

COUNCIL SESSION

October 20, 1992

PRESENT WERE: Mayor Lichter  
Councillor Meade  
Councillor Rankin  
Councillor Fralick  
Councillor Holland  
Councillor Deveaux  
Councillor Bates  
Councillor Adams  
Councillor Randall  
Councillor Taylor  
Councillor Peters  
Councillor Merrigan  
Councillor Brill  
Councillor Snow  
Councillor Giffin  
Councillor MacDonald  
Councillor Boutilier  
Councillor Harvey  
Deputy Mayor Sutherland  
Councillor Richards  
Councillor McInroy  
Councillor Cooper

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

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The meeting was called to order at 6:00 p.m. with the Lord's Prayer. Mr. Kelly called roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT THE MINUTES OF THE COMMITTEE OF THE WHOLE OF JULY 21, 1992 BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE COMMITTEE OF THE WHOLE OF AUGUST 24, 1992 BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE PUBLIC HEARING SEPTEMBER 14, 1992 BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE COUNCIL SESSION SEPTEMBER 15, 1992 BE APPROVED"

MOTION CARRIED

LETTERS AND CORRESPONDENCE

1. Mr. Kelly outlined a letter from the Honourable Ken Streach, Minister, Department of Transportation and Communications informing council that Church Street in Wellington has been approved for a 50 km/h zone and appropriate signage will be put in place.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

2. Mr. Kelly outlined a letter from the Honourable Ken Streach, Minister, Department of Transportation and Communications informing council that he is unable to give a commitment, at this time, with regards to sidewalk construction between the Kinsac Corner and the Beaverbank/Kinsac ballfield.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Mr. Kelly outlined a letter from Sharon Hollingsworth, Director of Public Relations, Heart and Stroke Foundation of Nova Scotia requesting Halifax County to declare November as CPR month in the Municipality.

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

"THAT THE LETTER BE RECEIVED AND FURTHER THAT THE MONTH OF NOVEMBER BE DECLARED AS CPR MONTH IN HALIFAX COUNTY"

MOTION CARRIED

SUPPLEMENTARY PLAN REVIEW COMMITTEE REPORT

1. Plan Review - North Preston, Lake Major/Lake Loon, Cherry Brook and East Preston

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

"THAT A COMMITTEE OF THE WHOLE BE HELD ON MONDAY, NOVEMBER 16, 1992 AT 6:00 P.M."

MOTION CARRIED

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

"THAT MONDAY, DECEMBER 2, 1992 AT 7:00 P.M. BE DATE AND TIME SET FOR PUBLIC HEARING TO ADOPT THE NEW MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW FURTHER THIS DATE AND TIME TO BE RATIFIED AT THE COMMITTEE OF THE WHOLE"

MOTION CARRIED

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Tender - Pumper Tanker, Musquodoboit Harbour Fire Department

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

"THAT THE BID SUBMITTED BY METALFAB LTD, IN THE AMOUNT OF \$171,500.00 BE APPROVED AS THE BID MEETING SPECIFICATIONS. FURTHER FINAL AWARD OF THIS PURCHASE WILL DEPEND ON FUNDING APPROVAL"

MOTION CARRIED

Tender - Fire Truck, Cole Harbour/Westphal Fire Department

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

"THAT THE TENDER IN THE AMOUNT OF \$193,605.47 FROM FORT GARRY INDUSTRIES BE ACCEPTED"

MOTION CARRIED

Investment Fund Manager

Councillor Richards and Councillor Peters declared a "Conflict of Interest"

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

"THAT TAL INVESTMENTS COUNSEL LTD. BE APPOINTED AS FUND MANAGERS FOR THE HALIFAX COUNTY MUNICIPALITY FULL TIME EMPLOYEES PENSION FUND WITH ROYAL TRUST BEING THE CUSTODIAN OF THE INVESTMENTS"

MOTION CARRIED

\$24,000 Loan Request - Beaverbank/Kinsac Volunteer Fire Department

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

"THAT A TEN YEAR LOAN ADVANCE, IN THE AMOUNT OF \$24,000., BE APPROVED FOR THE BEAVERBANK/KINSAC VOLUNTEER FIRE DEPARTMENT FOR MAJOR IMPROVEMENTS AND REFURBISHMENTS TO A FIRE VEHICLE. FURTHER THE LOAN IS REPAYABLE WITH INTEREST WITH COUNCIL RESERVING THE RIGHT TO LEVY AN AREA RATE IN DEFAULT OF PRINCIPAL AND/OR INTEREST REPAYMENT"

MOTION CARRIED

Capital Grant Requests

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

"THAT THE FOLLOWING GRANT REQUESTS BE APPROVED:

- (a) District Capital Grant, District #1, in the amount of \$500.00 for the purpose of building an office at the St. Margaret's Arena.
- (b) District Capital Grant, District #12, in the amount of \$2,500.00 for improvements to Club House, Pleasant Valley Sports Association.
- (c) District Capital Grant, District #20, in the amount of \$15,000.00 and General Parkland Grant, in the amount of \$15,000.00 for fencing of Municipal owned walkway between Nordic Crescent and Riverside Drive.
- (d) District Capital Grant, District #20, in the amount of \$2,316.40 and General Parkland Grant, in the amount of \$2,316.40 for walkway improvements Kipling Drive and Riverside Drive.
- (e) District Capital Grant, District #25, in the amount of \$2,500.00 and General Parkland Grant, in the amount of

\$2,500.00 for drainage improvements and walkway repairs to municipal parkland behind George Bissett Elementary School in Cole Harbour.

MOTION CARRIED

\$167,700.00 LOAN REQUEST - COLE HARBOUR/WESTPHAL FIRE DEPARTMENT

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

"THAT A \$167,700.00 LOAN ADVANCE TO THE COLE HARBOUR/WESTPHAL FIRE DEPARTMENT, FOR THE PURPOSE OF PURCHASING A PUMPER FIRE VEHICLE, BE APPROVED. FURTHER THE LOAN IS REPAYABLE WITH INTEREST AND COUNCIL RESERVES THE RIGHT TO LEVY AN AREA RATE IN DEFAULT OF PRINCIPAL AND/OR INTEREST REPAYMENT"

MOTION CARRIED

FIRST READING RE: AMENDMENT BY-LAW NO. 8, A BY-LAW RESPECTING MISCHIEFS AND NUISANCES

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

"THAT FIRST READING OF AMENDMENT BY-LAW NO. 8, A BY-LAW RESPECTING MISCHIEFS AND NUISANCES, BE GIVEN"

Mayor Lichter asked Mr. Crooks if the section with regards to districts having the option of either opting in or out of the By-law included.

Mr. Crooks said that section is not included and it can be included but it would be appropriate to receive an indication, at this point, of which districts would be excluded so that this provision could be added into the draft before it is advertised. He stated that the amendments before council at the present time relates strictly to noise control. He stated that Sections 2 and 16 are the principal sections being amended.

Councillor Meade asked if metric measurements could be provided, in brackets, along with the imperial measurements.

Mr. Crooks stated that this could be done if council so wished.

