

stated that people come to the Cole Harbour/Westphal Community meeting expressing concern for the safety of their children. He feels the time has come for the joint councils meet with representatives of the Department of Transportation to see if Halifax County can get some more control because the Department of Transportation is not coming up with any alternative solution.

MOTION CARRIED

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

"THAT THE CHAIRS OF THE TWO COMMUNITY COUNCILS AND THE MAYOR ASK TO MEET WITH THE MINISTER OF TRANSPORTATION TO DISCUSS WHAT WOULD HAVE TO BE DONE IN ORDER TO GET CLOSER TO THE KIND OF CONTROLS THAT THE COUNTY IS TALKING ABOUT AS THE TRAFFIC AUTHORITY WAS REMOVED FROM THE CHARTER"

Councillor Harvey stated that the Sackville Community Council has asked that the dormant joint committee on transportation be reactivated, particularly in the urban areas, and this committee could address some of the issues as well.

MOTION CARRIED

8. Mr. Kelly outlined a letter from the Honourable Ken Streach, Minister, Department of Transportation and Communications, in response to council's correspondence respecting construction of a parallel interconnecting road between Trunk 3 and Highway 103.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Lichter asked Mr. Kelly to inform staff of either Planning and/or Engineering to contact Mr. Ralph Spares, Director of Planning to arrange a meeting to overview the plans in this area.

9. Mr. Kelly outlined a letter from D.F. Mullaly, Superintendent, Halifax Citadel National Historic Site, pointing out the Halifax Citadel National Historic Site is reviewing it's management plan.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Lichter stated that, as indicated in the second paragraph, when an invitation comes forth for a member of Halifax County to participate in that review he would like council's authorization

allowing him to ask the chair of the Heritage Committee to do this.
Council agreed.

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Mr. Kelly outlined a letter from Louis Comeau, President and Chief Executive Officer, Nova Scotia Power Corporation indicating and requesting the municipality to sign an attached proclamation pledging October as Power Smart Month.

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

"THAT THE LETTER BE RECEIVED AND OCTOBER BE PROCLAIMED AS
POWER SMART MONTH"

MOTION CARRIED

2. Mr. Kelly outlined a letter from Gregory Brown, Executive Director, Eastern Shore Development Commission identifying that the commission would appreciate council's support, by way of a resolution, expressing moral support for both the Gold Discovery Centre and the formation of noted funding committees.

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

"THAT THE LETTER BE RECEIVED. FURTHER COUNCIL PROVIDE
MORAL SUPPORT FOR BOTH THE GOLD DISCOVERY CENTRE AND THE
FORMATION OF NOTED FUNDING COMMITTEES"

MOTION CARRIED

3. Mr. Kelly outlined a letter from Dorothy MacCurdy, Vice President, Local 1990 CAW-Canada requesting council's permission to make a presentation at a future council meeting.

It was moved by Deputy Mayor Sutherland, seconded by Councillor Rankin:

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Deputy Mayor Sutherland stated that he sees no problem meeting with a small delegation as to whether or not the recent merger had any effect on what they are going to say in terms of their presentation to council.

It was moved by Deputy Mayor Sutherland, seconded by Councillor Snow:

"THAT COUNCIL RECEIVE A SMALL DELEGATION AT A SPECIAL COUNCIL SESSION"

MOTION CARRIED

4. Mr. Kelly outlined a letter from the Honourable Brian Young, Minister, Department of Municipal Affairs to confirm funding assistance for the central water servicing project in the Five Island Lake area.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

5. Mr. Kelly outlined a letter from Mayor Moira Ducharme, City of Halifax in response to correspondence requesting the city to permit Halifax County to revoke responsibility for solid waste management from the Metropolitan Authority.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

SUPPLEMENTARY PLANNING ADVISORY COMMITTEE REPORT

1. Memo - Prevost Subdivision, North Preston

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

"THAT A PUBLIC HEARING BE HELD ON OCTOBER 26, 1992, TO CONSIDER AMENDING A SUBDIVISION PLAN PURSUANT TO SECTION 113 OF THE PLANNING ACT"

MOTION CARRIED

2. File No. MHP-A1-92 - Amendment to the Municipality's Mobile Home Park By-law

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

"THAT COUNCIL SERVE NOTICE IN ORDER TO GIVE FIRST READING OF THE PROPOSED AMENDMENT TO THE MOBILE HOME PARK BY-LAW AT ITS NEXT SESSION"

MOTION CARRIED

BY-LAW TO REPEAL BY-LAW 36

Mr. Kelly informed that at the September 1, 1992 session council was advised that First Reading would be held at this session.

Mayor Lichter stated that before any action was taken he would like to brief council on what has happened since the last Committee of the Whole. As directed at the Committee of the Whole meeting a number of letters were written and sent to the Minister of Municipal Affairs and Mr. Bill Fenton, Chairman of Metro Authority. Letters have also gone to the mayors of Dartmouth and Bedford. Letters have gone to the mayors of Dartmouth, Bedford and Halifax. The last set of letters asked them to deal with allowing Halifax County to leave Metro Authority if all else fails, the all else being Strategy 5 and an agreement between the Municipalities of Dartmouth, Bedford and Halifax County.

Following the direction of council, those letters were sent out and a week ago he had a meeting with the Mayors, CAO's and Head of Finance from the City of Dartmouth and the Town of Bedford. He stated that an agreement was reached that should Halifax be unable or unwilling to join in Strategy 5 the three units would be prepared to implement Strategy 5 with some modifications. It was agreed that Strategy 5 may have to be re-examined and temporarily up the proportion of garbage that would have to be incinerated. Following that agreement, a representative of Augden Martin was called in to find out if Augden Martin would be prepared to take an equity position in the incinerator, equivalent to that of the share of Halifax City, so that the financial burden would not fall on the three municipalities only. The indication was that they would be prepared to do that. Following this a press release was prepared that was to be given out the following morning at ten o'clock. He stated that at nine o'clock he had no choice but to hold a telephone conference with the Mayor of Dartmouth and Bedford because the Mayor and council of Bedford had an opportunity to look at the press release and started to have second thoughts about it and wanted to modify certain words. They discussed it and changed the wording and voted on it. After hearing this he had indicated that he was not prepared for the press release to go out since Bedford council had a chance to see, discuss and modify and Halifax County council had not even had an opportunity to even see it. Consequently no press release was issued and it appeared that, for the time being, there was no binding agreement.

