

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

"THAT THE FOLLOWING PERSONS BE APPOINTED AS FIRE INSPECTOR 1: Fire Inspector David Rose
Fire Inspector Carl MacKeigan
Fire Inspector Tom Silver
Firefighter Craig MacDonald

FURTHER THE FOLLOWING PERSONS BE APPOINTED AS FIRE INSPECTOR 11: Captain Robert Cormier
Captain Michael LeRue"

MOTION CARRIED

Fire Service Office Report Re: Fire Communications Centre

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

"THAT COUNCIL ENDORSE THE RECOMMENDATIONS OF THE EXECUTIVE COMMITTEE WITH RESPECT TO THE ESTABLISHMENT OF A CENTRAL ANSWERING POINT WHICH WOULD RECEIVE CALLS FROM THE E-9-1-1 DISTRIBUTION SYSTEM"

Councillor Ball said that the 911 system is something that the Municipality and Fire Advisory Board has been working on for the last four years and it is going to be provincial legislation that 911 is going to be province wide by 1993. This gives us the ability to carry forward 911 and get the necessary evaluation equipment that is needed in order to take advantage of 100% funding from the JEPP program that is jointly with the provincial and federal government.

MOTION CARRIED

Disposal Fee, Aerotech Treatment Plant

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

"THAT COUNCIL APPROVE THE ESTABLISHMENT OF THE \$0.02 PER GALLON FEE FOR THE TREATMENT OF RAW SEWAGE ORIGINATING FROM AREAS NOT COLLECTED BY THE AEROTECH SYSTEM"

MOTION CARRIED

Atlantic Winter Fair, Sewage Disposal Fee

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

"THAT COUNCIL WAIVE THE \$0.02 PER GALLON FEE FOR RAW SEWAGE TREATMENT FOR THE ATLANTIC WINTER FAIR FOR A SHORT TERM"

Councillor Meade what was meant by short term.

Mr. Meech said he could not give a definitive date but as he understood it the Atlantic Winter Fair is looking at central servicing as a long term solution to the fairgrounds; however, that has not been achievable at this point. They had asked Halifax County to examine whether or not they could dispose of the waste at the Lakeside plant and for various technical reasons Halifax County decided that doesn't make sense. At this point they are seeking this as a relief until such time as they find some long term permanent solution.

MOTION CARRIED

PROVINCIAL VIDEO GAMES - LOCAL FUND RAISING ACTIVITIES

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

"THAT THIS ITEM BE DEFERRED TO THE NEXT SESSION OF COUNCIL ON DECEMBER 1, 1992"

MOTION CARRIED

Councillor Fralick said that he has a group in his community that are preparing a petition. He asked if it would be appropriate to have these people in because he has had a great deal of opposition to these machines.

It was moved by Councillor Fralick, seconded by Councillor

"THAT COUNCIL GIVE CONSIDERATION TO HEARING A GROUP OF CITIZENS FROM DISTRICT #3 WITH REGARDS TO THIS ISSUE AT THAT COUNCIL SESSION"

MOTION CARRIED

Deputy Mayor Richards said that it would be up to council whether or not they wished to hear from the group of citizens from District #3.

Councillor Sutherland asked if there could be a spokesperson for the group if council decides to hear from them.

Councillor McInroy asked if there could be some information obtained from government regulatory agencies with regards to this. He said that any information with regards to what research or what studies or surveys have been conducted or have been conducted, ongoing, relative to their use. He said he would like to have staff pursue this and find out whatever information the regulatory body has.

Councillor Smiley said this is one reason why she wanted this

deferred tonight because she has done a fair amount of research on all areas of the question and, at the next council session, she wanted to cover all of those concerns that Councillor McInroy had and go forward from there. She said part of that motion that she will make at that time will be about the education of council on all aspects of this question. She said that council should wait until that council session and talk about it then.

MEMORANDUM RE: CAPITAL PROGRAM

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

"THAT COUNCIL RECEIVE AND RATIFY THE CAPITAL PROGRAM"

Councillor Ball said that if you look at this very realistically the capital projects that are given may be somewhat discriminatory only in the sense that if you are in a serviced area then you become eligible for 20% county grant if your project is approved and that service goes in. He said that he feels council should sit down and really discuss, as a body, what the criteria is going to be for the various projects that council will agree to, whether those projects are limited to and only to serviced kind of projects, or whether they should be some other projects that can be looked at for the betterment of the entire municipality.

