of the building, how would Council get around that. He questioned if the Utility Company had overriding jurisdiction.

Mr. Donovan stated it was the Power Corporation's responsibility to regulate, more or less, stop at the property line. They indicated they wanted one utility pole per lot. He stated they preferred to

have one utility pole at the common property line. Where it went after that, it could either go underground, which is fairly costly, and then connect to the house on either side or the line could be split and then the Utility Meter installed on either side. Visually, it was a choice. He stated the problem had been encountered mainly with the infill type of lots, because if it was in a coordinated way, one utility line could be dropped at the common line between two separate units and then the metres provided in that way. He stated they have indicated that electrical metres per condo would not be attached to the front face except where it had been determined by the Power Corporation that no other method of overhead service could be provided from a single pole. He stated they recognized there was a problem with the visual affects of these. He stated if you went to some of the older developed areas, in the R-2 areas, there were not any attached to the front face of the building, they were attached to the sides of the building. He stated he had been told the problem there was the proliferation of telephone poles. He stated they may have twice as many poles. He stated the Power Corporation in its policy (one per lot) was trying to minimize the number of poles that were on the street.

Warden Lichter stated it was his understanding that the Municipal Planning Strategy for Eastern Passage/Cow Bay provided for the same arrangement. He asked if that was correct.

Mr. Donovan responded no, that was not correct because this particular concept came from the community itself. He stated there was a community group who made a submission to the Plan Review Committee to put this restriction in.

Councillor Giffin stated after that group came and appeared before them, he went out to take a look at this problem. He stated he did not understand what the difference was between having two poles in the front of the building and/or one on each end. He stated there was no question, that ecstastically, it looked far better to have the poles located on the ends of the building and not in front. He stated he then took a look at several areas with different poles. He stated the only difference with respect to this issue was one or two feet of wire.

Councillor Rankin referred to the C-3 zone. He stated as he understood it, in the C-3 zone, individuals would have a newly created right to build specifically 5,000 feet limited by the thirty percent coverage. He stated he understands now, that possibly by development agreement, the mechanism would remain to be in excess of \$5,000. He stated they were receiving the best of both worlds. He stated it was his understanding that development agreements would be in place with this new right.

Mr. Donovan stated it was his understanding that the C-3 zone, in establishing a maximum floor area was intended to achieve two things. First of all, to give some existing businesses a commercial zone with some development rights within the zone. At the same time, establish a maximum indication as to how large they could expand by right. He stated it was also his understanding that, in expansion beyond 5,000 square feet by right, would be considered by development agreement which was the case with the other Appendix uses. He stated there were other appendix uses that did not get the C-3 zone. He stated they still had the ability to be expanded by development agreement. Theoretically, one of the existing uses presently on the appendix could directly be expanded beyond 5,000 square feet. He stated in giving them the C-3 zone, they also wanted to take away the right for future expansion beyond 5,000 square feet. He brought Council's attention to Policy UR-20 on Page 66 which set up that zone. He stated Council's intention was not to permit the future rezoning to that zone but also any proposed expansion of permitted service uses beyond may be considered according to the development agreement provisions subject to Policy UR-22 which was basically the same criteria that applied to the appendix uses at present and to the remaining ones. He stated if that was not the intention, it should be corrected.

Councillor Rankin stated perhaps other members of the Committee could speak to this point. He stated he understood the Chairman at the Public Hearing that they would not have the right and also the availability of a development agreement. The existing development agreements had to be honoured. He stated it was clear to him that once they were offered the C-3 zone, it would be a right but would not be offered development agreement mechanisms for future uses.

Warden Lichter stated probably the public hearing would shed some light on this issue. He stated this was a long standing issue ever since 1982 when the Timberlea, Beechville and Lakeside areas Plan came into effect. He stated the business they were speaking about had indicated to this Council that, indeed, they were "robbed blind" because they simply had a general zone at that time and it was converted into a residential zone. He stated they were put on an appendix and they could do something with their property only by development agreement. He stated the birth of the Halifax County Business Association was due to what they considered to be unfairness in that particular MPS or Municipal Development Plan. Recently, one of the businessmen from the area spoke the words of Halifax County Council first of all as being a socialistic dictatorship that had no interest, whatsoever, in business. He stated he thought the intent was to give them that zone but not to be able to go beyond 5,000 square feet unless they entered into a development agreement.

Councillor Meade referred to the Land Use By-law on Page 21

regarding vehicle bodies. He referred to the last line stating that "No vehicle bodies shall be used as a commercial building". He asked if this referred to a mobile canteen.