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

"THAT METRIC MEASUREMENTS BE PROVIDED, IN BRACKETS, ALONG WITH IMPERIAL MEASUREMENTS WHERE APPLICABLE"

MOTION CARRIED

Councillor Taylor asked, with regards to the County Exhibition, if it would be possible to obtain a permit that would preclude Section 16.

Mr. Crooks stated that there is no provision for the issuance of a permit. Any exemptions, under the By-law, are those exemptions which are spelled out expressly. If they are not there expressly then there is no provision for a permit. There was some consideration of the question of whether or not the Municipality should make provision for the issuance of permits but it was felt that this would take up unnecessary staff time that would not be justified in the circumstances. Some consideration was given to that but, in the end, the conclusion was that it was better to go with a series of limited express exemptions and leave it at that.

Mr. Crooks stated that this draft was before a special committee of council and there were a number of questions raised. As a result of those questions, a number of minor amendments to the draft have been made and reflected in the present draft. Section 3 on page 2 refers to ringing bell, shouting, or making unusual noises in roads or streets was to be deleted but based on discussion it was concluded that this should remain in. There is the revision that in Section 16 (1)(a)(ii) whereby noises produced by address systems are prohibited beyond a distance between the specified hours now of 150 feet as opposed to 300 feet which was in the previous draft. The one other item is that there were some revisions to the exemption provision in Section 16 (4)(a) whereby the exemption for the municipality, other municipalities, the province, etc. is now is an exemption now only where activities are being undertaken for emergency purposes or on an emergency basis. The same limitation was added with respect to the exemption for the delivery of fuel. Whereas the previous draft had said that the delivery of fuel was exempted from the noise prohibition it is now only the delivery of fuel under emergency conditions.

Councillor Randall referred to the penalty for dumping. He stated that he felt the amount of \$100.00 was not a deterrent. He stated that he feels the amount should be increased.

Mr. Crooks stated that the review of the By-law did not concern any of the provisions of the By-law other than the provisions relating to noise controls. The noise control committee specifically did not have a mandate to deal with other sections of the By-law. There are other means by which a dumping and depositing garbage unlawfully can be addressed. There is provincial legislation in the form of the Litter Abatement Act and also provisions of the Planning Act which would provide for substantial fines and penalties with respect to dumping activities which are carried on in violation of the Land Use By-law. He said that he would suggest that perhaps an approach would be to review some of the legislative authority available to council with respect to controlling garbage and dumping which exists under the Charter having regard to the

extent of the fines that can be imposed which are now considerable and have a higher maximum than previously. This then could be considered by a separate amendment to this By-law or to another addressing the issue that council raises.

Councillor Fralick asked for further clarification with regards to noise from 10 p.m. to 7 a.m. He asked who would determine if the noise is excessive.

Mr. Crooks stated that a judgement would be made by the municipality's enforcement officials. These would report to Mr. Kelly as to whether or not there is a violation of the By-law. The test is not whether the noise is excessive but whether or not the noise is audible in any dwelling unit during the prohibited hours of 10 p.m. to 7 a.m. specifically exempting dwelling units in which the device is located unless the dwelling unit is in the same building but 150 feet away from the place where the public address is located.

Councillor Merrigan suggested that another committee be set up to deal with other portions of the Mischiefs and Nuisances By-law.

Councillor Boutilier asked what constituted a noise.

Mr. Crooks stated that they a noise can be defined by prescribing decibel levels which are not to be exceeded during certain times at certain points. The committee did consider this as an option. One of the difficulties about being precise in the definition of noise is that there is a requirement for a precision of enforcement and precision of proof in court. The feeling of the committee was that it was better to try and give objective character to this regulation by simply saying that certain activities, when carried on at certain times, are deemed to be offensive than to attempt to say that noise is an offence if it exceeds a certain decibel level.

Mayor Lichter asked if the councillors would like the By-law worded in such a way that districts, who wish to, can opt out. It was agreed by council. Mayor Lichter, District 13, Councillor Snow, District 17, and Councillor Fralick, District 3 indicated that they would like to opt out of the By-law. Mr. Kelly was to check with councillors not present ascertain whether or not they wished their districts to be included or excluded.

ORIGINAL MOTION CARRIED

It was moved by Councillor Randall,

"THAT THE SOLICITOR EXAMINE WAYS OF INCREASING THE FINE STATED IN THE NOISE AND NUISANCE BY-LAW FOR DEPOSITING OF GARBAGE"

Mayor Lichter suggested that a sub committee of council or the

executive committee be set up to examine the entire By-law, looking at the views and information that councillors would wish to provide to that committee.

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

"THAT A SUB COMMITTEE OF THE EXECUTIVE COMMITTEE BE SET UP TO EXAMINE THE MISCHIEFS AND NUISANCES BY-LAW"

Councillor Fralick asked if a list of the names of members of the sub committee, when set up, can be made available to all council members.

MOTION CARRIED

RESCIND MOTION APRIL 7, 1992 COUNCIL SESSION

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

"THAT THE MOTION OF APRIL 7, 1992 COUNCIL SESSION TO APPROVE CAPITAL GRANTS FOR CONSTRUCTION OF PEDESTRIAN BRIDGE OVER BECK'S BROOK, COLE HARBOUR BE RESCINDED"

MOTION CARRIED

NOTICE OF FIRST READING NOVEMBER 3, 1992 SESSION - BUILDING BY-LAW

Councillor Fralick stated that information had been requested, through the Rural Services Committee, and he would like to have this information before the first reading.

Mayor Lichter stated that the information is not yet available and he does not have a definite time as to when this would be available.

Mr. Kelly stated that he had seen a copy of a memo to Councillor Meade, Chairman, Rural Services Committee from Bill Butler to indicate that his staff was examining the request.

Councillor Meade stated that it was indicated that there would be a report within two weeks.

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

"THAT NOTICE OF FIRST READING OF THE BUILDING BY-LAW AT NOVEMBER 3, 1992 SESSION BE GIVEN"

MOTION CARRIED

MEMORANDUM RE: BUILDING PERMIT FEE REFUNDS



Councillor Richards asked this has been reviewed at any committee level.

Mayor Lichter stated this staff report, to his knowledge, has not been reviewed at any committee level.

Councillor Richards said it might be appropriate if it were sent either to Planning or Executive. Perhaps a recommendation from a committee might be appropriate.

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

"THAT THIS REPORT BE REFERRED TO THE PLANNING ADVISORY COMMITTEE FOR THEIR RECOMMENDATION"

MOTION CARRIED

Councillor Peters, with reference to the proposed sub-section, asked if the sub-section should state "proposed fee" instead of "proposed construction".

Mayor Lichter requested that Mr. Meech and Mr. Kelly ask Mr. Butler's department that when PAC deals with this item the committee and other councillors be provided with the policy.