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

"THAT THIS ITEM BE DEFERRED UNTIL SUCH TIME AS COUNCIL CAN HAVE A PAPER POSITION DISCUSSION OF A COMMITTEE OF THE WHOLE SPECIFICALLY ON THE CRITERIA AND WHAT KINDS OF PROJECTS ARE CONSIDERED AND WHY OTHER PROJECTS MAY NOT BE CONSIDERED"

Mr. Meech said he is asking this to be ratified this evening is more for a technical reason. There is a debenture issue going out and included in that was a project that was not included in last years capital program and before the department can legally or technically go ahead with the bond issue they need to have a capital program that includes all of those projects. He said his report is suggesting that council ratify this evening technically with the understanding and commitment that he will be back shortly to a Committee of the Whole to give council the financial implications and for adoption with any revisions.

Mr. Meech said they are outlined in the report although it has nothing to do with cost sharing. It has to do with the legal requirement that before they can give Halifax County the authority to issue the long term debt they have to have in their files a document that indicates that all of those specific projects that are going to get long term funding are part of the capital program. He said that he is suggesting council technically ratify this and

then come back and go through the suggested process.

Councillor Ball said that if it is solely for the purpose of meeting the technicality and the intent is to have a Committee of the Whole to look at specifically what kinds of projects, what input, then he would withdraw his deferral motion. The seconder agreed to withdrawal of the deferral motion.

Councillor Cooper said that there are questions on the new form which he feels should be answered.

Mr. Meech said that when this was presented to the Executive Committee they support what had been asked with no debate or discussion on the details of the proposal.

Councillor Cooper said that the new headings under Priority C are new headings in the format of this report.

Mr. Meech said that he would have to go back and reference this.

Councillor Cooper said that at previous council session Mr. Meech had been asked to do reports regarding criteria and health aspects in capital projects and he would like to know the status of these reports.

Mr. Meech said, with regard to the criteria that is employed at the administrative level, is reflected in the A,B,C's. He said that he is aware of the report on health aspects and he has been monitoring this over the last number of months and hopes to have it finalized soon. He said he is still waiting for some data from the provincial departments in order to finalize this.

Councillor Cooper said it may be useless to have the Committee of the Whole meeting until those reports have been completed so that council can establish the policies whereby the capital programs are established. There are many projects that have been on some of these lists for many years and they always maintain the same position and receive no support. He said he would ask that those reports be ready for the Committee of the Whole meeting.

MOTION CARRIED

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

"THAT A COMMITTEE OF THE WHOLE SESSION BE SCHEDULED, AT MR. MEECH'S DISCRETION, WITH THE PROPER REPORTS READY"

Councillor Sutherland said that he would like to have documentation and direction from staff in terms of establishing priorities and what parameters are used to establish these priorities.

MOTION CARRIED

PRESENTATION OF CITIZENSHIP BADGES TO THE BOY SCOUTS, TIMBERLEA

Councillor Rankin identified four scouts and their leaders who were in attendance to receive their citizenship badges. He said they do very important community work and in doing so enrich the communities. He commended the leaders on their work and presented each of the scouts with a Halifax County pin.

MINOR VARIANCE APPEAL

Mr. Gail Bowen outlined the appeal for council. She said that a minor variance application was made by Mr. Joe Lewis to construct a shed four feet eight inches from Rankin Drive right-of-way instead of the required twenty feet. A site visit was carried out. The lot contains a single unit dwelling and a swimming pool. It was determined, during the site visit, that there was an alternate location for the shed which would have a greater setback than what was being requested.

Mr. Kelly identified two letters which were received. The first, which was contained in the agenda was from Keith R. Coles and the second letter from Mr. & Mrs. James E. White, 228 Rankin Drive, Lr. Sackville was received on November 13, 1992.

Deputy Mayor Richards said that as all councillors had received the letter it has been recognized and received into the minutes.

QUESTIONS FROM COUNCIL

No questions from council.

SPEAKERS IN FAVOUR

Mr. Joseph Lewis, owner of the property, said that he would like to put a shed in the back yard. He said that there is concern with snow removal but there is a fence and cedar hedge between the shed and department of transportation line.

QUESTIONS FROM COUNCIL

No questions from council.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

Councillor Sutherland said that he had visited Mr. Lewis and found that part of the problem was that this is a corner lot and Mr. Lewis is within twenty feet of Rankin Drive on one side and on the other side he is within the required twenty feet. He said the

property is very well maintained and he feels assured that Mr. Lewis would not build anything that would detract from the property.

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

"THAT THE MINOR VARIANCE BE APPROVED"

MOTION CARRIED

CHARTER AND AMENDMENT APPLICATIONS

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

"THAT THE REPORT BE TABLED FOR INFORMATION"

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Building Permit Fees Re: Expansion Cole Harbour Place

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

"THAT COUNCIL APPROVE THE WAIVING OF THE BUILDING PERMIT FEES FOR THE COLE HARBOUR PLACE EXPANSION"

Councillor Ball said that he felt maybe the county could be better served if council could pass a resolution that for municipal buildings or municipal properties being erected there be an exemption clause within a policy whereby any municipal facilities that are going to be constructed that the building permit fees be waived automatically. Regardless of the project then it simply be exempted and not have to go through this but make it a standing policy of council.