Mr. Donovan stated this did refer to a mobile canteen.

Councillor Meade questioned if Mr. Donovan was stating that mobile canteens were not allowed in this area.

Mr. Donovan stated he was not sure what was meant by vehicle bodies. He stated the problem with calling a vehicle a mobile canteen was that if it didn't have wheels on it, it was not licensed to drive, whereas, a mobile canteen was licensed for the road. He stated this was intended to get at a permanent structure without wheels set up in a neighbourhood or commercial area.

Councillor Meade asked if a mobile canteen was allowed in District 2 to set up anywhere.

Mr. Donovan responded not to his knowledge. He stated he did not think it was specifically prohibited.

Councillor Meade stated in the District 1 & 3 Plans, a mobile canteen could set up anywhere.

Mr. Donovan responded the zoning in the District 1 & 3 areas permitted anything but certain uses, whereas, this plan area did not permit mobile canteens.

Councillor Rankin stated he appreciated the comments relative to businessmen. He stated he had spent considerable time trying to make an accommodation with the business interests and the residential interests. He stated he was satisfied with the C-3 zone. He stated he, however, was not satisfied that there was sufficient definition to what they had already discussed and he therefore, requested, that Council agree that this issue be referred to the next Plan Review Committee meeting in order for them to further review this item and in time, to incorporate it in the documents for the public hearing. He stated he hoped this could be clarified before the Public Hearing. He stated he did not see this issue as a controversial element at this time. He stated he just wished clarification and more discussion on this point. He stated he wanted it to reflect what really did happen at the public hearing and the estimation of the Planning Committee. He stated in principle, he had a problem with giving a right and then giving an opportunity for a development agreement.

Warden Lichter stated if the suggestion was followed, a public hearing date could not be set because the document would have to be advertised then as is at the time of the advertisement. He stated

the public would be invited to view that document. He stated if felt that further work should be required for the document, then it would be a matter of referring it back to the Planning Review Committee having a recommendation come from PRC to a regular Council Session sometime for a particular date for a public hearing.

Councillor Rankin stated it was his hope that this item be discussed at the July 13, 1992 Planning Review Committee meeting and incorporated in time for the advertising.

Mr. Donovan stated the date they were looking at was August 10, 1992. Mr. Donovan was concerned of whether there would be sufficient notice.

Councillor Holland referred to Councillor Meade's question. He questioned if these canteens were presently allowed in the current plan.

Mr. Donovan responded he did not think so, although, some of these were located on high transportation right of ways. He stated it was difficult to regulate a mobile canteen that was not located on private property.

Councillor Giffin referred to the Businessmen's Association being established. He stated he wished to make a point of clarification. He stated the Businessmen's Association was a result of the way the residents thought they had been "shafted".

Warden Lichter stated if the advertising of the document went out as is and Council found they wished to become more restrictive on the night of the hearing, in other words, Council removed the allowance for a development agreement to permit businesses to expand from 5,000 up, Council could do that but they could not do the reverse. In other words, if Council advertised that the C-3 zone was going to permit only 5,000 square feet with no mention of a development agreement, and there were a lot of speakers in support of the development agreement possibility, even if Council wanted to assist them, they would not be able to do that because Council would become less restricted by doing it.

Councillor Rankin stated this was a matter of judgement as to what was restrictive in this particular issue. He stated he would allow the record to remain as it was and go for a public hearing. He stated he would confer with other individuals with respect to his concerns.

Warden Lichter stated he wanted to clarify that he was not referring to Councillor Rankin or any other individual when he said more restrictive or less restrictive. He stated he was referring

to the point that if Council permitted two things to happen, one was the zone to be applied and the second one was to have a development agreement if someone wished. He stated if this was taken away, it was making it more restrictive.

It was moved by Councillor Giffin, seconded by Councillor Rankin

"THAT a public hearing date be set for August 10, 1992 to discuss this issue."
MOTION CARRIED.

ADJOURNMENT

It was moved by Councillor Taylor that this meeting adjourn.

COUNCIL SESSION

July 7, 1992

PRESENT WERE: Warden Lichter
Councillor Meade
Councillor Fralick
Councillor Holland
Councillor Bates
Councillor Adams
Councillor Bayers
Councillor Smiley
Councillor Taylor
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Giffin
Councillor MacDonald
Councillor Harvey
Deputy Warden Sutherland
Councillor Richards
Councillor McInroy
Councillor Cooper

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

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The meeting was called to order at 6:00 p.m. with the Lord's Prayer and the observance of a one minute's silence in memory of former Councillor Percy Baker.