RECOMMENDATION - COMMITTEE OF THE WHOLE

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

"THAT THE ADOPTION OF THE MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW FOR COLE HARBOUR/WESTPHAL BE APPROVED AND FURTHER THAT NOVEMBER 30, 1992, 7:00 P.M. BE RATIFIED AS DATE AND TIME FOR THE PUBLIC HEARING. FURTHER THE PUBLIC HEARING BE HELD IN COLE HARBOUR"

MOTION CARRIED

MEMORANDUM RE: TERMS OF REFERENCE - AUDIT COMMITTEE

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

"THAT THE TERMS OF REFERENCE - AUDIT COMMITTEE BE APPROVED"

MOTION CARRIED

MEMORANDUM RE: FINANCIAL STATEMENTS AND AUDIT APPOINTMENT

It was agreed by council that the auditors would be requested to meet with council to make the presentation of the financial statements at the November 3, 1992 council session.

PROCLAMATION - SMALL BUSINESS WEEK

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

"THAT OCTOBER 25TH TO 31ST, 1992 BE PROCLAIMED AS SMALL BUSINESS WEEK"

MOTION CARRIEDREPORT RE: BEAVERBANK SERVICING

Councillor Merrigan stated that this has been an item since July and he would like to know when to expect the report.

Mr. Meech stated that the report is nearing completion and every effort will be made to have it for the next council session. He stated that it involves more than just Beaverbank so it is not quite as simple as just looking at whether or not there is the ability to accommodate Beaverbank. It is also trying to ensure where all of the available capacity will be allocated for now and in the future in terms of the ultimate capacity of that plant. This is why it is a little more complex than just examining Beaverbank.

Councillor Merrigan asked where Halifax County was with regards to hooking up Woodbine.

Mr. Meech stated the trial date is for the spring and in the meantime Halifax County has communicated to the owner, Mr. Havill, that there are some measures that he is required to undertake to satisfy the municipality that things are moving along. He stated they are working on this at the present time. Mr. Meech said that a staff report can be prepared and put on the next council agenda.

UNSM DUES

Mayor Lichter stated that in 1992, based on population and the rate of \$0.275 per capita, Halifax County has paid \$32,886.70 plus GST. In 1993, because of increased population and because of the 6% increase that was voted in on UNSM dues Halifax County will be paying \$39,712.00.

Councillor Deveaux stated that when the motion came to the floor to approve the proposed increase, he commented that Halifax County Municipality felt it was being ill treated as far as the dues were concerned. He stated that he had proposed a cap of \$30,000. be put in place for any municipality regardless of it's population. The only votes in favour of this were the representatives of Halifax County.

Councillor Merrigan stated he was very disappointed in the manner in which Halifax County is accepted. He feels that the UNSM does

not appreciate the county's position with regards to the fees. He feels that Halifax County should withdraw from the union.

Councillor Rankin suggested Halifax County suspend dues until such time as the union is prepared to readdress the inequity of this dues structure based on a system that Halifax County does not draw upon, a people count.

Councillor Brill stated that he would suggest that Halifax County withdraw from the UNSM.

Councillor Bates stated he felt that Halifax County should remain with the present fee structure.

Mayor Lichter said that there were a couple of motions debated at council before the UNSM conference. One was whether Halifax County should stay a member of UNSM and whether Halifax County should boycott the UNSM conference. The feeling of the majority, at that time, was that Halifax County should be going to the conference and make a case for a proper fee structure. The five members who were present felt that they had an obligation to report back to council. None of the members feel that council ought to do what they say they feel is the right step. On obligation to report back is definitely there. He was the only one who said he would attend the conference but would not speak on the issue. He said that only the Halifax County representatives voted for the amendment but when it came to the main motion, instituting the UNSM fees that is before council today, everybody voted for it except the delegates from Halifax County.

Councillor Boutilier suggested that perhaps it is time for the Mayor, Mr. Meech, and the department heads to sit down, independent from councillors, and see if direction can be found as to where Halifax County is going in the next ten years. He stated that a report could be forthcoming with recommendations with regards to financial implications, legal implications, etc. and consequences of recommendations. If Halifax County is not benefitting then have a recommendation and get out of UNSM if it is not necessary.

Councillor Cooper stated that he is disappointed that Halifax County sees itself as a relationship between a business and a client. This municipality is part of the municipal structures in the province of Nova Scotia. He said he feels that this can only be looked at as a cooperative venture. Halifax County may not be happy all the time but if we isolate ourselves, we will not progress. This will not be holding back anyone else and Halifax County will be left out in the cold. He said the Halifax County is a big unit and should be prepared to accept what is a reasonable share of belonging to an organization. He felt Halifax County should not be withdrawing that share. As long as Halifax County is a partner in a cooperative venture then the county should stay with it, work to change it and work to make the improvements that can be

made. He said that if Halifax County is going to continue to progress, it should stay in the organization and not entertain the thought of leaving because Halifax County did not get it's way with regards to the dues structure.

Councillor Richards said that when council spoke before the conference and it was questioned whether or not Halifax County should attend the conference. There were some who questioned withdrawal from the union at that point. He said he has been opposed to the current structure but, at no time did he suggest that Halifax County withdraw. He said that he still does not believe that withdrawal is necessarily the right solution. This leaves Halifax County in a dilemma whether to accept and walk away or continue to fight in another way. He said that there is no doubt that the system of dues evaluation is wrong. It is fundamentally and principally wrong. He does not feel that when the Executive looked at this, it was reviewed positively. The membership would perhaps taken a different view at the conference had the Executive come in with a good recommendation. They came in with no recommendation other than the status quo. He said he feels that the fault lies with the Executive. They were the ones who misread the report of the dues committee and would not accept that report. He does not feel that Halifax County should withdraw but Halifax County has to come back with an alternative approach to see if this can be turned around. He feels that Halifax County should pay it's fair share which he feels is not on the present system.

Councillor Boutilier asked Mr. Meech if he was prepared to give council a recommendation as to whether Halifax County should remain or withdraw.

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

"THAT MR. MEECH AND MAYOR LICHTER DISCUSS THIS ISSUE AND COME BACK WITH A RECOMMENDATION FURTHER THE DUES FORMULA BE UPDATED TO BE INCLUDED IN THE RECOMMENDATION"

MOTION CARRIED

PENSION FOR COUNCILLORS - COUNCILLOR DEVEAUX

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

"THAT THIS ISSUE BE REFERRED TO THE EXECUTIVE COMMITTEE"

Councillor Merrigan suggested staff do a report with regards to pension and what effects it would have to put councillors in the present part time employee pension plan. What extra cost there would be to the municipality and what changes would have to be made to the Charter to have the ability to have this put into effect.

Mr. Meech stated that, at the present time, there is no legislative

authority for the municipality to provide pensions for elected officials other than those that have been provided by a special act. There is no legislative authority at the present time and it would require an amendment to the Charter. Until the Charter provision is changed, to give the municipality enabling legislation, there is no authority available to institute a pension.

MOTION CARRIED

DOT - COUNCILLOR RANKIN

Councillor Rankin referred to Greenwood Heights Subdivision in Timberlea. He stated that vehicular traffic on Brentwood Avenue is excessive, especially at peak times, centring into only one exit from the subdivision to No. 3 highway and a recent two car accident approaching the same exit caused a serious stoppage of traffic. The railroad crossing together with the layout of the split exit at the No. 3 juncture is not a safe design.

