

to take care of the recyclables by having a local recycler pick up the bags.

Councillor Adams took the opportunity to mention that the residents of District 8 who had Dartmouth East post office postal addresses were still waiting for the blue bag information package. He noted that a resident of Mineville Road had had his blue bag out since June 10 and wondered if there were some areas that were not being serviced. He noted that people using the Waverley post office boxes got their information and people who had rural route numbers received theirs.

Councillor Merrigan advised that the people of Beaver Bank did not receive the information either.

Councillor Peters said she wanted to complement Engineering and Works Department on the full-page ad which was easy to understand. She said she also wished to advise that District 14 did not receive any information either. It appeared there was a large area being missed.

Warden Lichter noted he had chastised the firm which was responsible for the public relations effort and he was told it was the fault of the post office in having missed Cole Harbour/Westphal and Sackville. He said he indicated if they had missed Dutch Settlement, that might have been acceptable but Cole Harbour/Westphal and Sackville was a different thing altogether.

Mr. Wdowiak was in attendance and advised there had never been any contact between Department of Engineering and Works and the ad agency; contact was made with Metropolitan Authority and the result was the ad that appeared with the calendar. He had suggested to Mr. Jackson of Metropolitan Authority that he should meet with them and their advertisers to at least convey the problems that are being experienced. He said it appeared the problems were on going and he would be following up.

Warden Lichter noted that a calendar had been included in the Municipal Focus which went to every single home but it appeared that people did not note same.

WOODBINE - COUNCILLOR MERRIGAN

Councillor Merrigan stated he had been unable to find out what has been occurring recently with this situation and there were about 650 homes in the park affected by sewage running into the duck pond and brook. He noted that Woodbine was supposed to have been the beginning of trying to solve the problems further north in the other subdivisions and this has been going on for more than seven years. He stated that he was disgusted and ashamed regarding the manner in which the problem has been handled and that he was looking for help to get something done.

He said that he had been told that even if commitments were received from Mr. Havill and others concerned, public participation and public hearing meetings would still have to be held to put a servicable boundary in place. He asked for support from Council to get staff moving on the problem.

Warden Lichter noted that it was about three weeks ago that he accidentally found out that before the funding request submitted to Municipal Affairs could be actually approved, the Department of Environment would have to approve the project. Sessions had been held by Department of Environment with Mr. Havill but Mr. Havill simply refused to do what Department of Environment asked him to do inside the park. This information was communicated to Mr. Wdowiak.

Councillor Merrigan stated that even if Mr. Havill agreed to do his part, the County still has not done its part to solve the problem. He said he did not appreciate having to chase after staff to find out what was going on nor did he not appreciate how the matter was being handled.

Councillor Merrigan stated when the tenders went out with UMA, they were supposed to be public hearings on the sanitary survey report. There was also a resolution that went from Urban Services Committee requesting that Engineering Department do a costing and a phasing in of the area. Council accepted the recommendation from Urban Services Committee; however, the report has still not been presented. Planning Department advised him seven years ago that in order to service Woodbine, it would be necessary to have a Plan Amendment and nothing has taken place to look after that. He said this would normally take a year.

Mr. Meech suggested to Councillor Merrigan that if he wanted a formal report, then he should put a resolution on the floor and request a report. Councillor Merrigan stated he would do so but would also bring in copies of letters and reports that he had requested over the years.

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

"THAT COUNCIL REQUEST FROM STAFF A REPORT AS TO WHERE IT STANDS ON THE FIRST PHASE OF WOODBINE SERVICING AND WHERE IT STANDS ON THE COSTING AND PHASING IN OF THE REST OF THE AREA THAT WAS IDENTIFIED IN THE UMA STUDY SUBMITTED BY URBAN SERVICES COMMITTEE AND THAT THE REPORT BE AVAILABLE FOR THE SECOND COUNCIL SESSION IN AUGUST.

Councillor Brill stated that he had been requested by Deputy Warden Sutherland to check into this problem because there were about a dozen people in the Woodbine Trailer Park who could not get a building permit to build something like a sundeck because Mr. Havill fails to co-operate and does not have a proper permit to run the park. He said Mr. Havill was not complying with certain By-

laws and, until such time as he does, the problem remains. He said he did not think it was a staff problem but Mr. Havill's and he understood that legal action was being taken.

Mr. Meech advised that the Municipality had been in court on July 14, 1992 with respect to Mr. Havill still not having an operating permit under the Mobile Home Park By-law. At that time, it was agreed in advance with Mr. Havill to ask for an adjournment to set aside until September. In advance of that, it was intended to communicate again with Mr. Havill and lay out very specifically what was required. If there was no action by the time the case was up for hearing, then the Municipality would have the necessary evidence to support the fact that he has not fulfilled what was required of him. He said there was nothing to stop Mr. Havill with getting on with work that needs to be done internally in the park prior to the park actually being connected into the Sackville system through the trunk main. One of the things that was in contention at this point was that there had not been a monitoring device installed, which Department of Environment wants, because one of the things the Municipality was trying to make sure of was that the whole program was based on the assumption that no more than 200,000 gallons of sewage a day would be accepted. This needed to be resolved before the park could be connected to the Sackville system. Mr. Meech reminded Councillor Merrigan that there had been about 13-14 conditions attached to the approval and it was safe to say that Mr. Havill was not going to be prepared to comply with all those conditions. Council would have to deal with this later on. It was expected that Mr. Havill would be giving an accounting to the courts in September.

Councillor Brill stated that it could go back to the tenants. Maybe they should consider withholding their pad fees to put pressure on Mr. Havill.

Councillor MacDonald asked when people could get building permits. He said he thought it was unfair that they would have to wait until September. He pointed out the Municipality was also losing revenues from building permits.

Mr. Meech responded it would be up to Council to decide whether or not to enforce the Mobile Home Park By-law because until such time as the Municipality comes to an agreement with Mr. Havill and Department of Health, there would not be any issuance of an operating permit until the necessary indication was received from Department of Health to the effect that the park meets their requirements or they know there is a secure long-term solution in sight. He said it could be longer than September.