Today at Metro Authority two motions failed. One motion was that, within a week, each council, by vote, decide as to whether or not they are in Strategy 5 and communicate the answer back to Metro Authority. If an answer is not received by Metro Authority in the negative then it would have to be considered to be in the affirmative. The vote was 5-5 which is a defeated vote. The second motion was to execute the agreement at which point Bedford representatives walked out. At the present time there is a

stalemate.

There appeared to be a great deal of confusion as to what Halifax County was trying to do, was it in or out of the waste management approach with Metro Authority. Halifax County has made it clear time and time again that Halifax County definitely was committed to Strategy 5 with a 40% incineration. If that does not work out, because a member of Metro Authority is not willing to allow it to work out, Halifax County would try, in a parallel procedure to see if the three remaining municipalities could undertake that kind of a project. Should that attempt fail, Halifax County will lay down the legal work for it's withdrawal from Metropolitan Authority. At last council session notice was given of First Reading and that is what is being done now.

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

"THAT THE FIRST READING TO REVOKE BY-LAW 36 BE APPROVED"

MOTION CARRIED UNANIMOUSLY

Councillor Cooper stated that there had been mention of whether or not adjacent municipalities might be interested in bringing up the tonnage that might be available. He stated he feels it is still a worthwhile effort to contact these adjacent municipalities to see if they are prepared to give an expression of interest.

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

"THAT A LETTER BE WRITTEN TO THE ADJACENT MUNICIPALITIES AND TOWNS TO DETERMINE IF THEY ARE PREPARED TO GIVE AN EXPRESSION OF INTEREST IN BECOMING PARTICIPANTS IN SOME MANNER IN THIS ENDEAVOUR"

Mayor Lichter stated that in the meeting with the other municipalities this has been discussed and all these other municipalities would have to be in in order to make up for the tonnage that Halifax City generates. There would be concern with regards to time delay if negotiations had to be started with six or seven other municipalities.

Councillor Cooper stated that options to have the tonnage increased should be explored.

Mayor Lichter stated that the stage waste management is at now is a Metro Authority responsibility. Should something happen and Halifax City comes back and says they are going on their own they would be going with the blessing of Halifax County because Halifax County has given the freedom to leave when they want to leave. It would then be up to the other three municipalities to approach these six or seven municipalities if this should happen.

MOTION DEFEATED

7 IN FAVOUR

14 AGAINST

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Tender - Moser River Firehall Addition

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

"THAT THE BID SUBMITTED BY D. FINDLAY IN THE AMOUNT OF \$59,242.69 BE ACCEPTED FOR THE CONSTRUCTION OF AN ADDITION TO THE MOSER RIVER FIREHALL BE ACCEPTED"

MOTION CARRIED

RECORDED RESOLUTION RE: DANGEROUS AND UNSIGHTLY PREMISES ADMINISTRATOR

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

"THAT IT BE RESOLVED BY RECORDED RESOLUTION THAT SHARON BOND, DOROTHY CARTLEDGE AND JOSEPH HEFLER BE DESIGNATED AS ADMINISTRATORS UNDER PART XVI OF THE HALIFAX COUNTY CHARTER RESPONSIBLE FOR THE PROVISION OF THE HALIFAX COUNTY CHARTER RESPECTING DANGEROUS AND UNSIGHTLY PREMISES"

MOTION CARRIED

SET ASIDE PROJECT TENDER - TALLAHASSEE SCHOOL RECREATION CENTRE

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

"THAT THE REPORT BE RECEIVED"

MOTION CARRIED

SIDEWALK CONSTRUCTION AGREEMENT 1-E

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

"THAT SIDEWALK CONSTRUCTION 1-E FOR SCHOOL STREET, WAVERLEY FROM ROCKY LAKE DRIVE TO THE WAVERLEY MEMORIAL SCHOOL BE APPROVED"

MOTION CARRIED

APPOINTMENT OF BY-LAW ENFORCEMENT OFFICER SPC

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

"THAT HALIFAX COUNTY REQUEST THE DEPARTMENT OF THE SOLICITOR GENERAL APPROVE THE APPOINTMENT OF JAMES LEE COOKE AS A BY-LAW ENFORCEMENT OFFICER"

MOTION CARRIED

DISTRICT 10 REFUSE DEPOT - PURCHASE OF LAND

Councillor Bayers declared a Conflict of Interest

Mayor Lichter stated that council, at the last session, had asked for more information.

Mr. Meech stated that an information package had been circulated to council. He stated that the information indicates that the Metropolitan Authority requested an indication of the market value from a local real estate agent and, in his opinion, the land would have a value of \$25,000.00.

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

"THAT THE COUNCIL APPROVE THE EXPENDITURE OF \$20,000.00 FOR THE ACQUISITION OF THE PARCEL OF LAND FOR THE PURPOSE OF ESTABLISHING A REFUSE DEPOT, MUSQUODOBOIT HARBOUR"

Deputy Mayor Sutherland stated that if this information had been before council prior to the last meeting things would have progressed differently. At that time information presented had been limited.

Councillor Taylor asked if any contingency plan had been put in place for the time between the closure of one site and the starting up of the new one.

Mr. Wdowiak stated that the closure of the existing dump site was effected by the Nova Scotia Department of the Environment and he is not aware of any contingency plan they have put in place.

Mayor Lichter stated that Metropolitan Authority is responsible for the management of garbage but the collection of garbage is a municipal responsibility.

MOTION CARRIED

13 IN FAVOUR

6 AGAINST

APPOINTMENT, JURY COMMITTEE MEMBER

Mayor Lichter expressed his thanks to Councillor Snow for having served on the Jury Selection Committee.