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS, WITH A COPY TO DON HOOPEY, DIVISIONAL ENGINEER AND JERRY LAWRENCE, M.L.A. REQUESTING THE DEPARTMENT GIVE CONSIDERATION TO PROVIDING A SECOND EXIT FROM THIS ALREADY LARGE AND GROWING SUBDIVISION"

MOTION CARRIED

MULTICULTURALISM - COUNCILLOR GIFFIN

Councillor Giffin said that Multiculturalism is an iatrical part of our country's social and economic well being. Canada is a land of freedom, justice and hope for all. He made reference to political speech excerpts which referred to Canada as a country in which individuality of each element is not destroyed in order to produce a new and completely different element but a country in which each culture retains the best qualities of it's native lands. The word multiculturalism was coined in Canada in the 1950's and became common usage in the 1960's. He said that one of the biggest problems faced by other cultures was being treated as equals. He said that Canada has immigrants in this country who have aspired to political prominence. He referred to an incident in a school where propaganda and hate literature were distributed. He said it must be demonstrated that this type of behaviour is not acceptable and will not be condoned in our society.

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

"THAT HALIFAX COUNTY COUNCIL WRITE A LETTER TO THE

DEPARTMENT OF EDUCATION, THE HALIFAX COUNTY - BEDFORD DISTRICT SCHOOL BOARD AND THE ATTORNEY GENERAL RECOMMENDING THAT THE PERPETRATORS OF THE LITERATURE DISTRIBUTED THROUGH THE SCHOOL BE CHARGED AND PUNISHED TO THE FULL EXTENT OF THE LAW"

MOTION CARRIED

RATIFICATION OF APPROVED DISTRICT CAPITAL GRANTS

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

"THAT APPROVED DISTRICT CAPITAL GRANTS BE RATIFIED BY COUNCIL"

MOTION CARRIED

URGENT AGENDA ITEMS

DOT - Councillor Peters

Councillor Peters stated she is concerned about sidewalks and Holland Road in district 14. The sidewalks are approximately .5 km long. They stop in the middle of nowhere. She has received assurances from the Minister of Transportation that he is committed to completing that project up to the school entrance. She said the children start walking up the sidewalks which stop in the middle of a valley, they are then forced to cross a very busy street, continue up to the school and recross back over to the school. The partially completed sidewalks have created a problem rather than solving one.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION AND COMMUNICATIONS ASKING HIM FOR AN INDICATION AS TO WHEN THIS NEXT PHASE WILL BE INITIATED AND COMPLETED TO BRING THE SIDEWALKS UP TO, AT LEAST, THE SCHOOL ENTRANCE"

MOTION CARRIED

Notice of Motion to Rescind - Councillor Peters

Councillor Peters stated she would like to make a motion of rescindment, for November 3, 1992 council session, with regards to the removal for the provision requiring the Environmental Assessment.

Waverley Crusher - Councillor Peters

Councillor Peters said that she is aware of the fact that the province has eliminated the need for an Environmental Assessment on

the Waverley crusher but she has concerns for the downstream effect. She said that everything from Lake William comes up through district 17 into district 14 and it's water system. She said there is a very serious ongoing study on the Shubenacadie Pollution Control Study and it's impact and care for the lakes and waterways in districts 14 and 17.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF THE DEPARTMENT OF THE ENVIRONMENT ASKING HIM WHAT KIND OF ASSURANCE HE CAN GIVE WITH REGARDS TO THE IMPACT OF THE PROPOSED NEW CRUSHER ON THE WATER IN DISTRICT 14 OR THE SHUBENACADIE LAKES SYSTEM"

MOTION CARRIED

Waste Reduction Week - Councillor Adams

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

"WHEREAS THE GOVERNMENT OF NOVA SCOTIA AND THE CLEAN NOVA SCOTIA FOUNDATION HAVE DECLARED THE WEEK OF OCTOBER 24 TO 30 AS NOVA SCOTIA WASTE REDUCTION WEEK AND WHEREAS IT IS PRUDENT FOR THE PUBLIC TO EXERCISE NEW DISCIPLINES IN REDUCING WASTE AND WHEREAS THE COUNTY OF HALIFAX AND IT'S METROPOLITAN COUNTERPARTS ARE COMMITTED TO LONG TERM PROGRAMS OF WASTE MANAGEMENT IN THE THREE "R's" OF REDUCE, REUSE AND RECYCLE BE IT THEREFORE RESOLVED THAT THIS COUNCIL CALL UPON ALL OF ITS CITIZENS TO REDUCE THEIR GARBAGE OUTPUT BY HALF STARTING OCTOBER 24TH"

MOTION CARRIED

Mayor Lichter thanked councillors for their generous contributions to the United Way Campaign

IN CAMERA ITEM

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

"THAT COUNCIL MOVE IN CAMERA"

MOTION CARRIED

Council agreed to move out of camera

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

"THAT THE THIRTY DAY TIME PERIOD BE WAIVED"

MOTION CARRIED

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

"THAT COUNCIL CONSIDER THE QUESTIONS TO BE THE PROPER PROCEDURAL QUESTIONS TO BE ASKED"

MOTION CARRIED

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

"THAT COUNCIL STATE THAT IT BELIEVES THAT THE COURT SHOULD ANSWER IN THE AFFIRMATIVE TO ALL THREE QUESTION"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Fralick:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED



COMMITTEE OF THE WHOLE

October 19, 1992

PRESENT WERE: Mayor Lichter  
Councillor Rankin  
Councillor Fralick  
Councillor Holland  
Councillor Deveaux  
Councillor Bates  
Councillor Adams  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Peters  
Councillor Giffin  
Councillor MacDonald  
Deputy Mayor Sutherland  
Councillor Richards  
Councillor Cooper

ALSO PRESENT: G. J. Kelly, Municipal Clerk  
Tony O'Carroll, Planning Department  
Julia Horncastle, Recording Secretary

=====  
The meeting was called to order at 6:00 p.m.

Overview of the Revisions to the Municipal Planning Strategy and  
Land Use By-Law for Cole Harbour/Westphal

Mr. O'Carroll stated that more control has been given over higher density residential developments in this proposed plan through various mechanisms including rezoning development criteria to be looked at. More opportunities for business through the development agreement process while providing for more site specific controls on local, commercial and industrial uses that exist in the community at present. He said this is the general thrust of this plan compared with the existing plan. One example of this is the revisions that were recommended by the Cole Harbour/Westphal Community Council. All outstanding items have been incorporated in the plan. Cole Harbour Shopping Centre have, within six months of the effective date of this planning strategy being approved by council, to come up with a development agreement which can be incorporated into the plan via the comprehensive development district being applied to the properties. This is with the agreement of the owners of that property.

Archie Hattie's proposal for R-1 zoning on Loon Lake Developments has been applied to the lands outside the Lake Major Watershed. There are no special rights given to Auxiliary Dwelling Unit Zone. References have been deleted from the plan and the zone removed

from the Land Use By-law. The only mechanism that could be used for this purpose is to apply for an R-2 zone. Restrictions on Outdoor Storage and Display in residential zones have been included. Provisions for Public Notification and the Road Classifications have been adjusted to reflect what the Community Council felt was the true function of the roads. Some roads were changed from major collector to minor collector roads. Requirements for specific environmental assessment report from provincial or federal authorities has been deleted from three policies which required that as part of the conditions for rezoning or development agreement.