Councillor MacDonald asked Mr. Crooks if there was any way the tenants could get permission to make their improvements.

Mr. Crooks responded that it was his understanding that as long as there was no operating permit, as required by the By-law, that type of activity was not possible. He said, however, he would look at the question specifically as to what options would be available.

Mr. Meech stated that Mr. Havill was not permitted to put new mobiles on pads where there may have been an existing mobile. Mr. Havill was not happy about this because it did influence the sale of mobiles because there was no place to site them. If certain exemptions were going to be agreed to, then this question would also have to be considered. It was hoped that if pressure was applied, Mr. Havill would see it in his vested interests to get on with reaching a formal agreement with the Municipality so that the servicing could proceed.

Warden Lichter pointed out that both Planning staff and Legal staff had looked at all of the possibilities over the last year and a half. He said he had tried to obtain a letter indicating that there was no objection to having a temporary permit issued; however, Legal staff examined this option and advised there was no way that a temporary permit could be issued because there was no provision in the Mobile Home Park By-law for a temporary permit. It was either an operating permit or no permit. As long as there was no permit, it was an illegal operation and, under the Mobile Home Park By-law, no kind of building permit could be given out, whether for renovation or anything else. He stated there was really no point to further researching it legally.

Mr. Crooks confirmed there was no provision for an interim or temporary permit.

MOTION CARRIED.

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

"THAT PLANNING ADVISORY COMMITTEE BE REQUESTED TO EXAMINE THE MOBILE HOME PARK BY-LAW AND PREPARE APPROPRIATE AMENDMENTS THAT WOULD ALLOW THE MUNICIPALITY TO ISSUE A TEMPORARY PERMIT".

Councillor Peters asked, if the permits were issued for the improvements the tenants wanted, would it not possibly open the door to Mr. Havill putting new mobile homes on the empty pads which would take away some of the leverage.

Warden Lichter stated that Planning Advisory Committee could address the Mobile Home Park By-law in such a way that it would not be possible to do both.

Councillor Ball stated the biggest concern he had with the whole matter was that once the Municipality started to buckle under, it would lose the leverage it has with Mr. Havill. When the

Municipality has the ability to start issuing building permits because Mr. Havill had a temporary operating permit, in his opinion there would be no wish on Mr. Havill's part to continue to try to do things properly. He said he was sure this would be discussed at Planning Advisory Committee.

Councillor Brill asked if a cease and desist order could be issued against Mr. Havill.

Warden Lichter responded that the only thing that could be done right now was to order to have the park vacated but this would mean dislocating over 600 families.

Councillor Brill stated that if someone moved out and somebody else wanted to move in, he thought there should be some regulation where this could be stopped as he had no legal permit to operate.

Mr. Crooks responded that there was not the ability to restrict provided it was not a matter of making additions or expanding what was there. He said, however, he would have to look at the By-law and this could have already been checked by somebody else in his office - he would have to review the file. There was the possibility of applying for an order which would have the purpose of closing the park as a whole.

Councillor Brill asked how Mr. Havill could be made to obey the law. Mr. Crooks responded an option was prosecution with respect to ongoing infringement and those proceedings had been initiated and were being pursued. Another option was to seek relief in the courts to the effect that given the park was without authorization under the Mobile Home Park By-Law, it cease operation. This would be a judgement which would have to be made at the appropriate time but there would be fairly drastic implications in terms of residents.

Warden Lichter noted that earlier Council was dealing with cutbacks in social housing and now Council was talking about the possibility of over 600 families being dislocated. He asked who would take care of those families who would need low rental housing units which could not be provided.

MOTION CARRIED.

DEPARTMENT OF TRANSPORTATION - COUNCILLOR SNOW

Councillor Snow said he wanted to bring to Council's attention a problem existing in the Waverley/Fall River area on a service road owned by Department of Transportation. He said a special road had been put in along the 118 to facilitate the owners of all the property along that road. The road was now a Sackville landfill because there was so much garbage dumped there and it was not fair

to the residents who owned the land that the population generally had access to an extra dump.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION REQUESTING THAT THE ROAD BE BLOCKED OFF AT BOTH ENDS, A PROPER GATE BE INSTALLED ON EACH END, ALL ACCESS FROM THE 118 BLOCKED OFF AND A KEY BE GIVEN TO THE RESIDENTS WHO OWN PROPERTY ON THE ROAD".

MOTION CARRIED.

MOTION TO RATIFY THE APPROVED DISTRICT CAPITAL GRANTS

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

"THAT THE DISTRICT CAPITAL GRANTS WHICH COMPLIED WITH REGULATIONS COVERING USE OF DISTRICT CAPITAL GRANTS AND APPROVED BY THE FINANCE DEPARTMENT FOR THE MONTH OF JUNE BE APPROVED".

MOTION CARRIED.

SACKVILLE MAINSTREET CO-ORDINATOR'S REPORT

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

"THAT THE REPORT FROM THE SACKVILLE MAINSTREET COORDINATOR BE RECEIVED".

MOTION CARRIED.

URGENT AGENDA ITEMS

Ladies Auxiliary

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

"THAT COUNCIL SEND A LETTER OF APPRECIATION TO THE LADIES AUXILIARY IN THE VOLUNTEER FIRE DEPARTMENTS OF GOFFS, GRAND LAKE/OAKFIELD AND WELLINGTON/FLETCHERS LAKE FOR THEIR TIME AND EFFORT SPENT IN PREPARING FOOD FOR THE VOLUNTEER FIREFIGHTERS FOR THE FOREST FIRE AT THE INTERNATIONAL AIRPORT".

MOTION CARRIED.

Church Street, Wellington

COUNCIL SESSION

20

July 21, 1992

Councillor Peters advised that Church Street was a dead end road and was being used for a speedway. There were no signs posting speed limits.

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

"THAT A LETTER BE SENT TO THE MINISTER OF TRANSPORTATION REQUESTING THAT SPEED LIMITS OF 50 KM/HR BE PUT ON CHURCH STREET AND THAT A LETTER BE SENT TO THE R.C.M.P. DETACHMENT IN SACKVILLE REQUESTING A SQUAD CAR PATROL THE AREA OCCASIONALLY IN THE LATTER PART OF THE EVENING".