Councillor Cooper asked if such a policy was adopted would it require the three readings under the Charter.

Mr. Meech said he had Mr. Crooks prepare an amendment to the Building By-law because there is not provision, at the moment, in the Building By-law that allows Halifax County to exempt municipally owned property. He said he was going to come forward with a recommendation that, in fact, that type of provision be incorporated in the Building By-law and because it would be an amendment to the Building By-law that it would have to go through the normal procedure to amend the by-law.

Councillor Cooper said he would ask that the present motion stand because if this exemption is not granted the work on the expansion may be held up.

Councillor MacDonald said it is a good idea to have a policy but to go ahead and adopt this exemption at this time.

Councillor Merrigan asked if Halifax County is able to, based on the present by-law, waive the building permit.

Mr. Crooks said the by-law binds the municipality but part of what has to be examined is precisely what the scope of the exemption would be in the case of Cole Harbour Place where the building and facilities are owned by the municipality, managed by the municipality and where there is no separate or distinct entity in any sense between the municipality and Cole Harbour Place. Under those circumstances what is being done here is ratification of method of accounting for costs that are being incurred by the municipality. He said that he is satisfied and would recommend that council, if it is so disposed, could proceed in this way with the Cole Harbour Place fee. He said he also take note of Councillor MacDonald's comments with respect to careful consideration being given to just how the exemption is going to apply to facilities that may be municipally owned but may be managed or under lease or control of an organization or entity that is not under the control of the municipality.

MOTION CARRIED

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

"THAT A FORMAL RESOLUTION BE PUT IN PLACE OUTLINING A PROPER AMENDMENT TO THE BUILDING BY-LAW IN ORDER TO HAVE EXEMPTIONS ON MUNICIPALLY OWNED PROPERTIES BUT SPECIFIC CRITERIA WOULD HAVE TO BE OUTLINED AS TO WHAT PROPERTIES OR ORGANIZATIONS WOULD BE EXEMPT UNDER THAT PARTICULAR STANDING ACT"

MOTION CARRIED

Capital Grant Requests

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

"THAT COUNCIL APPROVE THE FOLLOWING CAPITAL GRANT REQUESTS:

- (A) District Parkland Grant, District #3, in the amount of \$2,500.00 for playground equipment and landscaping, Sheldrake Lake and;
- (B) District Parkland Grant, District #3, in the amount of \$1,250.00 for playground equipment and landscaping, Lake of the Woods."

MOTION CARRIED

BORROWING RESOLUTIONS - RENEWALS

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

"THAT BORROWING RESOLUTION RENEWAL 92-05, STORM SEWER (CALDWELL ROAD) IN THE AMOUNT OF \$2,050,000. BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION RENEWAL 92-06, WATER (CHERRY BROOK - PHASE II) IN THE AMOUNT OF \$838,000. BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION RENEWAL 92-07, WATER (OLD WINDSOR ROAD) IN THE AMOUNT OF \$20,000. BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION RENEWAL 92-08, SEWER (OLD WINDSOR ROAD) IN THE AMOUNT OF \$25,000. BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION RENEWAL 88-06, RECREATION FACILITIES IN THE AMOUNT OF \$2,000,000. BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION RENEWAL 89-01, COLE HARBOUR PLACE (LEASEHOLD) IN THE AMOUNT OF \$115,000. BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION RENEWAL 85-03, INDUSTRIAL PARK (INFRASTRUCTURE) IN THE AMOUNT OF \$6,800,000. BE APPROVED"

MOTION CARRIED

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Funding - Talahassee School Project

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

"THAT COUNCIL APPROVE THE ADDITIONAL FUNDING FROM THE MUNICIPALITY FOR PHASE II OF THE PILOT PROJECT, TALHASSEE SCHOOL AND RECREATION CENTRE, SUBJECT TO RECEIPT OF FUNDING FROM THE NOVA SCOTIA SPORT AND RECREATION COMMISSION"

MOTION CARRIED

Issuing Resolution

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

"THAT COUNCIL APPROVE A DEBENTURE ISSUE IN THE AMOUNT OF \$7,408,800."