The proposed amendments permit commercial recreation use. This matter is being dealt with by Planning Advisory Committee and is scheduled for a meeting the following week. It was proposed that the amendments be approved and; therefore, be incorporated into the proposed plan to go to a public hearing the end of November.

QUESTIONS FROM COUNCIL

No questions from council.

RECOMMENDATION TO COUNCIL

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

"THAT THIS ITEM BE PRESENTED TO THE OCTOBER 20, 1992  
COUNCIL SESSION FOR RATIFICATION OF NOVEMBER 30, 1992 AS  
DATE FOR THE PUBLIC HEARING"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Fralick:

"THAT THE MEETING BE ADJOURNED"

PUBLIC HEARING

October 26, 1992

PRESENT WERE: Mayor Lichter  
Councillor Rankin  
Councillor Fralick  
Councillor Holland  
Councillor Ball  
Councillor Deveaux  
Councillor Bates  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Peters  
Councillor Merrigan  
Councillor Brill  
Councillor Snow  
Councillor Giffin  
Councillor MacDonald  
Councillor Harvey  
Deputy Mayor Sutherland  
Councillor Richards  
Councillor McInroy  
Councillor Cooper

ALSO PRESENT: G. J. Kelly, Municipal Clerk  
Robert Carmichael, Solicitor  
Bill Butler, Director of Planning

=====  
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 Richards, seconded by Councillor Giffin:

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

APPLICATION BY HALIFAX COUNTY MUNICIPALITY, PURSUANT TO SECTION 113 OF THE PLANNING ACT, TO CONSIDER AMENDING A PLAN OF SUBDIVISION IN NORTH PRESTON WHICH WAS APPROVED ON JUNE 8, 1990.

Mr. Bill Butler gave the staff presentation. He said that this is the first public hearing held under these specific provisions of the planning act to consider an amendment to a plan of subdivision. The situation basically involves a subdivision of land which was approved by the Municipality without the permission of the landowner. The actual subdivision that was approved in 1990 subdivided lot 94 into three parcels. One of these parcels,

section 94B was consolidated with a portion of the rear property, 145A. This resulted in lot 145A-94B being created. The result of that subdivision was also to create three remainder lots, 94A, 94C as well as lot 145B. Initially two properties became four. Mr. Keith Prevost, acting on behalf of his wife Mrs. Eva Prevost, has maintained, since he became aware of the situation, it is the Municipality's responsibility to correct the situation which he contends was a result of the Municipality approving the subdivision. He said that staff are of the opinion that there is no legal requirement for the Municipality to undertake the action because all normal requirements were followed as well as relying upon information provided by the surveyor.

He stated that for the past several months staff has tried to mediate a solution to this problem but have been unable to do so primarily because of the inability to get the cooperation of Mr. Mark Smith who owns lot 145A and has claimed ownership to lot 145B. The provisions of the Planning Act, under which this public hearing is being held, provides authority to repeal or amend the plan of subdivision upon either the application of the owner of the lands involved or at the initiation of council. Since agreement of all the property owners involved has not been obtained that leaves only the initiation of an amendment by council. Under the terms of the Planning Act council has the authority to repeal or amend the plan of subdivision without the consent of the owners involved. There are mandatory notification requirements such as newspaper ads as well as letters sent to the property owners so that they are aware of the proceedings. He said that all those legal notification procedures were followed. It is the opinion of staff that an amendment to the plan of subdivision is preferable option to repealing the entire subdivision back to it's original state. The wronged property owner is the owner of lot 94 and by amending the plan of subdivision to reconsolidate that property, leaving the two rear lots alone, if felt to be preferable than going back to square one. In conclusion, as indicated, this is a unique situation and should council take the amendment recommendation, lot 94 would be reconsolidated to it's previous state. The development officer would approve an amended plan of subdivision which has prepared by the original surveyor involved and, subsequent to the approval, would register the plan as an amendment to the original plan of subdivision.

Deputy Mayor Sutherland asked what position has the surveyor has taken with regards to the responsibility for surveying that land.

Mr. Butler said that they have never actually gotten his legal position. He has been more than cooperative in undertaking the amended plan of subdivision and doing whatever it would take to resolve the situation. It has never been clarified. Mr. Butler said that his personal opinion was that the information provided by the surveyor is the root of the problem but this aspect has not been pursued.

Deputy Mayor Sutherland asked if the surveyor was instrumental in any way in trying to negotiate a settlement outside of coming back to council.

Mr. Butler said that staff had tried to negotiate primarily through the lawyer for Mr. Mark Smith who owns lot 145A and propoerts to own 94B. Despite all efforts the solicitor for Mr. Smith was unable to establish a good contact with his own client. As a result of this, very little was able to be resolved at that initiative. The surveyor was always willing to do whatever had to be done to amend the plan.

Councillor Peters referred to the map of the area of subdivision. She asked if 94A, 94B and 94C were the original boundaries for the Provost land and in actual fact be returning it to it's original.

Mr. Butler said yes if all three portions were reconsolidated it would be the original state of lot 94.

Councillor Peters asked if lot 145A and 145B be left subdivided.

Mr. Butler replied this was correct.

Councillor Giffin asked if 94A is reconstituted as one lot then the house in 145A is partly into that lot.

Mr. Butler said that this is how it appears. He said that there has been no new building permits issued since the subdivision occurred so if that was the situation now it was there before.

Councillor Holland asked where was the driveway to get to the house on 145A.

Mr. Butler said that his understanding is that there is access over lot 94B at the present time. The major intent of adding the 94B portion to 145A was to create a lot that would have direct road access to the North Preston Road.

Councillor Cooper referred to guidelines for repeal of plan of subdivision and asked whether criteria were met in these circumstances.

Mr. Butler replied they were not and his opinion is that the first five provisions of those guidelines are not met by this particular application. (1) The problem created is incapable of being resolved expect by repeal of that plan is not the situation, there is a possibility of amending the plan so it doesn't absolutely take a repeal. (2) The application for repeal was made either by all owners or their duly authorized agents - this is not the case here, the owners have not all applied for a repeal of the plan. (3) A written application for repeal has been made to the development officer including the documentation - if #2 hasn't been followed

then neither has #3. (4) No conveyance, mortgage, lease or other interest in the lands covered by the plan of subdivision has occurred - this is also not the case, there has been a mortgage applied to the entirety of the lot 94B, 145A. Subsequent to the subdivision, there was a mortgage taken out on that entire piece of land so that would also, according to the guidelines, indicate that this is not a situation for repeal.

Councillor Cooper asked if the Municipality was in a position to initiate a planned amendment for a solution to this.

Mr. Butler said that at tonight's public hearing the Municipality is in a position to amend the plan of subdivision in order to return the land of Mrs. Eva Prevost back to it's original state - one parcel, lot 94.

Councillor Cooper asked if there was a suggested solution from the Municipality for consideration by those involved.