MOTION CARRIED.

Route 333

Councillor Fralick reported that at the Council Session on June 3, 1992 a letter was received from the Minister of Transportation stating that funds were not available to improve the intersection. He read the letter from Mr. Streach. Councillor Fralick stated the residents of the area were very upset and had prepared a petition with 1143 names. He read the petition and then passed it to Mr. Kelly.

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

"THAT A LETTER BE SENT TO THE MINISTER OF TRANSPORTATION REITERATING THE REQUEST REGARDING ROUTE 333".

MOTION CARRIED.

Councillor Fralick requested that a copy of the letter be sent to the local M.L.A.

ADDITION OF ITEMS FOR AUGUST 4, 1992 COUNCIL SESSION

None

IN-CAMERA ITEMS

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

"THAT COUNCIL MOVE IN CAMERA".

MOTION CARRIED.

Council came out of Camera.

Ocean View Manor

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

COUNCIL SESSION

21

July 21, 1992

"THAT THE RECOMMENDATION OF MR. MEECH BE APPROVED".

MOTION CARRIED.

Other Item

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

"THAT COUNCIL RATIFY WHAT WAS AGREED TO IN CAMERA UP TO AN AMOUNT OF \$10,000".

MOTION CARRIED.

ADJOURNMENT

Meeting adjourned at 8:15 p.m.

SPECIAL COUNCIL SESSION

July 13, 1992

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

ALSO PRESENT: Warden Lichter
K. R. Meech, Chief Administrative Officer
Ed Wdowiak, Director of Engineering & Works

Warden Lichter called the meeting to order at 5:30 p.m.

CONTAMINATION OF GROUND WATER IN FIVE ISLAND LAKE AREA

Warden Lichter reminded Council that last Tuesday night, Council ran into a bit of a technicality with respect to a motion which was voted on.

He stated the report with respect to this matter was circulated to Council Members signed by Mr. Meech, and Mr. Wdowiak dated July 13, 1992. He stated on the second page of that report, there was a motion passed at a previous Council session as follows:

THAT the County of Halifax through the Engineering & Works Department tentatively install a water system in Five Island Lake covering the residents in the motel and cabins that have been affected with the contamination of water subject to funding from the Province of Nova Scotia to cover all costs.

He advised last Tuesday night, there was a notice of motion given to rescind this motion in order to clear the table for any other motions that might come forth.

It was moved by Councillor Fralick, seconded by Councillor Cooper

THAT the following motion be rescinded by Council:

THAT the County of Halifax through the Engineering & Works Department tentatively install a water system in Five Island Lake covering the residents in the motel and cabins that have been affected with the contamination of water subject to funding from the Province of Nova Scotia to cover all costs.

MOTION CARRIED.

Warden Lichter advised that Council requested a more detailed report from the Engineering & Works Department which was circulated.

Councillor Giffin stated he did not have a chance to read the entire report. However, he had been doing some background work with respect to this matter. He stated there was no question, that this was a provincial responsibility. By supplying the drinking water for three years, the Province appeared to think that their conscience had been solved but no real progress had been made to correct the situation. He stated because of the situation as it currently stood, Halifax County could and should not wait for the Province to act. He felt Halifax County was responsible and should act on their own with respect to this matter.

Councillor Giffin suggested that Halifax County provide a temporary solution pertaining to this issue and plan for a permanent solution.

He stated he brought up at today's Planning Advisory Committee, that water was the utmost importance of the future of all communities and that Halifax County had to start planning for it on their own. He felt it was only a matter of time when Halifax County would have to extend the Timberlea water and sewer lines down through the Hammonds Plains area to the growing subdivisions where full service would be demanded. He stated when one considered the cost of bottled water, the lower the assessments and taxes in the County. He stated the lower assessments were in excess of \$1 million dollars. He stated Halifax County was losing roughly \$100,000 in taxes per year.

It was moved by Councillor Giffin, seconded by Councillor Fralick

"THAT the County of Halifax, through the Engineering & Works Department install a water system, on a temporary basis, in Five Island Lake covering the residents and the motel and cabins that have been affected with contamination of water, subject to 60% funding from the Department of Municipal Affairs and 40% funding from Halifax County as well as plan for a permanent solution with respect to this matter."

Councillor Ball questioned the amount of monies Halifax County would have to generate.

Warden Lichter responded Halifax County would have to generate \$100,000 which was 40% of the total cost.

Councillor Ball questioned at who's expense would this \$100,000 be recouped. He questioned if it was solely the Municipality's expense.

Warden Lichter responded expenses would not be recouped as they did not recoup many of the expenses that were spent in other projects of a similar type.

Councillor Ball questioned what the residents in the area would pay towards this project.

Warden Lichter responded the residents would pay nothing towards the project.

Councillor Ball stated in the Churchill Estates area, the Department of Health shut down the system basically saying that the water was not potable. He stated there was a demand from the residents that Halifax County do something about this problem. He stated Halifax County assumed the assets and liabilities of Churchill Estates Water Utility. He stated for those people who did not receive proper potable water, their connection to their house was going to be shut down for not paying water bills.

He stated as a result of this, he had difficulty with residents in one area having to bear 100 percent of the cost of a water problem and residents in another area bearing absolutely no cost. He stated he realized the residents in Five Island Lake did not cause the problem in that area nor did the residents of Churchill Estates cause their water problem. He stated the developer, in that particular circumstance, chose to do nothing about the problem. He stated when that system was taken over by Halifax County, it was made abundantly clear that the people of Churchill Estates would have to bear the costs of the upgrading of that system, etc. He stated he did believe there was a moral responsibility on behalf of the Province and Halifax County to the residents of Five Island

Lake but he also believed that the residents had to participate in part of that solution. Therefore, he felt a percentage should be charged. He felt this was very unfair.

Councillor Deveaux stated he sympathized with the situation. However, he agreed with Councillor Ball that this was not fair. He questioned the system that would be placed in.

Mr. Meech responded the system that would be installed would be a small central system with a well as the water supply and a distribution system.