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

"THAT COUNCILLOR SNOW'S RESIGNATION FROM THE JURY COMMITTEE BE ACCEPTED"

MOTION CARRIED

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

"THAT COUNCILLOR BRUCE HOLLAND BE NOMINATED TO THE JURY COMMITTEE"

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

"THAT COUNCILLOR DAVID MERRIGAN BE NOMINATED TO THE JURY COMMITTEE"

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

Councillor Merrigan declined nomination. Councillor Holland was appointed to the Jury Committee

NHL - Councillor Taylor

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

"THAT A LETTER BE WRITTEN TO GIL STEIN, PRESIDENT, NHL, INFORMING HIM THAT COUNCIL IS NOT PLEASED WITH THE PRECEDENT BEING SET BY MAKING HELMETS OPTIONAL FOR NHL PLAYERS"

MOTION CARRIED

DOT - Councillor Giffin

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

"THAT A LETTER BE WRITTEN RECOMMENDING THAT THE DEPARTMENT OF TRANSPORTATION, TRAFFIC DIVISION, DO AN ASSESSMENT OF TRAFFIC CONDITIONS FOR HAZARDS AT THE "T" JUNCTION OF HAMMONDS PLAINS AND KINGSWOOD DRIVE AT THE NEW KINGSWOOD SUBDIVISION. FURTHER THAT THE DEPARTMENT BE INFORMED THAT THE UPPER PORTION OF THE HAMMONDS PLAINS ROAD IS IN DEPLORABLE CONDITION AND REQUEST THAT IT BE REPAIRED AND REPAVED"

MOTION CARRIED

Department of Education - Councillor Giffin

Councillor Giffin stated that there is an almost critical situation with the Hammonds Plains Elementary School. There are four mobile trailers which has reduced the school yard play area. Adjacent to the school there is crown land which would serve to enlarge the school area and alleviate the space situation.

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF EDUCATION REQUESTING THEY SUPPORT THE SCHOOL BOARDS INITIATIVE TO HAVE AN ADDITION BUILT ON THE HAMMONDS PLAINS ELEMENTARY SCHOOL. FURTHER THE DEPARTMENT OF EDUCATION LOOK AT THE POSSIBILITY OF PURCHASING A PORTION OF THE ADJACENT CROWN LAND FOR USE AS ADDITIONAL SCHOOL YARD AREA"

MOTION CARRIED

DOT - Councillor Peters

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS REQUESTING THAT A CUL-DE-SAC OR TURN AREA BE EXAMINED AT THE END OF SUNNYVIEW ROAD, WELLINGTON. FURTHER REQUEST THAT REPAIRS BE DONE ON THE ROAD IN FRONT OF THE WELLINGTON FIRE HALL AND AT THE JUNCTION OF CARLHEATH AND HIGHWAY #2"

MOTION CARRIED

Surplus Buildings - Councillor MacDonald

Councillor MacDonald asked if there was a contingency plan for unoccupied surplus buildings.

Mr. Meech stated that he would recommend that, unless there is a group leasing and willing to maintain these buildings, the Halifax County should be looking at selling these properties. He stated that at some point, even the properties under lease agreements with community organizations, may require major repairs and replacements. At that point a decision will have to be made either to terminate the lease and sell the property or require them to make those major repairs. He stated that a list could be generated and the property management people could assess the condition of the buildings.

It was moved by Councillor MacDonald, seconded by Councillor

Fralick:

"THAT THE PROPERTY MANAGER PREPARE A STAFF REPORT FOR COUNCIL SHOWING WHAT BUILDINGS ARE UNOCCUPIED AND CONDITION OF THEM"

Councillor Holland asked if the lease agreements indicate that the leasee has to maintain upkeep and general maintenance of the buildings.

Mr. Meech stated this was correct however, there are some large structures where an organization may not be utilizing the full building.

MOTION CARRIED

RATIFICATION OF APPROVED DISTRICT CAPITAL GRANTS

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

"THAT THE APPROVED DISTRICT CAPITAL GRANT BE RATIFIED"

MOTION CARRIED

URGENT AGENDA ITEMS

Councillor Deveaux stated that his item was concerning the proposed Synfuel Operation for the Port Hawkesbury area. He was concerned that it may have some adverse effect on the local refineries.

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

"THAT A LETTER BE WRITTEN TO THE HONOURABLE TOM MACINNIS, ASKING FOR SOME ASSURANCE THAT THE LOCAL REFINERIES, I.E. ESSO AND ULTRAMAR, WILL NOT SUFFER DUE TO THE NEW SYNFUEL OPERATION PROPOSED FOR THE STRAIT OF CANSO AREA"

MOTION CARRIED

Councillor Brill stated that he had just found out that the mainstreet office was being moved from Sackville to the Halifax County offices. This, in his opinion, will create a great deal of anxiety in the community. He would like this move to be deferred until such time as there is consultation with the Sackville Community Council.

Mayor Lichter stated that council had been informed by Mr. Meech, by way of a memo, that, in his judgement, found this to be the most efficient arrangement. He asked if Councillor Brill was asking that Mr. Meech not take action on this until the Sackville Community Council has a chance to discuss it.

Councillor Brill confirmed this is what he was requesting.

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

"THAT THIS MOVE NOT PROCEED UNTIL SUCH TIME AS THIS ISSUE CAN BE UNTIL SUCH TIME AS IT CAN BE ADDRESSED BY THE SACKVILLE COMMUNITY COUNCIL"

Deputy Mayor Sutherland asked if Mr. Meech has the authority to make this particular recommendation.

Mayor Lichter stated that Mr. Meech does have the authority. Council has given him that authority and, by this motion, Mr. Meech is being asked not to take that action until the Sackville Community Council has a chance to discuss it and be in direct communication with him to address the issue.

Councillor Peters asked if the job duties will change in any way with the move to this office.

Mayor Lichter stated that the duties will stay the same.

Councillor McInroy stated that he has some difficulty with this. He has looked closely at the whole idea of the mainstreet program and he feels that Halifax County has to do all it can to minimize what it is spending money on such as office space, etc. He does not feel that this is the right approach to this. He felt that direct discussion with Mr. Meech would have been the proper way of proceeding with this. He feels that council should not be involved on a formal level.

Councillor Bayers stated, because of the budget cut and the elimination of one of the mainstreet coordinators, the mainstreet programs can be served in a more efficient way out of the Halifax County building.

Councillor MacDonald asked Mr. Crooks if the mainstreet coordinator falls under the jurisdiction of the Sackville Community Council.

Mr. Crooks stated that the Sackville Community Council has the authority to advise council with respect to matters affecting the community. It can advise in respect of matters affecting the community. The chief administrative officer has the management of the administrative affairs of the Municipality and reports in that regard to the full council.

Councillor Brill stated that maybe the issue can be referred to the Executive Committee.