Mr. Butler said that if the Municipality had been able to get the cooperation of Mr. Mark Smith the development officer could have amended the subdivision in the manner recommended tonight without having to come through a public hearing process. It's because staff was not able to obtain the permission of Mr. Mark Smith, to the amendment, that it is before council this evening.

Councillor Ball asked if lots 145A, 94B and 145B were owned by the same property owners.

Mr. Butler replied that 145 was owned by Mrs. Isabelle Smith and subsequent to the subdivision portion 145A was conveyed to Mr. Mark Smith.

Councillor Ball asked if Mr. Smith was a relative of Mrs. Smith because there is concern with closing down lot 94B thus reducing the access to 145A and 94B.

Mr. Butler said that lot 145A would be left with no direct road access.

Councillor Ball said that before this whole scenario came about lot 145 had two dwellings previous to it's subdivision and he asked if there was a right of way that goes into lot 145.

Mr. Butler said that this was correct.

Councillor Peters asked, with regards to the road going through lot 94B, how long the road had been in existence.

Mayor Lichter asked Mr. Butler to state the final recommendation.

Mr. Butler said that the final recommendation would be to approve

to direct the development officer to approve a subdivision reconsolidating lot 94, to reconsolidate lot 94A, 94B and 94C to form lot 94 which was the original property.

Councillor Rankin asked if the survey be undertaken by Mr. Prevost.

Mr. Butler said that Mr. Lewis has undertaken the survey and the development officer has a survey application that could be approved if council approved the application tonight.

SPEAKERS IN FAVOUR

Mr. Prevost spoke in favour. He stated that his wife was the owner of the property and had not given permission or consent to this lot to be subdivided and therefore they claim that it is an illegal subdivision because false and erroneous information was supplied. He said he took this matter to the assessment appeal board because of his assessments being for more than one lot. He said the assessment appeal ruled that the subdivision was and illegal act and should be classified as void. He stated that he and his wife claim that through no fault of theirs this lot was subdivided and they are the injured party.

Councillor Giffin asked for clarification on who Susan Smith was.

Mr. Prevost said that Susan Smith was the previous owner.

Councillor Giffin asked Mr. Prevost if, as far as he was concerned, lot 94 was still one piece of land and somebody illegally subdivided it and ran a road up through lot 94B with not prior knowledge or agreement.

Mr. Prevost said this was correct.

Councillor Rankin asked Mr. Prevost if he had any personal equity in the land.

Mr. Prevost replied his equity would be as a result of being the husband of Mrs. Prevost, the owner of the land.

Councillor Rankin asked him if he was speaking on behalf of his wife and if he had her permission to speak on her behalf.

Mr. Prevost said he had verbal permission and he said he also had written permission. He stated that he had checked with Mr. Butler whether or not this was a prerequisite for the public hearing, and Mr. Butler had informed him that it did not necessarily have to be provided.

Councillor Holland asked Mr. Prevost how long the driveway, going through lot 94B, has been in existence.

Mr. Prevost could not give a definite answer.

Councillor Holland asked if it had been in existence prior to Eva Prevost becoming the owner of the property or prior to the subdivision.

Mr. Prevost stated that it was not although he was not sure because he lives in the city and this is a lot they own out in North Preston. He said, in the last few years, he has not visited the community frequently. In 1989 he discovered the driveway going through the property and he had discussed with Mr. Smith the fact that a driveway was in existence and from that time they have been talking, in an unofficial way, about selling a piece of property to him. He said that there is another person in the community who has built a house on lot 94 and it will have to be subdivided at some stage because of this. He said when he had applied for subdivision the land had been subdivided in such a way as to accommodate Mr. Smith enabling him to have the existing driveway. He said that this had been discussed prior to Mr. Smith's application for subdivision. He stated his first knowledge of Mr. Smith's application of subdivision was when his assessment came in the mail as two assessments instead of one. He discovered, on checking this, his land had been subdivided and he had been assessed with two properties instead of one and started to have the situation rectified.

Councillor Cooper stated at the original discussions it had been a fairly serious part about the ownership of the land and what was being intended and with who's approvals. He asked Mr. Prevost if he was prepared to produce the written approval from his wife for this action.

Mr. Prevost said he was surprised this was being made an issue because Mr. Butler had informed him that this was not required.

Mayor Lichter asked the solicitor whether or not this approval is required.

Mr. Carmichael stated that this is an application that has been initiated by council so it does not require an application of the owner of the property. It is not a legal requirement that you confirm Mr. Prevost's authority to speak on behalf of his wife as owner of the property. She would have, as well, received notice of the hearing.

Deputy Mayor Sutherland asked if he had been made aware of the surveying taking place.

Mr. Prevost said that they had not witnessed the surveying or construction of a roadway through the property. He said they would have challenged this earlier if they had known all the details of it. He said that he did not consider the surveyor to be his



employee and the surveyor does not consider himself to be employed by Mr. Prevost. The surveyor is doing this for the county to rectify a mistake that he was a party to and that the county was a party to. The surveyor is offering his cooperation on those grounds. Mr. Prevost said any cost involved in appealing or amending this subdivision he does not feel should be on him. Mr. Prevost stated that he feels he should be compensated for some of his losses over the past. He said that he feels that any additional survey costs are to be the responsibility of the county. He said that laws should be put in place to prevent this from ever happening again by having people prove ownership of lands they are subdividing. He stated that there has been no conveyance of lot 94B.

Mayor Lichter said that it is his understanding that professional surveyors are the only ones who are permitted to prepare survey plans because they do the necessary research as to ownership and registration of land and consequently the surveyor in this particular case is actually doing a survey to rectify a problem that he himself created by not having the research done that should have been done at the time.

Mr. Prevost said that correspondence indicates that the surveyor is acting on his behalf and he would like to indicate that by no means is he acting on his behalf.

Councillor Rankin asked who hired the surveyor.

Mr. Prevost said that he did not hire him and he could not say who had hired him.

Mayor Lichter asked for further speakers in favour.

No more speakers in favour.

SPEAKERS IN OPPOSITION

Mr. Mark Smith spoke in opposition to the application. He said this piece of property, 145A, was owned by his grandmother and his grandfather owned a house on that piece of property. He said that he had built a new house where his grandparents house had been. He said the road going through 94B has been in existence since he was a child. He said that the right of way outlined on the plan was never used because there is a house built on the right of way. The only road used to access that piece of property was from the main road which is now lot 94B. If the road frontage is taken away from 94B there is no access to his lot. That road is a driveway to his lot.

Mayor Lichter asked Mr. Smith when his grandmother owned lot 145A-94B and possibly lot 145B did his grandmother also own land from the North Preston Road in to that lot.

Mr. Smith said that the piece of land was owned by Susan Smith and his grandparents had access through the property from Susan Smith. When he took the property over and built the house he was given the same right of way access.

Mayor Lichter asked if this was without ownership of the land.

Mr. Smith replied yes.

Mayor Lichter said that if council consolidates these three lots it will not change anything about the ownership because the ownership was someone else's before and it will be someone else's now so it doesn't change that fact. He said that whether the land was in three pieces or in one piece does not change the status of the driveway itself.