Councillor Deveaux stated he understood that under the Department of Municipal Affairs, anyone who had a water system paid for frontage.

Mr. Meech stated this was a policy of the Municipality. Under normal circumstances, under the present policy, 60% of the cost would be paid by the Municipality and 40% would be paid by the property owners, then depending on whether there was a contribution from the Province. He stated in this case, if there was not certain circumstances, 30% of the cost would be obtained from the property owner.

Councillor Deveaux questioned what circumstances warranted participants not paying in this area as opposed to every other request or system approved.

Mr. Meech responded this was a political judgement that Halifax County would have to make.

Councillor Fralick stated he had set on this Council since October of 1985. He stated all judgements made were based on decisions from Hubbards to Ecum Secum. He stated there had been more growth in his area than any other area in Halifax County. He stated his district came forward very seldom with requests for funding whether it be supplementary, policing or writing off taxes. He stated this problem was not created by Halifax County. He stated they had tried the other approach of having the Province provide the funding. He stated this started in 1989. He stated the residents were receiving bottled water which was removed. He stated the Board of Health, under his direction, went out and checked the water finding it unsuitable to drink. He stated the water was unsuitable even to have a shower, or wash your car. He felt the residents should be treated fairly in this area. He stated water was an essential.

Councillor Ball stated Mr. Meech mentioned the fact that Halifax County would be building a pumping station with a line going to the

affected property owners where water would be drawn from that line. He asked if that was correct.

Mr. Meech responded a small centralized water system would be installed.

Councillor Ball questioned who would be paying for the ongoing maintenance of that system.

Mr. Meech stated it was his understanding that Halifax County would be instituting water billings which would reflect the ongoing operational costs paid by the individual property owners.

Councillor Ball questioned if the Utility would become self supporting with no input of tax dollars from the Municipality.

Warden Lichter stated the same would apply as to Churchill Estates.

Councillor Ball questioned if the operational part of this issue would be the responsibility of the homeowners in the area.

Mr. Meech responded the operational part of this issue would be the responsibility of the homeowners in the area.

Councillor Ball stated he appreciated what Councillor Fralick had to say. He stated he did not think, in all fairness, that Halifax County should pay 100% of the cost if the County was not willing to afford that same right to the residents of Churchill Estates or any other sector of the Municipality. He stated he could not support the 60/40 percent of the cost as it stood at present. He stated if that 40 percent was designated, 20% from the Municipality and 20% from the property owner, he might feel differently. However, he could not support the motion presently on the floor.

Councillor Brill stated as he understood the motion, it related to a temporary solution. He asked if Halifax County would be providing a temporary solution or a permanent one.

Warden Lichter responded he felt Councillor Giffin's intent was temporary only until some larger scheme replaced it. He stated it was not temporary, in the sense, that next month or next year, there was going to be something else to replace it.

Councillor Brill questioned who would provide a permanent solution and pay for it.

Warden Lichter stated Councillor Giffin indicated that there were much larger areas that would require a total servicing scheme and that would become a part of that eventually. He stated if any

individual had any difficulty with the term "temporary", it could easily be removed from the motion if Councillor Giffin and the seconder agreed.

Councillor Brill questioned if "temporary" down the road would indicate that Halifax County would be obligated to provide a permanent solution.

Councillor Giffin and the seconder agreed to remove the term "temporary" from the motion. Therefore, the motion would read as follows:

It was moved by Councillor Giffin, seconded by Councillor Fralick

"THAT the County of Halifax, through the Engineering & Works Department, install a water system in Five Island Lake covering the residents and the motel and cabins that have been affected with contamination of water, subject to 60% funding from the Department of Municipal Affairs and 40% funding from Halifax County as well as plan for a permanent solution with respect to this matter."

Councillor Merrigan questioned what percentage Halifax County contributed as grants it cost shared in the Preston area. Mr. Meech responded roughly 50 percent.

Councillor Merrigan stated the Province provided extra. He questioned if the Province, in this case, was providing more than they normally would towards projects such as this.

Warden Lichter responded normally towards a water project, the Province would provide 20 percent of the cost and no more. However, the Province had agreed to provide 40 percent. He stated this was not all that different than what was done in North Preston. He stated there, they had designated quite clearly that the residents' portion would be directly paid by the Province.

Councillor Giffin explained what he meant by the term "temporary". He stated he did not know of any other area in Halifax County where a home that was assessed at \$107,000 was dropped to \$1,000. He advised some homes had dropped to as low as \$1.00 on the assessment. He stated Halifax County would recover \$100,000 roughly in taxes in one year. He stated these individuals had been putting up with this for three years. He stated the Province was supposed to solve the issue but has not. He stated the Province did not appear to be trying to solve this matter in any shape or form. He stated it was not the fault of the residents in the area that this situation arose. He stated they would be receiving a water bill just like all other individuals so they would definitely

be paying for the service.

Councillor Harvey questioned if the money for any percentage of this would come from the "Capital" dollar fund. He asked if this was the same "Capital" dollar fund that he heard was committed up to 1995.

Mr. Meech responded this would be the same "Capital" dollar fund that was committed up until the year 1995.

Councillor Harvey questioned where Halifax County's commitment of 40 percent or 20 percent would come from.

Mr. Meech stated this would be added on to that account as another liability. He stated this would increase the account by another \$100,000.

Councillor Harvey questioned if Halifax County could afford to that if they were committed up to 1995 already. He stated he assumed this issue was not going to wait until 1996 to be addressed.

Mr. Meech stated that was correct. He stated Council would be facing the same kind of situations when tabling the Capital Program. He stated a few years ago when they were faced with a similar situation, Halifax County did some short term borrowing to provide the funds with enough monies to meet Halifax County's obligations. He stated they would be paying those monies back over a period of five years.

Councillor Harvey questioned if they were being responsible in a fiscal way to the amount of capital debt Halifax County was taking in. He stated there must be a line at which Halifax County should stop. He stated he certainly agreed this was an emergency situation but he did not know where Halifax County was in terms of capital debt.