Councillor Richards, on behalf of council, wished Cathy Nichol a happy birthday.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT PUBLIC HEARING MINUTES OF APRIL 27, 1992 BE APPROVED"

MOTION CARRIED

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

"THAT PUBLIC HEARING MINUTES OF MAY 25, 1992 BE APPROVED"

MOTION CARRIED

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

"THAT PUBLIC HEARING MINUTES OF JUNE 22, 1992 BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE JUNE 2, 1992 COUNCIL SESSION BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE MAY 14, 1992 COMMITTEE OF THE WHOLE BE APPROVED"

MOTION CARRIED

REPORT RE: ALTERNATE WATER SUPPLY - FIVE ISLAND LAKE

Mrs. Edna Ross made a presentation to Council. She stated that it has been going on three years since the residents of Five Island Lake have been in the situation where the water has been contaminated up to 12 times the acceptable drinking levels with what is commonly known as paint thinner. Also, part of the community has twice the acceptable drinking levels of dry cleaning fluid. She stated that efforts have been to the point of desperation trying to get something done. She stated that this situation is brought on by the operation of Associated Electronics and Salvage. She stated that the property owners feels that it is time this issue was addressed. She stated she was asking the County to help in the cost sharing proposal of developing the alternate water system. In spite in all of their efforts they are sitting on properties that are useless and worthless. She stated that as long as they do not have potable water families are being destroyed.

Councillor Giffin asked Mrs. Ross if the present supply of water was being brought in.

Mrs. Ross stated that they have been getting bottled water for three years.

Councillor Harvey asked Mrs. Ross if the water was being supplied free of charge.

She stated that the Department of the Environment does supply it free.

Councillor Harvey asked if testing of water in the area shown any improvement or change.

She stated that part of the systems that were contaminated by the paint thinner have cleared but they have not been able to obtain the results of current tests done on May 20.

Warden Lichter thanked Mrs. Ross. He stated that council had passed a motion some time ago where it approved the water system subject to 100% provincial funding. The other pieces that he felt council should be aware of is that approximately six weeks ago Mrs. Ross and some of the residents met with him. After that meeting he met with the Honourable Brian Young and Ted Tam. Normal funding for central water installation would be 20% from Municipal Affairs. He stated that they received a commitment from the Minister and his staff to fund it up to 60%. He stated that council is being asked to consider paying 40% of the total cost which would come to \$100,000.00. He asked what could be done with the original motion.

Mr. Crooks stated that he had not seen the text of the original motion which would be necessary as a basis for evaluating the extent of its application to tonight's proceedings. He stated that the warden did mention that it referred to the provision of central water services and it may be that this, what appears to be a special set of circumstances, may not have been contemplated by council when it passed the earlier motion. He stated that normally when a resolution is to be rescinded or amended notice is to be given in the agenda in advance of the meeting. He stated that the question here is whether or not the previous motion applies to the subject matter which is before council tonight. He stated that this may be a special set of circumstances which council would not have had in mind in dealing with the matter when it passed the previous resolution.

Warden Lichter stated that he believed that when council passed the original motion council had all the information it has now and the 100% provision was put in there in order to give leverage in negotiating with Municipal Affairs. Those negotiations have been carried out and succeeded to the point of 60% funding instead of 100%. He asked if council was willing to deal with the original motion amended to 60% instead of 100%.

Mr. Crooks stated that as a matter of procedural law notice would

have to be given to the extent that requires an amendment of the previous resolution on substantive point. Notice would have to be given by the appropriate means so that councillors would have the opportunity of knowing that the matter was again up for consideration.

Warden Lichter asked if council agreed unanimously to accept a motion to rescind in order to be able to consider the motion to amend would there be any difficulty.

Mr. Crooks stated that unanimous means unanimous consent of all councillors not just those present.

Councillor McInroy suggested that the meeting to be held on Monday be designated as a Special Council Session. This would enable notice of reconsideration to be given.

Warden Lichter stated that prior notice wasn't given because the meeting with the Minister of Municipal Affairs came about between council sessions. This is an emergency situation.

Councillor Holland stated that in light of the fact that the previous motion did not come to fruition could a new motion be introduced.

Mr. Crooks stated that if the motion was conditional, i.e. if it indicated that the position of the council was conditional on the outcome of negotiations with the minister then it would be a different matter. If it simply said this is the policy of the council then the general procedural law would require appropriate notice if the council is now going to change its previous decision with respect with that.