Mr. Meech stated that, in terms of funding for the mainstreet program, it is an expenditure that is covered by the general budget. In that context it is actually something that should be

debated at Executive. His advice would be that if it is to be discussed and reviewed it should be at the Executive Committee level and the community council can make its position known at that time.

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

"THAT THE ORIGINAL MOTION BE AMENDED TO REFER THE ISSUE TO THE EXECUTIVE COMMITTEE"

MOTION CARRIED

ADDITION OF ITEMS TO OCTOBER 6, 1992 COUNCIL SESSION

Pension for Councillors - Councillor Deveaux

DOT - Councillor Taylor

Multiculturalism - Councillor Giffin

Municipal Land - Councillor Peters

DOT - Councillor Rankin

Post Office - Councillor Snow

IN CAMERA ITEM

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

"THAT COUNCIL MOVE IN CAMERA"

MOTION CARRIED

Council agreed to move out of camera.

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

"THAT HALIFAX COUNTY TAKE THE POSITION THAT IT IS NOT GOING TO LEGALLY CHALLENGE THE POSITION OF THE PROVINCE ON THIS MATTER"

Mr. Meech stated that it would be advisable that Council publicly express, through the Mayor, that Halifax County does not support that kind of action. The principle of the province interfering is not acceptable and not something that Halifax County should condone even though Halifax County feels that it is not in it's best interests to take legal action.

MOTION CARRIED

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

"THAT HALIFAX COUNTY EXPRESS TO THE PREMIER, BY LETTER, IT'S DISPLEASURE AT THE ACTIONS OF THE PROVINCE WHICH ALLOWS THEM TO REMOVE FROM THE PEOPLE OF DISTRICTS 14 AND 17 AND PROBABLY THE MUNICIPALITY AS A WHOLE, THEIR RIGHTS TO A PROPER INPUT INTO DEVELOPMENT AND PLANNING IN THIS MUNICIPALITY"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Deveaux:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

September 14, 1992

PRESENT WERE: Mayor Lichter
Councillor Rankin
Councillor Fralick
Councillor Holland
Councillor Deveaux
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Taylor
Councillor Brill
Councillor Snow
Councillor Giffin
Councillor MacDonald
Councillor McInroy
Councillor Cooper

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

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

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

RA-FEN-06-92-18 - APPLICATION BY SKYVIEW HOMES LIMITED TO REZONE AN APPROXIMATELY 69 ACRE PROPERTY LOCATED ALONG THE SOUTH SIDE OF THE HALIBURTON HILLS SUBDIVISION FROM MU-1 (MIXED USE 1) ZONE TO R-1 (SINGLE UNIT DWELLING) ZONE IN ORDER TO ACCOMMODATE A PROPOSED EXTENSION OF HALIBURTON HILLS SUBDIVISION

Paul Morgan made the staff presentation. He stated that this is an application by Skyview Homes Limited to rezone lands near the Hammonds Plains Road and Highway 103 interchange in Hammonds Plains.

He referred to a map which illustrated the properties involved. There are a total of 210 acres involved. The lands are presently zoned MU-1 (Mixed Use 1) under the Land Use By-law for planning

districts 15, 18 and 19. The application is to rezone them R-1 (Single Unit Dwelling) zone. A portion (151 acres) is owned by Minna Wilbur who has entered into a sales agreement with the applicant to sell these properties. She has authorized the application to rezone her property.

There are twenty lots presently that have been approved, have received final endorsement of approval and it is his understanding, that another 34 are in final at the present time.

Under the Planning Strategy, these properties are within the mixed use designation. This allows for a semi rural environment, residential uses, limited scale commercial and resource uses. It also puts some restrictions on the size. The plan does recognize however, that due to the proximity to the metro area there is a demand for this type of subdivision development. The Mixed Use 1 zone allows this type of development by right. This application is unique for council in that, whether or not council approves it tonight, the applicant will be entitled to develop what he intends to subject to the normal approval standards under the Subdivision By-law.

By rezoning to R-1 essentially what council will be doing is restricting the development rights of future inhabitants. They will not longer be entitled to a trucking service on their property or general commercial uses up to 2,000 square feet in a separate building. In the R-1 zone you are allowed a single unit dwelling and have daycare facilities for up to seven children or an office space up to 300 square feet or 25% of the building. This provision for the R-1 zone recognizes that in this type of development there probably would be demand by the residents for a more restrictive zoning. Provisions are made and the criteria under Policy P-9 requires a minimum of 15 lots on a plan of subdivision or that the lands be adjacent to existing R-1 development. He referred to map 3 and stated that this application satisfies the criteria. He stated there are portions of the land that fall within the mixed resource designation where policies put less emphasis on residential development but generally the base zone for that designation is the mixed resource zone which has a minimum lot size of 80,000 square feet. In this case, the lands have all been zoned Mixed Use 1 zone which has a minimum lot size requirement of 20,000 square feet.

He stated that the staff opinion is that the application satisfies the criteria and it is consistent with the applicants future intentions.

QUESTIONS FROM COUNCIL

Mayor Lichter stated that the agenda indicates 69 acre property and the staff report indicates 210 acres. He asked if the correct number was 210 acres.

Mr. Morgan confirmed this. He stated that the initial application was for 69 acres.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT THE APPLICATION BE APPROVED"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Giffin:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

COMMITTEE OF THE WHOLE

SEPTEMBER 28, 1992

PRESENT WERE:

Mayor Lichter
Councillor Meade
Councillor Fralick
Councillor Holland
Councillor Ball
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Taylor
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Giffin
Councillor MacDonald
Councillor Harvey
Deputy Mayor Sutherland
Councillor Richards
Councillor McInroy
Councillor Cooper

ALSO PRESENT:

F. Crooks, Municipal Solicitor
G. J. Kelly, Municipal Clerk
K. Meech, Chief Administrative Officer
Bill Butler, Acting Director of Planning
and Development
Joe Hefler, Chief Building Inspector
Julia Horncastle, Recording Secretary

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CALL TO ORDER

Mayor Lichter called the meeting to order at 6:00 p.m.

C.A.W. AIRLINE EMPLOYEES PRESENTATION

Mr. Wayne MacLean was welcomed by Mayor Lichter.