Mr. Meech responded based on the present policy, where that fund was supposed to be able to meet Halifax County's particular share, he would have to agree with Councillor Harvey, that Halifax County was far extended beyond Halifax County's ability or capacity to meet those obligations on the short term.

Councillor Cooper stated he could recall during discussions with respect to this particular issue, that the residents were not responsible and that this was a special circumstance. He stated it was unfortunate this was getting wider into the scope of the discussion with respect to capital projects, etc. He felt Halifax County should vote on this, provide the services to those most definitely in need, and get on with it.

Councillor Meade wished to clarify the tax situation as referred to by Councillor Giffin. He stated Halifax County Municipality would be getting \$10,000 yearly back in taxes as opposed to \$100,000 if this project went through.

Warden Lichter stated Councillor Meade was correct in saying that Halifax County would receive \$10,000 yearly in taxes. However, over a number of years, Halifax County would be recouping \$100,000 which he felt was intended by Councillor Giffin.

Councillor Ball stated he did not see anywhere in the report that the assessment on the homes in the area had dropped to the level Councillor Giffin indicated. He stated he wished confirmation from Staff that a property with an assessment of \$107,000 went down to \$1,000.

Warden Lichter stated he did not check the assessment rolls. He stated he accepted the fact that Councillor Giffin, in all likelihood, checked out the information. He stated the important issue they had before them was the fact that there were people in this particular situation which were asked to expose themselves to dangerous chemicals. He stated if any district faced that situation, he was quite sure Halifax County would be obliged to bring the matter before Council to try and resolve the problem.

Councillor Giffin stated he received the information from the Assessment Office this afternoon. He advised of three homes where one assessment of \$107,000 dropped to \$1,000, another assessment dropped from \$80,200 to \$1,000, and another from \$42,800 to \$1. He stated those figures were facts. Halifax County had lost over \$1 million dollars in assessment.

Councillor Deveaux stated it was going to take a lot of convincing to convince him that Halifax County should not be charging anything for this water system. He stated quite a few strong points were brought forward. However, his district did not get a free ride on sewer and water projects when these projects were pressed for a few years ago. He stated once the water problem was fixed, he was sure the assessment would rise again. He stated the residents weren't responsible in other areas where sewer and water was required either and there was never any free ride to his knowledge in any of the areas except the Preston area, where once again, the Province paid the bill. He felt the residents involved should be charged some monies. He, therefore, indicated he could not support the motion.

Councillor Merrigan questioned the general rate for Halifax County Municipality.

Warden Lichter responded the general rate was \$1 on approximately \$100 of assessment when the area rates were added on.

Councillor Merrigan questioned if that was not picked up, would Halifax County be losing \$100,000 on \$1 million dollars.

Mr. Meech responded 1 percent of the million dollars equalled to \$10,000.

MOTION CARRIED.

15 in Favor.
6 Against.

ADJOURNMENT

It was moved by Councillor Giffin that the meeting adjourn.

COMMITTEE OF THE WHOLE

JULY 21, 1992

PRESENT WERE:

Warden Lichter
Councillor Rankin
Councillor Fralick
Councillor Holland
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Adams
Councillor Bayers
Councillor Smiley
Councillor Taylor
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor Giffin
Councillor MacDonald
Councillor Richards
Councillor Cooper

ALSO PRESENT:

K. Meech, Chief Administrative Officer
Kathy McPhee, Municipal Affairs
S. Shute, Recording Secretary

Warden Lichter called the meeting to order at 3:00 p.m. and welcomed Mr. Bill Hayward, one of the two mediators that the Municipality has been working with over the Metro Waste Management issue. He noted that, unfortunately, the other mediator, Ms. Susan Holtz, was unable to attend.

Mr. Hayward advised he and Ms. Holtz had been appointed to mediate the disagreement between the various units comprising the Metropolitan Authority. He outlined his background, including his involvement with the Union of Nova Scotia Municipalities, and advised he was doing work as an independent consultant.

Mr. Hayward advised that their role under their Terms of Reference was to act as mediators. He said he understood the Terms of Reference had been circulated to Councillors and advised that the time frame was relatively brief to accomplish their goal. The task was to be completed, in conjunction with a Mediation Committee, by the end of July, 1992. The Mediation Committee was comprised of the Chief Magistrates of the four units, the Chief Administrative Officers of the four units and the two mediators. He advised that Ms. Holtz was an active environmental consultant, an adjunct professor to the Nova Scotia College of Art and Design and had been active in environmental matters for some time.

Mr. Hayward said that under the Terms of Reference, they were to act as mediators and confusion had arisen as to the distinction between mediators, conciliators and arbitrators. He explained that an arbitrator was someone appointed to hear the various sides of a dispute from the disputing parties and then to make a decision that was binding on all the parties with generally no appeal. In this circumstance, they were not acting as arbitrators and had no right to make any decision to bind anybody. He explained that the other role, generally characterized in labour relations, was that of a conciliator. A conciliator normally would meet with the parties to the dispute and attempt to bring them together; however, if the arbitrator was unable to do so, then a report would be filed stating what was felt the solution should be and then the two parties must react to that solution. It was not binding. In this circumstance, they had not taken on any requirement to make a report at the end of the process as to what was thought to be the solution. He said their role was limited to attempting, by providing information, discussion, persuasion and any other techniques, to get the parties to come to an accord. He explained that an accord was an agreement among the parties. On July 31, 1992, what the mediators were required to report was what had gone on in the process and, if there was an accord, what it was. As members of the Mediation Committee, the mediators provided input to Committee members, expressed opinions and suggested solutions but the suggested solutions went no further than the Mediation Committee. The mediators were appointed jointly by the Minister of Municipal Affairs and the Minister of Environment.

Mr. Hayward stated that they had been meeting with the Mediation Committee and had been gathering information from other parties whom they felt could assist in providing information to the Mediation Committee. He said he felt it was desirable that various elected officials involved be given an opportunity to express to the mediators their opinions on the subject and that was the purpose of this Committee of the Whole session. He advised he would listen and make notes of any comments or positions Councillors wished to take.