Councillor Fralick asked if it this issue could be dealt with if the Committee of the Whole was changed to a Special Council Session.

Warden Lichter stated that he would ask staff to notify councillors that the meeting scheduled for Monday would be a special council session and put the item on the agenda with a notice that we have the intention of rescinding the original motion rather than modifying it in any way.

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

"THAT THE MEETING SCHEDULED FOR MONDAY, JULY 13, 1992 BE DESIGNATED AS A SPECIAL COUNCIL SESSION IN ORDER TO DISCUSS RESCINDMENT OF THE ORIGINAL MOTION WITH REGARDS TO ALTERNATE WATER SUPPLY FOR FIVE ISLAND LAKE"

Deputy Warden Sutherland asked if a report could be prepared.

Councillor Merrigan stated that he would like to have the environmental reports and water tests results which shows the number of houses and the area covered so council is aware of what is being dealt with.

MOTION CARRIED

Warden Lichter informed council that the applicant who was appealing the development officers decision not to grant a minor variance is unable to attend the council session and is requesting that the hearing be rescheduled.

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

"THAT THE MINOR VARIANCE APPEAL BE DEFERRED TO THE NEXT COUNCIL SESSION"

MOTION CARRIED

LETTERS AND CORRESPONDENCE

1. Mr. Kelly outlined a letter from the Honourable Joel R. Matheson, Solicitor General, Province of Nova Scotia regarding the issue of additional RCMP presence in Halifax County.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

2. Mr. Kelly outlined a letter from the Honourable Elmer MacKay, Minister, Canada Mortgage and Housing Corporation with regards to the resolution passed by the Halifax County council concerning the Residential Rehabilitation Assistance Program.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Mr. Kelly outlined a letter from the Honourable Elmer MacKay, Minister, Canada Mortgage and Housing Corporation thanking council for sending him a copy of their letter regarding the recent federal budget limitations on social housing and the termination of the Federal Co-operative Housing Program.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

4. Mr. Kelly outlined a letter from John Dennison, Senior Policy Advisor, Office of the Minister of Multiculturalism and Citizenship with regards to the landfill site in Halifax-Dartmouth and its potential impact on the Black Community.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

5. Mr. Kelly outlined a letter from Mayor Moira Ducharme, City of Halifax with regards to the possibility of the Atlantic Winter Fair connecting with the sewer and water extension to Ragged Lake Industrial Park.

Warden Lichter stated that a meeting has been requested with the provincial minister with regards to this particular item to try and sort out the difficulties that exist.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

6. Mr. Kelly outlined a letter from the Honourable Ron MacDonald, M.P., Dartmouth acknowledging receipt of the copy of letter regarding the proposed storm drainage system along Caldwell Road.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT HALIFAX COUNTY PROVIDE THE M.P. WITH A COPY OF THE MINISTER'S RESPONSE TO SEE IF HE CAN INTERVENE IN SOME WAY"

MOTION CARRIED

7. Mr. Kelly outlined a letter from the Honourable Ron MacDonald, M.P. in response to a copy of correspondence sent to the prime minister with regards to cuts in social housing contained in the 1992-93 federal budget.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

8. Mr. Kelly outlined a letter from representatives of St. John Ambulance seeking financial commitment and requesting that someone in the community be identified to assist in promoting, recruiting and fundraising.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Councillor Harvey congratulated Ken Wilson, Director of Finance, on his promotion within the St. John Ambulance.

A member of Halifax County would be nominated at the following council session on July 21, 1992.

9. Mr. Kelly outlined a letter from SPC Metro Branch requesting the appointment of two By-law Enforcement Officers for SPC.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT THE DEPARTMENT OF THE SOLICITOR GENERAL BE REQUESTED TO APPOINT JANICE MARY LAROCHE AS A BY-LAW ENFORCEMENT OFFICER FOR SPC METRO BRANCH"

MOTION CARRIED

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

"THAT THE DEPARTMENT OF THE SOLICITOR GENERAL BE REQUESTED TO APPOINT THOMAS SCOTT MCDONALD AS A BY-LAW ENFORCEMENT OFFICER FOR SPC METRO BRANCH"

MOTION CARRIED

10. Mr. Kelly outlined a letter from John J. MacLeod, Vice President, NEWGATE Developments Ltd. with regards to the state of Keddy's Airport Hotel.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT A LETTER BE SENT TO THE MINISTER OF TRANSPORT ASKING FOR CLARIFICATION ON WHAT THE PLANS ARE FOR THAT STRUCTURE AND FURTHER TO ADVISE COUNCIL OF THESE PLANS"

MOTION CARRIED

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

"THAT THIS BE REFERRED TO UNSIGHTLY PREMISES FOR INSPECTION BY THE BY-LAW ENFORCEMENT OFFICER"

MOTION CARRIED

11. Mr. Kelly outlined a letter from Walter Rozicki, Eastern Passage, with respect to the condition of the roads Kilgar and Gallant in Eastern Passage.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Mr. Kelly outlined a letter from Stella Aucoin regarding the use and mis-use of pellet guns in the Metro area.