Mr. MacLean stated he has been an employee of Canadian Airlines for 15 years and that he was also a Union representative with Local 1990 Canadian Auto Workers. He stated he appreciated the opportunity to speak to Council, on behalf of Local 1990 and Local 2213 of Air Canada of CAW Autoworkers, on the current situation of the airline business.

Mr. MacLean drew Council's attention to the CAW Backgrounder Brief on The Cost of Deregulation in the U.S. and Canada which had been circulated to all Councillors.

Mr. MacLean advised that prior to the announcement of a deal between Air Canada and PWA, the CAW Canada joined others in speaking strongly for two independent Canadian carriers in a regulated environment; however, the possibility of two independent Canadian carriers seemed to be long gone.

Mr. MacLean advised that the proposed agreement between Air Canada and Canadian recognized the need for regulation and provided for a holding company to oversee fares, schedules and routes. The government, not a private holding company, must regulate the airlines. Air transportation was essential to Canada's social, cultural and economic unity. The ability of Canadians to connect with one another must not be in the hands of one corporation whose major concern was profit making. The government had an obligation to maintain safe, efficient, affordable transportation to all regions of Canada. Aviation, both in terms of transportation, service and the design and production of aircraft was a field in which Canada should prosper and did prosper until deregulation was introduced in 1985.

Mr. MacLean said that deregulation has been a disaster in the U.S. and was a disaster in Canada. Since the U.S. government introduced deregulation in 1978, the number of airlines has gone from 234 to 75, with 10 carriers dominating 90% of the industry. In 1987, the U.S. Government reintroduced some regulations because safety had deteriorated to an alarming level.

Mr. MacLean stated that employees in the U.S. airlines took major wage concessions and employees purchased shares in some airlines to no avail because the companies still failed. He said Canada must stop following the U.S. example as deregulation has already taken a toll on the airline industry. Eight of Canada's national and regional carriers have disappeared and service has declined.

Mr. MacLean stated that some airline industry analysts call for more competition to deal with the potential monopoly but, after years of fierce competition, he saw no reason for more competition. He said, in CAW's view, re-regulation was essential to bring stability to the airlines, ensure air service to all regions of Canada, maintain safety and protect consumers. He stated that in re-regulating fares, the price increases did not have to be that great. The net losses for 1991 at the two Canadian airlines were 6% of operating revenues; therefore, a 6% increase in fares could cover the costs.

With reference to the limits on foreign ownership, Mr. MacLean stated the current limit of 25% foreign ownership in Canadian airline companies must be maintained. Solutions south of the border could not be allowed which would effectively give control over air transportation to U.S. carriers and Canadian negotiators must be clear on Canadian airline strengths to negotiate a deal with the U.S. that would build on those strengths. With regard to

ownership, Mr. MacLean stated the U.S. airlines could easily gain control of the Canadian airline system through equity ownership and even limits of 25% could allow foreign companies to gain considerable control. He said the Canadian negotiators must negotiate a deal that would build on their strengths.

Mr. MacLean stated the C.A.W. was opposed to open skies or cabotage as a solution to the potential monopoly airline in Canada. He said that any job loss that occurred through restructuring must be accommodated through attrition and special programs. The government must be told how important the airline industry is to Canada's national unity and economic development.

Mr. MacLean stated that the C.A.W. was requesting that Council call on the federal government for a comprehensive transportation policy which would ensure a stable airline industry and asked for support on the following recommendations:

1. The government must re-regulate fares and schedules.
2. The foreign ownership limits of 25% must be maintained.
3. The government must withdraw immediately from open skies regulations negotiations with the U.S.
4. Any job loss occurring through restructuring in air transportation must be accommodated through adjustment programs and early retirements.

Mr. MacLean drew Council's attention to the backgrounder he had provided.

Questions posed by Councillors were answered by Mr. MacLean.

Mayor Lichter asked if Councillors wished to deal with this item now or to have the item put on the next Council Session.

It was agreed that the item would be put on the Agenda for the October 6, 1992 Council Session.

BUILDING BY-LAW

Mr. Bill Butler advised that the new Building By-law was initially discussed on November 19, 1991. The new By-law being proposed at that time was essentially intended to reflect a number of things:

1. The Municipality was now enforcing the provincial Building Code Act and Regulations.
2. The Building Permit process has now been decentralized to the three branch offices from what was previously a centralized processing system.
3. To clarify some procedures and requirements in the By-law that were somewhat vague and sometimes confusing to the public; ex. Surveyor's Certificates and Building Permit Renewal procedures.

Mr. Butler stated that two major issues or concerns were discussed at the meeting on November 19, 1991 and had been reviewed very seriously in the revised draft.

Mr. Butler referred to the first issue - Surveyor's Certificates - Section 5.4 of the proposed By-law. He said that previously it had been proposed that the requirement for a Surveyor's Certificate would only be waived for accessory buildings less than 750 sq. ft. in size. There was considerable discussion by Council that perhaps there needed to be more flexibility in that regard and, as a result, the section was re-drafted to provide increased flexibility relative to the waiving of Surveyor's Certificates where it was clearly evident that the building was not located too close to the property line. Among the requirements in the revised Section was that an applicant must provide a sketch of the property and the proposed building. As well, the Building Inspector must be able to reasonably identify or verify in the field the validity of the information being provided. He advised that the Section contained a provision that no waiver would be provided unless the building was at least double the required side yard requirement under whatever By-laws were applicable. A provision was also included whereby the applicant who sought and obtained a waiver would indicate in writing that he/she has sought same and the responsibility for any mistakes was on the shoulders of the applicant. He stated these provisions would apply to any building located anywhere in the Municipality. Any situation which could meet the provisions, and at the desire of the particular applicant, consideration would be given to waiving the Surveyor's Certificate.

Mr. Butler stated the second major issue was related to Plumbing Certification. He said in the November draft it had been recommended to Council that provision be made so as to require all plumbing installations to be certified by a Journeyman Plumber. Since the County actively got into the field of plumbing inspection, more and more mistakes were being discovered and some of those mistakes were proving to be quite serious and most were expensive to alleviate after the fact. He stated that the issue was carefully reviewed as a result of discussion by Council; however, staff was continuing to strongly recommend the provision it recommended in November as contained in 7.2 (d).