Questions posed by Councillors were answered by Mr. Hayward. As well, various Councillors provided their comments and concerns regarding the waste management issue which were noted by Mr. Hayward.

Warden Lichter thanked Mr. Hayward for attending and noted that Mr. Hayward had had the benefit of hearing his own comments on behalf of the Municipality at the Mediation Committee meetings.

The meeting adjourned at 4:00 p.m.

PUBLIC HEARING

JULY 27, 1992

THOSE PRESENT:

Warden Lichter
Councillor Meade
Councillor Fralick
Councillor Holland
Councillor Ball
Councillor Bates
Councillor Smiley
Councillor Taylor
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor Giffin
Councillor MacDonald
Councillor Harvey
Councillor Richards
Councillor Cooper

ALSO PRESENT:

G. J. Kelly, Municipal Clerk
F. Crooks, Municipal Solicitor

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CALL TO ORDER

The meeting was called to order at 7:00 p.m. with the Lord's Prayer. Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT SANDRA SHUTE BE APPOINTED AS RECORDING SECRETARY".

MOTION CARRIED.

Warden Lichter advised that the Agenda for the Public Hearings was incorrect. In all three cases, a majority of Councillors present would be required for approvals.

1. RA-CH/W-11-92-25 - Application by Harry Poole to rezone an approximately 16.7 acre parcel of land located southwest of the intersection of the Cole Harbour and Bissett Road from R-2 (Two Unit Dwelling) Zone to P-2 (Community Facility) Zone, in order to permit development of a golf driving range.

The Staff Report was presented by Jim Donovan who advised that Mr. Harry Poole was making application to rezone approximately 16.7 acres of land located southwest of the intersection of the Cole Harbour and Bissett Roads from R-2 (Two Unit Dwelling zone) to P-2

(Community Facility zone) in order to permit the development of a golf driving range.

He said that the applicant indicated he intended to operate the facility for seven years or until such time as market conditions warranted the development of the site for its present R-2 dwelling status. Mr. Poole's request was originally made through Plan Review Committee and was then referred to Planning Advisory Committee. The Report before Council was prepared at the request of Planning Advisory Committee. He advised that Plan Review Committee would consider alternative amendments with respect to Mr. Poole's longer term intentions for the property.

He stated that as part of this proposal, Mr. Poole intended to construct a hitting berm, parking facilities, a putting green, a chipping green, as well as temporary buildings to house an office facility and pro shop. He also indicated that he intended to grade and hydroseed the site and install lighting and water and sewer service from Cole Harbour Road. There were plans to establish a miniature golf course in conjunction with the application but the P-2 zone did not permit miniature golf courses, although it did permit the golf driving range as proposed.

Mr. Donovan showed slides to illustrate.

Mr. Donovan advised that except for a small portion of the property which was zoned commercial, the majority of the land under consideration was within the Residential A designation established by the Cole Harbour Planning Strategy. The Residential A designation was intended to be a priority area for residential development and it provided for a variety of housing opportunities within the growing Cole Harbour community. At the same time, the designation made provision for the development of community facilities and local commercial uses which are supportive of the residential environment and provides for the rezoning of serviced lands to P-2 zone which permits institutions, open space uses and recreational uses. Golf courses were defined as a recreational use. Although the golf driving range was not a golf course in the true sense, Mr. Donovan said it had many of the same features and was, therefore, permitted in the P-2 zone although as mentioned previously, miniature golf courses were not. They were considered to be a commercial recreation use.

He said that the Planning Strategy provided that proposed rezoning for P-2 be evaluated in conjunction with the general implementation policy criteria outlined in Policy 93 which deals with the overall suitability of the site to support the intended use, the general conformity with the intent of the Planning Strategy as well as the adequacy of controls to be placed on the proposed development. It also called for an assessment that the proposal was not premature or inappropriate in terms of access sewer and water servicing and the proximity to other community services.

With regard to the overall policy intent, Mr. Donovan advised that staff had some concerns about what was considered to be down zoning of serviceable residential lands to permit a golf course. There was extensive discussion about serviceable land and the lack of availability of serviceable land in Cole Harbour to support residential development. There was, therefore, a concern with taking 16.5 acres out of the development that would otherwise be used for residential and use it for a golf course. Mr. Poole, however, indicated that he only intended to use this golf facility for seven years or until such time as market conditions warranted the development of the site back again to residential development. At such time, he would have to have it rezoned again to permit the residential development.

Mr. Donovan said that in terms of the overall suitability of the site to support the intended use, the site itself had characteristics which would support its use as a golf driving range. The size was 900' x 900', there was plenty of room on site to accommodate the driving of golf balls and, as well, to provide for lighting and access without interfering with the enjoyment of neighbouring properties. The proximity of access to the site to Cole Harbour Road should reduce any conflict with neighbouring properties because most of the activity on the site would occur near Cole Harbour Road, which is the commercial area of the community. In addition, Mr. Poole indicated that he intends to control the hours of operations from between 8:00 a.m. to 9:00 p.m. and arrange all lighting towards the centre of the property, pointing downwards. There are no provisions within the P-2 to require this however. He has indicated that netting can be provided where necessary to control golf balls should there be a problem with that in the future. Any grading of the property will have to be in compliance with the Municipality's Top Soil Removal By-law.

The developer has indicated, with regards to servicing and access, to connect to water and sewer services along the Cole Harbour Road. No additional plans to extend the services beyond the point of just supporting the golf facility is contemplated at this time. Any development of the site for residential purposes would require some detailed engineering and alternative servicing arrangements. The use of the property would require commercial access permit from the Department of Transportation prior to the issuance of the Development Permit. Staff can see no concerns with respect to that access. On the basis of the information that was provided with the application, staff do not see any concerns with respect to rezoning this property and it is the opinion of staff that the development of the site for a golf driving range is capable of meeting the rezoning criteria of Policy 93 for the application of the P-2 zone. It is the recommendation of staff that the application be approved.

QUESTIONS FROM COUNCIL

Councillor Ball asked if Halifax County was just looking at a zone and not a restriction in terms of years.

Mr. Donovan stated this was correct.