Mr. Smith said that Mr. Prevost knew the driveway was there and being used for a driveway to that piece of property.

Councillor Holland asked the solicitor if Mr. Smith gained an easement by virtue of that driveway having been used for so many years.

Mr. Carmichael said there are circumstances under which an easement can be acquired over a long period of use. It is important to bear in mind that subdivision does not affect the title to the land. The title to the land is either done through a conveyance or through rights acquired by prescriptive means over a period of time. The subdivision of the land or the reconsolidation of the land does not affect title or interests in the land. If there was an easement or right of way that would continue to exist as an interest notwithstanding how the property was divided or subdivided.

Councillor Holland asked Mr. Smith if Susan and Isabelle Smith were sisters.

Mr. Smith said they had been cousins.

Deputy Mayor Sutherland asked Mr. Smith if any provision had been made in his deed to state that he had the rights to use that right of way to get to his home.

Mr. Smith said he was not sure.

Councillor Brill asked if Mr. Prevost or his wife made aware of the easement when they purchased the land.

Mr. Smith said that his understanding was that the Prevost's were aware. He said that the road has always been in existence.

Councillor Giffin asked if Mr. Smith if he had engaged Mr. Lewis to

do the survey.

Mr. Smith replied that he had.

Councillor Giffin asked Mr. Smith if his intention had been to purchase lot 94B.

Mr. Smith replied that he had thought lot 94B was part of 145.

Councillor Giffin asked Mr. Smith if he had tried to negotiate with the Prevost's once he had realized that there was a problem.

Mr. Smith said that he was under the understanding that there was no problem and he had become aware of the problem when Mr. Prevost approached him approximately a year ago.

Mr. Carmichael said that Mr. Smith may have obtained a legal right of way through prescription or long period of usage, approximately 20 years even though it may not be indicated on the deed. He said that if Mr. Smith has a right of way over 94B does not give him title to the land. It gives him, if he has acquired the right through prescription, is the right of way to pass over it.

Councillor Bates asked if Mr. Smith would have the right to have it surveyed to show where this right of way is located.

Mr. Carmichael said that Mr. Smith would not be able to consolidate that with the lands that he owns. If Mr. Smith does have a right of way, either by deed or prescription, that right of way would remain and would not be affected by the consolidation of lot 94.

Councillor Harvey if the question of the right of way was relevant to what was being asked tonight.

Mayor Lichter replied that he believed that it irrelevant.

Councillor Harvey said that since the Prevost's have documentation to prove that the three subdivided lots are theirs, council deal with this and let the rest sort itself out.

Councillor Richards asked if there was, in Mrs. Susan Smith's deed, a right of way given to access lots 145A and 145B through lot 94B.

Mr. Smith said he did not know.

Councillor Richards asked if this had been researched by Halifax County staff.

Mr. Butler said that he had not seen the deed but the property was searched to confirm ownership.

Mr. Carmichael said that the deed reserves out any roads or public

rights of way but does not specify what those may be.

Councillor Richards said there seems to be, from Mr. Smith's point of view, some concern as to whether or not there was ever a right of way. He said that although it may not be critical to the motion it is critical in supporting what Mr. Smith has been arguing as to what position he will find himself in if council take away his right of way to his property. There was some kind of right of way which was not spelled out completely but he feels this is something Mr. Smith should follow through on.

Councillor Harvey asked when lot 145 was subdivided.

Mr. Butler said that it was subdivided two years ago.

Councillor Harvey said that according to the diagram the intended right of way was the one at the bottom but has not been used because of the more convenient access through 94B. He asked what was the access for the house on lot 145B.

Mr. Smith said that they use the right of way on 94B. Mr. Smith said if Mr. Prevost does as he earlier indicated and brings in a bulldozer and covers over the right of way there will be no access to his house.

Mayor Lichter said that when Mr. Smith hired the surveyor he may have believed that the property belonged to him but according to the solicitor the piece of land definitely belongs to Mrs. Prevost. Consequently what council is contemplating is saying it is the wish of the owner to have that piece of land in one piece and not in three pieces. He said council would not be an adjudicator as to whether the road stays there or not and all he could do would be trust the goodwill between neighbours would remain good. He said that council's only option is to either consolidate those lots or not to.

DECISION OF COUNCIL

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

"THAT THE PLANS BE RECONSOLIDATED TO FORM THE ORIGINAL LOT 94, THE LANDS OF EVA PREVOST"

Councillor Cooper said that he was prepared to make the motion only in the fact that it returns the situation to what it was originally. He said that if it had been any other motion put that would have changed that configuration, he would not have been prepared to go along with this. He said in order for the parties to continue on and where the municipality has acted in good faith the configuration should be returned to the original.

Councillor Harvey said that to return this to the original

configuration would require consolidating lot 145A and 145B into 145 and lot 145 does have a right of way. He said with lot 94 reconsolidated he wondered if lot 145 could be subdivided. He asked if this reconsolidation puts it in jeopardy without an access.

Mr. Carmichael said that there could be some implications which would cause him to have some concern if this plan were to be repealed entirely and lot 145 were to be reconsolidated. The concerns relate to the fact that lot 145 has been, according to the records at the registry of deed, conveyed and there are two separate owners of the property and one of the two properties is subject to mortgage and may be subject to judgements. If you put those two lots back together it could have negative effects on the owner of lot 145B. There would be some concern with the situation which would involve a repeal of the entire.

Councillor Merrigan asked how this situation was brought to staff's attention.

Mr. Butler said that the initial contact was made verbally by the landowners.

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved by Councillor Fralick:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

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

&

PUBLIC HEARING  
NOVEMBER 9 & 30, 1992

&

COMMITTEE OF THE WHOLE  
NOVEMBER 16 & 23, 1992

INDEX

November Council Session 1992

Auditor's Report .....	10
Apens .....	17-18
Auditor's Appointment .....	27
Aerotech Treatment Plant, Disposal Fee .....	35
Atlantic Winter Fair, Disposal Fee .....	35-36
Building Permit Fees Refund .....	20-21
By-law Readings .....	25-26 & 44-46
Borrowing Resolutions .....	42-43
Commissioner of Oaths .....	15-16
Closed Business Occupancy Accounts .....	22
Charter and Amendment Applications .....	26-27 & 40
Cole Harbour/Westphal Community Council Report .....	28-29
Capital Program .....	37-38
Cole Harbour Place, Building Permit Fee .....	40-41
Crosswalk, Ketch Harbour .....	51
Deputy Mayor, Appointment .....	2-3
Dog Control .....	29
Director of Planning & Development .....	30
District Capital Grants .....	52
Environmental Assessments .....	24-25
Fire Inspectors .....	24-25
Fire Communications Centre .....	35
Grants .....	22-23 & 41
Guarantee Resolution, Metro Authority .....	48
Harbour Treatment Plant .....	17
Halifax International Airport .....	27-28
Halifax/Bedford Regional Library .....	43-44
Issuing Resolution .....	43
Letters & Correspondence .....	15-20 & 31-33
Loan, Musquodoboit Harbour Fire Department .....	22
Land Use By-law Notification .....	34
Lockview/MacPherson Sewer Program .....	48-49
Lemon Hill Sports Association .....	51
Motion - Appointment of Recording Secretary .....	1 & 31
Motion - Approval of Minutes .....	1-2
Motion - Appointment of Deputy Mayor .....	2-3
Motion - Metro Authority Funding .....	3-10
Motion - Auditor's Report .....	10
Motion - Minor Variance .....	11-12 & 21 & 39-40