Mr. Butler stated that recent correspondence tabled with Council from the Plumbing Association would certainly support the implementation of that kind of measure by Council. The Plumbing Association would prefer that Council go even further and take a stance similar to that carried out in the cities of Halifax and Dartmouth. In those two cities, not only does plumbing have to be certified by a qualified person, it can only be carried out by a plumber who is licenced by that city. The Municipality does not have the legislation to permit that as it was empowered by their respective Charters. There would have to be an appropriate amendment to the County Charter to permit that.

Mr. Butler stated that in addition to those two issues, he noted that Section 7.2 (e) dealt with Part 4 buildings under the National Building Code of Canada. He said these were generally commercial or larger residential type buildings which required the preparation of building plans by architects or engineers. It was being suggested that for those buildings, it would be beneficial to also require that after the building was constructed, certification be obtained by an architect or engineer that the building has been constructed pursuant to the Code. He said that some of the larger buildings would be fairly complicated and while the Building Inspectors would inspect them and pick up the obvious deficiencies, given the complicated nature of the buildings and the fact that there were no clear-cut provisions in the National Building Code to follow, it was felt this was something that would protect the Building Inspectors from liability and guarantee that the plans certified at the beginning of the project were the ones that were the actual result at the end.

Questions posed by Council were answered by Mr. Butler and Mr. Hefler regarding Surveyor's Certificates.

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

"THAT COMMITTEE OF THE WHOLE RECOMMEND TO COUNCIL THAT SECTION 5.4 OF THE DRAFT BUILDING BY-LAW DATED SEPTEMBER 1992 BE ADOPTED AS WRITTEN".

MOTION CARRIED.

Mr. Hefler said it was important to consider the fact that plumbing installation in the home ranked next to electrical as being the thing over which to be safety conscious. It was also important that the plumbing should be certified by a Journeyman Plumber prior to the Occupancy Permit being issued and hopefully prior to the Building Inspector inspecting the premises. He said it had been indicated to him that when a person was carrying out first-time plumbing on his own, that plumbing inspection and visits doubled. With a Journeyman Plumber on the site or at least knowing that a Journeyman Plumber would have to certify, this would go a long way in eliminating original mistakes that were being made in plumbing installations in the Municipality.

Questions posed by Councillors were answered by Mr. Crooks, Mr. Butler and Mr. Hefler and Councillors also provided comments on the proposed inclusion of Section 7.2(d) of the Building By-law.

It was noted that the whole question of legal liability was not what it was ten years ago; systems were becoming more complicated.

Councillors had raised the concern as to how far regulation should go. Mayor Lichter added that the Municipality might need to be protected but the Municipality was no more than the people who

lived in it and they were, therefore, being protected from themselves. He noted that today a Journeyman Plumber might be willing to inspect a system that has been put in and sign a Certificate but these individuals either belonged to a Union or professional organization and it would take no time at all before they passed some kind of policy of their own that no Certificates were signed unless they did all the work. The cost, then, would not be a matter of \$50-200 but much more and an individual would not be able to build a home in the traditional way rural Halifax County built homes.

Mr. Hefler advised that he understood that through the Department of Labour, to do plumbing in Nova Scotia required a Journeyman Plumber. He stated that he would like to see this Municipality be able to enforce its own plumbing regulations without having to rely on the Nova Scotia Department of Labour. He said that what was suggested here was the minimum the County could do to protect its residents and he did not want to see this Municipality relying on the Province of Nova Scotia departments to enforce any By-laws of this Municipality or some of the province's Statutes.

Mr. Hefler noted that the proposed requirement would apply not only to new construction but to any requirement regarding renovations and repairs that required a permit.

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

"THAT COMMITTEE OF THE WHOLE RECOMMEND TO COUNCIL THE INCLUSION IN THE BUILDING BY-LAW OF SECTION 7.2(d) OF THE DRAFT BUILDING BY-LAW DATED SEPTEMBER, 1992".

MOTION CARRIED.

Mayor Lichter stated Council also had to consider the 48-hour inspection time limit as the Municipality had an obligation to respond within a reasonable time period and he said he did not think 48 hours was unreasonable.

Mr. Butler referred to Part 9 - Inspections where the three mandatory inspections were indicated under the Code. The 48-hour guarantee was eliminated. He said he did not want to suggest that staff was not getting to a site within the 48 hours in most cases. There were obviously exceptions but not that many. The purpose in eliminating the 48-hour stipulation was not to let the service go downhill. He said more to the point was that there was an implication with the 48-hour stipulation that if staff did not appear within 48 hours then there would be no requirement for the inspection.

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

"THAT COMMITTEE OF THE WHOLE RECOMMEND TO COUNCIL THAT THE 48-HOUR STIPULATION REMAIN IN THE BY-LAW".

MOTION CARRIED.

Mr. Hefler advised that Part 9 of the National Building Code was a section that referred to the construction of small designed buildings which were generally accepted to be any type of building under an area of 1,500 square feet. The reference in the By-law was not to single dwelling units, duplexes nor any building that has the design criteria in Part 9. Part 4 of the Building Code stated that if the building design was not contained or could not be determined by using Part 9 of the Code, then it must refer to Part 4 of the Code. Part 4 of the Code must, therefore, be designed by a professional engineer or architect and the professional engineer or architect must prepare and certify the plans and the building would be built to those specifications.

With regard to renewals and section 5.6 of the proposed By-law, Mr. Hefler noted that the expiry date was noted on building permits. He said there was certain information given out to applicants that would indicate to the applicant that the building permit would expire and it would have to be renewed. He said it was unfortunate that people did not read same. He advised that in the case where buildings were started, the Building Inspector would indicate to the builder that the expiry date was close and renewal should be applied for.

Mr. Butler advised that it has been decided to prepare information to attach to a Building Permit which would explain what would happen and what could be expected. It was hoped this would help.

Mr. Butler explained that there could be only one preliminary permit renewal as there could be changes in the By-law in the time that had elapsed since the building permit was issued. Whether or not there could be any further extensions would have to be considered administratively.

Mr. Butler advised that in any planning exercise, everybody went to great pains to recognize existing rights. He said that even though there might be changes in health standards, there were processes set up to recognize that there would be people who could not meet new systems. There was every benefit of the doubt given to situations that did not comply with new changes.

Mayor Lichter advised that the motions put forward at this Committee of the Whole meeting would be considered for First Reading at the Council Session on October 20, 1992.