Councillor Bates asked if the zoning was changed did Halifax County have any control over the actual way this was developed. He stated the people are concerned about lights being on. He asked if there would be a development agreement where Halifax County could control the fact that the lights would be extinguished at nine o'clock.

Mr. Donovan stated that under the zone that Mr. Poole has applied for there are no provisions or measures by which you can control the hours of operation or those types of features or characteristics of the operation. The zone itself is primarily intended to provide for institutional uses in buildings. Open space uses and recreation spaces are provided for in the zone.

Councillor Cooper asked if the residents in the area protected by a tree cover from the site.

Mr. Donovan stated that Bissett Road is really not an area where there should be much concern with respect to golf balls. This is the area of the property where the golf balls will be driven from so most of the activity will be going diagonally across the site towards the watercourse at the western property line. There is good tree cover along the eastern property line which separates this property from the property that goes along Bissett Road. There is a watercourse along the western property line which divides the site from the backyards of properties Attwood Crescent. There is a fair amount of distance where all the activity will be taking place from the backyards.

Councillor Cooper asked if the land is built up on a minor flood plain.

Mr. Donovan stated that there was evidence of marshland on the site. There is no water on the site. Mr. Poole has drained the site by way of drainage ditches.

Councillor Cooper asked if it would be difficult to service the land.

Mr. Donovan stated that it would because the servicing would not be via the existing services along Cole Harbour Road. He feels a pumping station would be required at the western edge of the property to pump services up into the Colby Village area in order to service for residential purposes.

Councillor Cooper asked if it was intended to consider provisions to change back to the housing usage in the upcoming review.

END

1992

Mr. Donovan stated that Plan Review Committee has instructed staff to include in the Draft Planning Strategy for Cole Harbour, a provision for rezoning this site back to its current R-2 status.

SPEAKER IN FAVOUR

Mr. Harry Poole stated that the driving of the balls is coming from the area of the Cole Harbour Road and going toward the back end of the property, not toward the residential area. The reason he is trying to get this rezoned is that it is not viable to design for residential property at this time. He feels that this would be good for the community.

Councillor Taylor asked Mr. Poole has he taken fencing into consideration.

Mr. Poole stated that he has indicated that he would put up fencing if it was warranted. He stated that everything is directed toward the centre of the property.

Councillor Cooper stated that Mr. Poole had indicated that he would be controlling the noise by closing at nine o'clock and the lighting would be directed towards the centre of the property, etc. He asked if he would also be willing to cooperate with the Engineering department on the drainage.

Mr. Poole stated that he has applied for and has a topsoil removal permit. He stated that he plans to stop selling balls at nine o'clock and to shut the light down at that time or before that.

Mr. Harold Northrup, Cole Harbour, spoke in favour of the project. He stated that this would be a positive thing and an improvement.

SPEAKER AGAINST

No speakers.

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

"THAT THE STAFF RECOMMENDATION BE APPROVED"

MOTION CARRIED

Warden Lichter stated that there had been two letters received in favour of the application.

SCA-01-91-01 - Application by Sobey's Leased Properties under the Shopping Centre Development Act to allow for the expansion of the Hubley Centre Shopping Centre in Upper Tantallon

Mr. Paul Morgan gave the staff presentation. He stated that this is an application by Sobey's to allow for an expansion of their

shopping centre at the Hammonds Plains Road and Highway 103 interchange. The applicants are proposing to add an additional 223,000 square feet to the existing 30,000 square foot mall. He stated that where a Planning Strategy is in effect the approval of council is required. He stated that in support of the application, the applicants had a marketing study undertaken by Porter Dillon. The consultants have concluded that the expansion can be accommodated without having an averse effect on existing retail outlets in the area. It would probably capture trade that would otherwise be lost to Metro area shopping centres.

QUESTIONS FROM COUNCIL

Councillor Giffin asked if there were any time factors involved here.

Mr. Morgan stated that if this is approved there is a 30 day appeal period and if no appeals are filed within that time then they are eligible to make their permit applications.

SPEAKER IN FAVOUR

Mr. Doug Bundy stated that the demand for the centre is going to be market driven. Currently Sobeys have plans to possibly build a new supermarket. The timing of this has not been determined to date.

Mr. Barry Zwicker stated that he was in favour of increasing the size of the store. He stated that it is dangerous traffic wise and he hopes the proper measures are taken by the DOT to improve the situation.

Mr. Morgan pointed out that the applicants have had to undertake a major engineering study. A major traffic impact study has been done and a series of phased improvements have been negotiated to decide where traffic will intersect the street.

SPEAKER IN OPPOSITION

No speakers.

DECISION OF COUNCIL

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

"THAT THE APPLICATION BE APPROVED UNDER THE SHOPPING CENTRE DEVELOPMENT ACT"

MOTION CARRIED UNANIMOUSLY

DA-FEN-18-90-18 - Application by Vernon Kynock to enter into a development agreement with the Municipality to permit facilities associated with a proposed quarry operation located on Hammonds

Plains Road, English Corner

Mr. Kurt Pyle gave the staff presentation. He stated that according to the application the proposed quarry would be approximately nine acres in size and would be in operation for approximately ten years. Mr. Kynock intends to blast one time a year for approximately 50 thousand metric tons of rock which is to be crushed on site with a portable crusher. He proceeded to show slides of the site to council with reference to businesses and buildings in the area of the proposed quarry site.

The site is situated within the Mixed Use B designation which supports continuation of existing semi rural mixed use environment in the area. The base zone, within the designation, is the MU-1 Zone, Mixed Use One Zone, which permits single and two unit dwellings, home and business uses, small commercial uses, resource uses and most institutional uses. In keeping with the intent to support the continuation of the existing semi rural environment the Mixed Use B designation, through the MU-1 zone, provides for the development of certain resource uses, such as agriculture and forestry, as at right. However, resource uses do not have priority within this designation. The planning strategy also recognizes the limited jurisdiction the Municipal Planning Strategy and Land Use By-laws have over extractive operations.