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

"THAT THE LETTER BE RECEIVED"

Councillor Cooper stated that there is concern in the communities with regards to respect for property. He stated that he feels that the strength of water guns is related to this issue and can be compared to the pellet guns and air guns which have been outlawed for selling and use in the Municipality. He asked the solicitor if these weapons would fall under the By-law regarding air rifles and pellet guns.

Mr. Crooks stated that the prohibition which Councillor Cooper is referring to is a prohibition which is statutory and there is a separate By-law prohibition. The prohibition is against selling or keeping of air rifles, air guns and sling shots to the extent that these powered water cannons are in effect powered by air it seems to him that the better view is that they are caught by the prohibition which is in place now. It may be that if the Municipality wished to actively regulate the keeping, sale and use of these kinds of items that it would be appropriate to consider being more specific so that it wasn't thought to apply to standard water pistols. The language of the current prohibition would seem to apply to these items that Councillor Cooper is referring to, to the extent that they are powered by air.

MOTION CARRIED

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

"THAT A REPORT BE PREPARED INDICATING WHETHER A POTENCY LEVEL CAN BE ESTABLISHED FOR THIS TYPE OF WATER CANNON AND IF THOSE LEVELS COULD BE INCLUDED WITHIN THE MUNICIPALITY'S BY-LAW TO CONTROL THE ITEMS IF THEY SURPASS THESE LIMITS AND BECOME DANGEROUS"

MOTION CARRIED

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

"THAT A LETTER BE SENT TO THE HALIFAX AND DARTMOUTH COUNCIL'S ASKING THEM TO CONSIDER A STAND WITH REGARDS TO BANNING THE SALE OF THESE WEAPONS IN THEIR JURISDICTIONS"

Councillor Richards stated that you can go into the cities of Dartmouth and Halifax and purchase air guns and pellet rifles.

Councillor Bates suggested that council wait until some conclusion is reached with regards to water gun usage before going to the other cities.

Warden Lichter stated that Halifax County should bring to the cities attention what we are looking at.

MOTION DEFEATED

8 IN FAVOUR

11 AGAINST

Councillor McInroy asked if staff or the solicitor could incorporate a review of the other metro legislation on the subject so that everything would be contained in the one package.

2. Mr. Kelly outlined a letter from Lieutenant-Colonel L.A.

McWha, Chairman, Shearwater International Air Show seeking approval for the air display performers to overfly parts of Halifax County during the period September 18 to September 21.

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

"THAT THE LETTER BE RECEIVED AND FURTHER APPROVAL GIVEN TO THE SHEARWATER INTERNATIONAL AIRSHOW TO OVERFLY PARTS OF HALIFAX COUNTY DURING THE PERIOD OF SEPTEMBER 18 TO 21"

MOTION CARRIED

3. Mr. Kelly outlined a letter from Canada Post informing of upcoming change to the retail network in the Lower Sackville area.

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

"THAT THIS CORRESPONDENCE BE RECEIVED WITH REGRET"

MOTION CARRIED

Councillor Harvey stated that this is an outrageous reduction of service to a community of the size of Sackville. The population base is large. It is unacceptable to have this postal outlet buried in the middle of the Superstore.

Councillor MacDonald stated that some of the residents of Sackville will have to travel four or five miles to get to a post office.

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

"THAT REPRESENTATIVES OF CANADA POST APPEAR BEFORE THE SACKVILLE COMMUNITY COMMITTEE TO EXPLAIN FURTHER THE POSTAL SERVICE"

Warden Lichter suggested that it might be better to have Canada Post appear before the Community Committee.

Councillor Brill stated that there is no way that a community the size of Sackville can be served by one retail outlet.

Councillor Fralick suggested a Committee of the Whole to speak with Canada Post.

Councillor Merrigan suggested there should be some other location and maybe have staff look at and make a recommendation to where they think an outlet can be established.