ATLANTIC CANADA AVIATION MUSEUM

Mayor Lichter read a letter from the Atlantic Canada Aviation Museum inviting members of Council to visit the Museum and inspect same on October 7, 1992 at 6:30 p.m. or an alternative date could be considered.

As there were not enough Councillors able to attend on that date, it was agreed that Councillors would be asked for an alternative date at the Council Session on October 6, 1992.

ADJOURNMENT

Meeting adjourned at 7:35 p.m.

MINUTES & REPORTS
OF THE
FIRST YEAR MEETINGS
OF THE
FORTY-FOURTH COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX
OCTOBER COUNCIL SESSION
TUESDAY, OCTOBER 6 & 20, 1992

&

PUBLIC HEARING
OCTOBER 5 & 26, 1992

&

COMMITTEE OF THE WHOLE
OCTOBER 19, 1992

&

SPECIAL COUNCIL SESSION
OCTOBER 5, 1992

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PUBLIC HEARING

October 5, 1992

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Fralick
Councillor Holland
Councillor Ball
Councillor Randall
Councillor Smiley
Councillor Taylor
Councillor Peters
Councillor Merrigan
Councillor Giffin
Councillor MacDonald
Councillor Harvey
Deputy Mayor Sutherland
Councillor Richards
Councillor McInroy
Councillor Cooper

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

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

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY"

MOTION CARRIED

APPLICATION NUMBER - RA-F&S-15-92-14 - APPLICATION BY THE
MUNICIPALITY TO REZONE VARIOUS PROPERTIES IN THE COMMUNITIES OF
GRAND LAKE, OAKFIELD AND ENFIELD TO R1-E (RESIDENTIAL ESTATE) ZONE.
THIS ZONE, WHICH WAS RECENTLY CREATED UNDER THE LAND USE BY-LAW FOR
THIS PLAN AREA, WOULD ALLOW FOR THE KEEPING OF HOOFED ANIMALS AND
SMALL BUSINESSES IN CONJUNCTION WITH THE RESIDENTIAL USE OF A
PROPERTY

Paul Morgan gave the staff presentation. He stated that this is a rezoning application by various property owners. The property owners are identified in Appendix B of the staff report. Council can only consider those that were included in the notice of public hearing. Harold and Lorne Todd have also requested that their property also receive the R1-E zone.

The R1-E zone was created under recently adopted amendments to the Planning Strategy and it was initiated by various property owners, particularly in the Halls Road area, who wanted to be able to establish businesses. That was enlarged to lands within Enfield and Oakfield and the Grand Lake area. He informed council that a Notice of Public Hearing was circulated by Councillor Peters and the post office. The communities of Enfield and Oakfield are within the residential designation and this designation is intended primarily to encourage suburban residential development. To implement this, the suburban residential zone has been applied under the Land Use By-law. This zone permits single unit dwellings, two unit dwellings, limited office spaces and various community uses. It did not permit home business or the keeping of animals. The R1-E zone was created to accommodate these requests and specifically permits home business uses up to 1,000 square feet. The use must be fully contained within the principle residence or accessory residences. It does not permit outdoor storage or display. It permits the keeping of hoofed animals such as horses, donkeys, mules and zebras.

If an animal is to be kept on the property it requires an accessory building. It allows for a building up to 1,000 square feet. The building can't be within 300 feet of a watercourse or 100 feet of another residential building other than the residence on the owners own property. Under the Planning Strategy this zone can be considered in both the residential portion of the plan area, which is the Norther portions of Enfield and Oakfield and it also was considered within the mixed residential designation which is in the Grand Lake portion of that area. Only in that portion of the designation which is North of Tannery Brook.

In addition to the locational criteria, council is required to consider generalized policy which is applicable to all rezoning development agreements. He stated that each site has not been inspected individually to determine it's suitability.

With the exception of three properties, all the properties do satisfy the location and zoning criteria. The property of Peter King (No. 41) is already zoned R-6 which will allow him to do anything the R1-E zone would allow. The property of Ray Boutilier (No. 43) is presently zoned R-1 does not satisfy the locational requirements. The property of Jack Shields (No. 59) is within the Community Centre Designation and is zoned C-4 (Highway Commercial) zone and therefore does not satisfy the locational criteria. The Highway Commercial zone gives him a much broader range of commercial uses than the R1-E zone would provide. The property of Harold and Lorne satisfies the locational criteria. Recently staff has received submissions from several people requesting to be taken off the list. Reference No.'s 44 through 56 are all people on Brookfield Drive. Reference No.'s 48, 50, 51, and 55 have requested to be taken off.

Staff's recommendation is all the numbers from 1 to 60 except those that don't satisfy the criteria which are 41, 41, and 59 and also No.'s 48, 50, 51 and 55.

QUESTIONS FROM COUNCIL

Councillor Ball asked if there were any reasons given by No. 48 and 50 why their names were withdrawn.

Mr. Morgan said his understanding is that the members along this street have been meeting and discussing the R1-E zone and the possibilities of what it would allow. There has been some reconsideration.

SPEAKERS IN FAVOUR

No speakers in favour of the application.

SPEAKERS IN OPPOSITION

Mr. Ross Dechaine, Brookhill Estates, Grand Lake said that he lives in the community of Brookhill Estates because of the location, zoning, size of lots, the serenity and because of the community's restricted covenants. In accordance with this proposed amendment of rezoning of various properties within the community, he stated he is against the rezoning which would allow a blanket zone of R1-A to now include R1-E properties. He explained his reasoning for his decision. He said that an R1-E use if permitted for residential and community include new development which may change the fabric of the neighbourhood which may jeopardize their homes. The introduction of hoofed animals is contradictive to Brookhill Estates restrictive covenants. The R1-E By-law does not answer all his questions. One of the questions is the number of horses that could be kept on individual lots and the other one is that the By-law specifies that the animals be used for personal use however, it doesn't mention specifically if the horses must be owned by the lot owner. He questioned whether the owner of a lot could look after a friends horse.

Mr. Morgan stated it only specifies the building and the size of the building but there are no restrictions on number of animals.

Mr. Dechaine stated he wishes to remain as an R1-E zone and personally believes that in the future a better means of notifying and educating people on rezoning By-laws should be made available.