In response to the overriding concern to protect the residential and rural residential development, within this designation, from impacts related to restrictive operations, the Planning Strategy provides that facilities associated with quarries shall be considered by Development Agreement only in accordance with Policies P-24 and P-121. On the basis of the information provided on this application, and based on the review of the quarry application by the applicable agencies both provincially and municipally, it is the opinion of staff that the facility associated with the proposed quarry can be controlled in a manner which is consistent with the criteria of policy P-24. Staff; therefore, recommend that the application by Mr. Kynock be approved pursuant to the attached development agreement.

Under the development agreement, Mr. Kynock would be permitted to undertake only one blast per calendar year to generate a maximum of 50,000 metric tons. The operating hours of the quarry facilities, including the portable rock crusher and the trucking of rock, shall all be controlled. Mr. Kynock will be required to obtain a Municipal Development permit each year for the associated facilities to ensure that a regular evaluation of the operation occurs to evaluate the terms of the development agreement. In terms of controls on runoff, Mr. Kynock will be required to obtain a top soil removal permit which will require that the settling ponds be cleaned regularly and to measure and provide analysis on effluent levels leaving the pond.

The development agreement will not permit Mr. Kynock to remove any vegetation from within five hundred feet of the site in order to provide a natural screening to the operation. In addition, the issuance of an excavation permit and blasting permit, from the municipality, will be required to ensure that dust and sound levels are monitored to ensure that they meet provincial and municipal levels. In regards to site rehabilitation, the agreement stipulates that a municipal excavation permit is also required in addition to sound and dust levels.

It is the opinion of staff that the proposal is consistent with the intent of the plan. The proposal is not premature or inappropriate. The potential effects on adjacent uses would be minimized through appropriate controls established through the development agreement. This application was referred to the provincial departments of Health and Fitness, Environment, Mines and Energy and the Department of Transportation and Communications for their review and comment. These departments expressed no objections to the quarry or its associated facilities. The Department of Environment has indicated it believes the environmental impacts of the project are mitigatable and the quarry can co-exist with the community of Hammonds Plains. In response to the comments provided by the Department of Environment, the attached development agreement will require Mr. Kynock to obtain an industrial waste permit prior to the issuance of the municipal development permit.

The Department of Environment has been unable to secure 100% of the letters of permission of the residents who live within 800 metres of the proposed quarry which is one condition contained in the pits and quarries guidelines. However, the guidelines are only guidelines not regulations. The final decision on whether or not to approve the quarry project stands with the minister of environment. Under the provisions of the proposed development agreement specific matters relating to blasting, crushing, trucking, hours of operation, dust, sound, vibration, emission control, site rehabilitation and safety can be addressed to ensure that there is no negative effect on the neighbouring community of Hammonds Plains. It is therefore the recommendation of staff that council approve the attached development agreement to put facilities associated with Mr. Kynock's proposed quarry on Hammonds Plains Road.

Councillor Ball asked what the proximity was of the proposed quarry to the power transmission lines.

Mr. Pyle stated that it was next to it.

Councillor Ball asked if there were any objections voiced by the power corporation.

Mr. Pyle stated there were and these had been addressed in the

development agreement and that was with regards to the type of blasting technique used.

Councillor Ball asked if they were now satisfied.

Mr. Pyle stated they were contacted and they had stated that as long as those conditions were met.

Councillor Ball asked what the proximity of the school to the proposed quarry was.

Mr. Pyle stated that it is less than 800 metres.

Councillor Ball asked what was the proximity of the closest residential property owned by someone other than Mr. Kynock.

Mr. Pyle stated that the house situated across the road is the nearest single family dwelling.

Councillor Ball asked if the quarry itself, under the municipal planning strategy for that particular, does permit that kind of facility by development agreement.

Mr. Pyle stated that it was permitted under Policy P-24.

Councillor Taylor asked if there was a certain month when the one blast per year would be permitted.

Mr. Pyle stated that it would be between the first of July and the end of August.

Councillor Peters asked if there were any wells in the area that might be adversely affected by this blast.

Mr. Pyle stated that he did not have this information. He stated that this would be done through the pre blast survey. He stated that all the homes there are on well water.

Councillor Peters asked if the air vibrations would impact adversely on the people.

Mr. Pyle stated that the restrictions placed on Mr. Kynock are more restrictive than the pits and quarries guidelines. He has to be monitored at the edge of the quarry rather than the nearest building as it is wished to have the vibrations down as low as possible.

Councillor Holland asked if the school board had been contacted for their reaction.

Mr. Pyle stated he had called the School Board who have signed their permission but had concerns with traffic and dust. They

signed the letter for blasting and then expressed their concerns on traffic and dust levels. This was addressed by only allowing Mr. Kynock to crush and blast during non school days and to limit the time during the school year that his trucks couldn't leave the quarry site until past nine o'clock in the morning.

Councillor Holland asked if Halifax County would be doing the monitoring.

Mr. Pyle stated that the dust and sound levels would be done by the engineering department.

Councillor Holland asked if a representative of Halifax County would be on site during the blasting.

Mr. Pyle stated it would be up to the engineer if he wished to be on site. The Department of Environment would be there.

Councillor Ball stated that the Department of Environment was requested to do an environmental assessment.

Mr. Pyle stated that for this size of quarry it is up to the Minister and the minister is waiting until a decision is made on the development agreement before a decision is made.

Councillor Giffin asked how monitoring and enforcement was being done by Halifax County.

Mr. Pyle stated that it would be done through monitoring stations defined by the engineer. The industrial waste permit will require Mr. Kynock to identify how much trucking and how much those trucks are carrying in terms of rock. This has to be submitted to the Department of the Environment and they will be submitting this to Halifax County.

Councillor Giffin asked if it could have been written into the plan that Halifax County did not want an extraction service in the area.

Mr. Pyle stated no because it was a provincial jurisdiction.

Councillor MacDonald asked at what stages does the rehabilitation take place.

Mr. Pyle stated that as Mr. Kynock moves from one section onward, the section behind will have to be revitalized. It is a continuing process. This is also monitored through the Department of the Environment and Halifax County.

Councillor Bates asked what the distance was from the quarry site to the Hammonds Plains road.

Mr. Pyle stated approximately 500 metres.