Motion - Halifax County/Bedford Regional Library	....	12-14
Motion - In Camera Item	.....	14 & 30 & 55
Motion - Letters & Correspondence	.....	15-20 & 31-33
Motion - Commissioner of Oaths	.....	15-16
Motion - Harbour Treatment Plant	.....	17
Motion - Apens	.....	17-18
Motion - Transfer Station, Musquodoboit Harbour	....	18-19
Motion - Provincial Budget Planning Process	.....	20
Motion - Building Permit Fee Refunds	.....	20-21
Motion - Date for Public Hearings	.....	21
Motion - Property, McNab and Clarence Street, Eastern Passage	.....	21
Motion - Closed Business Occupancy Accounts	.....	22
Motion - Porters Lake Community Park	.....	22
Motion - Loan Request, Musq. Hrbr. Fire Dept.	.....	22
Motion - Grants	.....	22-23 & 41
Motion - Woodbine Mobile Home Park	.....	23
Motion - Sackville Landfill	.....	23-24
Motion - Environmental Assessments	.....	24-25
Motion - By-law Readings	.....	25-26 & 44-46
Motion - Charter and Amendment Applications	.....	26-27 & 40
Motion - Auditor Appointments	.....	27
Motion - Halifax International Airport	.....	27-28
Motion - UNSM Membership	.....	28
Motion - Cole Harbour/Westphal Community Council Report	.....	28-29
Motion - Dog Control	.....	29
Motion - School Board Maintenance Building	.....	29
Motion - Policing, District 5	.....	29-30
Motion - Director, Planning & Development	.....	30
Motion - Adjournment	.....	30 & 56
Motion - Women's Action Coalition	.....	32-33
Motion - Millwood P4D	.....	33-34
Motion - Public Hearing Locations	.....	34
Motion - Land Use By-law Notification	.....	34
Motion - Fire Inspectors	.....	34-35
Motion - Fire Communications Centre	.....	35
Motion - Disposal Fee, Aerotech Treatment Plant	....	35
Motion - Atlantic Winter Fair Disposal Fee	.....	35-36
Motion - Video Games	.....	36-37
Motion - Capitol Program	.....	37-38
Motion - Cole Harbour Place Building Permit Fee	....	40-41
Motion - Borrowing Resolution	.....	42-43
Motion - Talahassee School Project	.....	43
Motion - Issuing Resolution	.....	43
Motion - Sidewalk Construction	.....	43 & 48
Motion - Sidewalks, Holland Road	.....	43
Motion - Halifax/Bedford Regional Library	.....	43-44
Motion - Sheet Harbour Pollution Control Study	....	44
Motion - Committees & Boards, Non-Council Members	...	44
Motion - Waverley Village Commission	.....	46-47
Motion - Potable Water	.....	47-48
Motion - Metro Authority Appointment	.....	48
Motion - Guarantee Resolution, Metro Authority	.....	48



Motion - Lockview/MacPherson Sewer Program .....	48-49
Motion - Petition, John Brewer .....	49-50
Motion - Lemon Hill Sports Association .....	51
Motion - Crosswalk, Ketch Harbour .....	51
Motion - Dumping, CN Rail Line .....	51
Motion - District Capital Grants .....	52
Motion - Private Lanes .....	52-53
Motion - MT & T .....	53
Motion - Postal Service .....	53
Motion - Site H .....	53-55
Motion - Ridge Avenue, Sackville .....	55
Public Hearings, Dates .....	21
Porters Lake Community Park .....	22
Policing, District #5 .....	5 & 29-30
Public Hearing Locations .....	34
Potable Water .....	47-48
Private Lanes .....	52-53
Postal Service .....	53
Ridge Avenue, Sackville .....	55
Sackville Landfill .....	23-24
School Board Maintenance Building .....	29
Sidewalk Construction .....	43 & 48
Sheet Harbour Pollution Control Study .....	44
Transfer Station, Musquodoboit Harbour .....	18-19
Tallahassee School Project .....	43
UNSM, Membership .....	28
Video Games .....	36-37
Woodbine Mobile Home Park .....	23
Women's Action Coalition .....	32-33
Waverley Village Commission .....	46-47

COUNCIL SESSION

November 3, 1992

PRESENT WERE: Mayor Lichter  
Councillor Meade  
Councillor Rankin  
Councillor Fralick  
Councillor Holland  
Councillor Ball  
Councillor Deveaux  
Councillor Bates  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Taylor  
Councillor Peters  
Councillor Merrigan  
Councillor Brill  
Councillor MacDonald  
Councillor Boutilier  
Councillor Harvey  
Deputy Mayor Sutherland  
Councillor Richards  
Councillor McInroy  
Councillor Cooper

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

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The meeting was called to order at 6:00 p.m. with the Lord's Prayer. Mr. Kelly called roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT THE MINUTES OF THE SPECIAL COUNCIL SESSION, OCTOBER 5, 1992 BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF COUNCIL SESSION, OCTOBER 6, 1992 BE APPROVED"

MOTION CARRIED

APPOINTMENT OF DEPUTY MAYOR

Mayor Lichter said that he wanted to express his appreciation and the appreciation of the entire council to Deputy Mayor Sutherland who is retiring from that position tonight. He has served the municipality with great distinction and council is grateful to him and to his wife, Dolena, for all the times when they were kind enough to take his place and carry on with the burden of the office. They have done a fine job which is much appreciated. The Mayor presented the Deputy Mayor with a token of appreciation.

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

"THAT COUNCILLOR DENNIS RICHARDS BE NOMINATED AS DEPUTY MAYOR"

Councillor Bates said that Dennis was born in East Chezzetcook in 1949 and has lived all his life in Halifax County. He received his early education in the Halifax County School System, before attending St. Mary's University.

Dennis began his work career in 1968, when he joined the Department of Social Services. He remained there until 1972, when he embarked on a career in the insurance industry. He has held a variety of positions within this industry and in August 1991, was appointed agency manager for Assumption Life in Dartmouth.

Dennis was first elected to council in 1988, in the newly formed District 23 in Cole Harbour. He served on a variety of committees and was chosen by his colleagues in Cole Harbour/Westphal to chair the steering committee to research and study the formation of the Cole Harbour/Westphal Community Committee. As some of you are aware, we were replacing the service commission, which had been in existence for 30 years, and there were some trying times during the conversion. I was always impressed with the manner in which Councillor Richards lead our committee, and I am confident that he will give a good account of himself as our Deputy Mayor.

Dennis was reelected by acclamation in 1992. It did not come as any surprise to me when I learned that the newly formed Police Committee chose councillor Richards as their first chairman. He has always been active in community affairs. He has served on the board of Chezzetcook Community Credit Union, as well as the Russel