Councillor Ball stated that two meeting had been held in the community with regards to this zoning. Notification of these meeting had gone out by councillor and newsletter to every home. The understanding he received from the meetings was the people bought in the subdivision because it provided a large lot that would permit the keeping of a horse. The developer of the property

who had the covenants came forward at that meeting and talked about the fact that the properties for sale were done in such a way as to encourage horses on the property but the zone defied the covenants. The people of that particular subdivision wanted the zone to be part of the covenants and allow horses because people who bought there wanted that particular option.

Mr. Dechaine said that the people who applied for the horses were in Phase I of Brookhill Estates. This was owned by a different owner than the present one. He said he lives in Phase III and his restrictive covenants must be different than what Phase I received. He has not seen Phase I restrictive covenants. He also found out, by visiting the members of the community, that the residents were surprised at the zoning change. He stated that most of the people thought it would stay an R1-A. When the R1-E came out people were very surprised.

Councillor Ball said that the way the zone was written and the existing boundaries all Halifax County has done is to give a very specific zone to a very specific area to very specifically permit and item that people wanted. If that was permitted in the R1-A zone then it would have been permitted in all of districts 14 & 17 which was not possible because the boundaries were defined where the horses would be permitted.

Mr. Dechaine stated he does not mind the horses but he is concerned about the differences between an R1-A as compared to an R1-E.

Mayor Lichter stated that when council was dealing with the MPS amendment to introduce the R1-E zone itself there were quite a number of people in the audience who were rather disappointed that council could not deal with the rezoning at the same time. He said that council apologized to the public at that time because, for legal reasons, council could not deal with the issue.

Councillor Giffin asked Mr. Dechaine if he had any objections against the horses and asked if he realized that the people on the listing had asked for the zoning.

Mr. Dechaine stated that his objection was to rezoning of individual lots to R1-E. He would like the blanket of R1-A but what is being done is a mixed zoning allowing R1-E properties to move in.

Councillor Peters said she had a petition dated April 30, 1992 and Mr. Dechaine's name if one of the names on the petition which states he does not want horses or home businesses and is against the zoning. As for back as April 30th he was aware that this request came in. Shortly thereafter she had not only sent out notices that were posted in public places but also a description of the procedure. This description was mailed to every RR#1 zone. The fact that it has been posted in the stores, churches and

schools plus an overlap allowance people have been notified as to the ramifications. She said that it is not a blanket coverage but at request situations so Brookhill Estates, in it's entirety, is not requesting R1-E nor will it be applied. It is site specific. Mr. Steven Given, who originally owned all of this land, was the developer who has never had any objections to having a horse nor a small business in the community. She reminded Mr. Dechaine that in an earlier conversation he had mentioned that an R1-E is a modified R1-B not a modified R1-A. The R1-B allows a number of extra things allows a number of extra things such as two unit dwellings but other than that the single dwellings, office uses and daycares are the same. Community uses allow for a nursing home which the other one does not allow for as well as for residential care which is seniors complexes and government offices. She stated she had informed Mr. Dechaine, at that time, she did not foresee a government office nor a nursing home going in there. She said that the area is entirely surrounded by R1-B and R1-E is simply a modification of that to allow for an enlarged family business and a horse.

Mr. Dechaine asked if the people who requested get the R1-E zone and the remainder stays R1-A, can anyone apply to get it changed in subsequent years.

Mr. Peters said that the public hearing process would allow this to be done. This would apply from Tannery Brook North from now until the Plan Review is under review. She said that the reason she could not give a guarantee with regards to a government office moving into the area but it seemed unlikely that a government office would move nine and a half kilometres into district 14 when there is land in Areotech Park that is fully serviced. She asked Mr. Dechaine if he had any objection to anything else other than Brookhill Estates.

Mr. Dechaine stated just Brookhill Estates.

No further speakers in opposition

Councillor Peters said that the people that have spoken to her about this R1-E zone have specifically come to her stating that they have, prior to the passing of this plan in 1989, had rights and privileges that would allow them hoofed animals. The predominant zoning in the area is R1-B that is why a modified R1-B has been done to allow them to do that. If this right is taken away council has taken away a privilege that they had and she would not like to see this happen.

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

"THAT THE R1-E ZONE APPLY AS PER SCHEDULE "B" EXCLUDING THE NAMES THAT ARE UNDERLINED OR THAT HAVE BEEN REMOVED"

Councillor Peters said that she has spoken with Mr. Peter King who is happy with his R-6 zoning, also Mr. Jack Shields.

Mayor Lichter stated, for clarification, with the exception of those underlined and 48, 50, 51 and 55.

Councillor Ball asked is any reason had been given why Mr. LeRue and Mr. Wright were objecting.

Mayor Lichter said that they had not spoken therefore he did not have the answer.

Deputy Mayor Sutherland asked Mr. Crooks what bearing the restricted covenants had on what was being done in terms of changing the zone.

Mr. Crooks said that the restrictive covenants have no bearing whatsoever, from a legal point of view, on what council is obliged to consider in dealing with rezoning. The governing considerations are the provisions of the planning strategy and the provisions of the planning strategy only. Any recourse or any proceeding with respect to the restrictive covenants are a matter of private recourse by the property owners involved. The council is not empowered to take those into account in deciding how the rezoning application should be disposed of.

Deputy Mayor Sutherland stated that some time ago he was involved in the same type of arrangement where the developed subdivision in the Sackville's had developed for quite a period of time with restrictive covenants and council is being asked to look at changing zoning and, at the time, the direction to the person who was asking for the rezoning was to go to the subdivision and get a paper and an affidavit signed by the people to relinquish the covenants as they were originally then he could proceed to ask council to rezone.

Mr. Crooks said, as a matter of general law, council is not entitled to take into account what the restrictive covenants say. Restrictive covenants may impose restrictions over and above the uses permitted by Land Use By-law. All that council can take into account are the provisions of the Planning Strategy.

Councillor Ball asked Mr. Morgan if Mr. Neilson wants to be removed from both pieces of his property or just the one. Does he want 52 and 55 or just 55.

Mr. Morgan said that this was not clarified.

Councillor Peters said that she had spoken with Mrs. Neilson and she had said that she, Mrs. Neilson, had signed the petition because of the fears she had of possible ramifications of zoning change. Councillor Peters had asked if she wished to reconsider