MOTION CARRIED

Sidewalk Construction Agreement 1-G

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

"THAT COUNCIL APPROVE SIDEWALK CONSTRUCTION AGREEMENT 1-G RESPECTING SIDEWALK CONSTRUCTION, LOCKVIEW ROAD AND HOLLAND ROAD"

MOTION CARRIED

Councillor Peters said that the original agreement for the Holland Road sidewalks was up to the school and past the school into Brook Street and down Brook Street. This has been done in two parts; the first was .5 km and the second part, which is presently under construction and being approved at this time, therefore:

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

"THAT A LETTER BE SENT TO THE MINISTER, DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS ASKING WHEN THIS WILL BE FINALLY COMPLETED TO BROOK STREET AS ORIGINALLY AGREED"

MOTION CARRIED

Halifax County Regional Library - Capital Grant Proposal for

Automatic Library System

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

"THAT COUNCIL APPROVE THE RECOMMENDATIONS CONTAINED IN THE STAFF REPORT WITH THE EXCEPTION THAT OPTION "B", TERM OF DEBENTURE, BE FIVE (5) YEARS"

MOTION CARRIED

REPORT RE: SHEET HARBOUR POLLUTION CONTROL STUDY

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

"THAT THE REPORT BE RECEIVED"

MOTION CARRIED

NON COUNCIL MEMBERS, COMMITTEES AND BOARDS

Mr. Kelly said that he has identified those non council members on committees and boards whose term expires as of December 31, 1992 for council's consideration at one of the council sessions in December.

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

"THAT NON COUNCIL MEMBERS, COMMITTEES AND BOARDS MEMBERSHIP BE FINALIZED AT THE NEXT SESSION OF COUNCIL"

MOTION CARRIED

SECOND AND THIRD READING, MISCHIEFS AND NUISANCES BY-LAW

Mr. Crooks said the there was a minor change on page 5 of the draft of the Mischiefs and Nuisances By-law which is in the agenda book. Sub section 4 (e) should read, in keeping with changes which were made, "activities except between 1:00 o'clock a.m. and 7:00 o'clock a.m. of the same day".

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

"THAT THE SECOND AND THIRD READING, MISCHIEFS AND NUISANCES BY-LAW, BE GIVEN"

Councillor Peters asked if this was passed it would apply to all districts with the exception of the three that have chosen not to have the By-law.

Mr. Crooks said this was correct. The By-law, once it comes into effect, it will not apply in district 3, 13 and 17.

Councillor Peters if those districts decide to have the Mischiefs and Nuisances By-law applied to their districts, at a later date, what would be involved.

Mr. Crooks said the procedure would be the same as applies to the adoption of a By-law. It would require an amendment to this By-law which would require the three reading procedure, approval of the Minister and public notice of enactment.

Councillor Peters asked if this was done would it be at the cost of the Municipality.

Deputy Mayor Richards said that it is his understanding that any By-law that is approved by the Municipality is at the cost of the Municipality.

Mr. Crooks said the exemption of the three districts is exemption from the application of section 16 which contains the noise control provision. In other words, the Mischiefs and Nuisances By-law applies in those districts as it stands and will continue in effect to apply in those districts with the exception of the new provisions which are being adopted with regard to the control of noise.

Councillor Peters asked if someone was doing his regular job would he be considered to be creating a noise or nuisance.

Mr. Crooks referred to section 15 which would leave room for a fair amount of judgement and latitude on the part of the courts in deciding what constitutes an annoyance. The mere conduct of a business in a way that causes disturbances to the occupants of neighbouring properties would, in his view, constitute a violation of section 15. If noise is necessarily and reasonably incidental to the operation of a business under applicable zoning then section 15, in his view, would not apply to limit or restrict the operation of that business.

He said that section 15 is a general prohibition which says to conduct a business reasonably within the parameters of that business activity then it is not a nuisance which is going to be controlled by this provision. But if it is conducted in a way which is unreasonable and that causes annoyance then section 15 is going to restrict you. Section 16, where it will apply, is all of the districts except the three that were mentioned puts some specific limitations on when certain kinds of equipment and activity can be carried out. Construction equipment cannot be operated between ten o'clock at night and seven o'clock in the morning except to be moved to or from a site.

MOTION CARRIED

FIRST READING, BUILDING BY-LAW

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

"THAT THE FIRST READING OF THE BUILDING BY-LAW BE DEFERRED TO THE DECEMBER 1, 1992 SESSION OF COUNCIL"

MOTION CARRIEDAGREEMENT WAVERLEY VILLAGE COMMISSION

Councillor Ball said this is an agreement between the Village Commission regarding the fire service in the Village of Waverley and he said he would move the agreement as is but he would like to know, based on the agreement that is in existence, if it is the belief of Mr. Crooks that the Municipality has any responsibility towards the fire service in the Village of Waverley. He referred to clause 2(4) where it says "for insurance purposes the vehicles will be registered under the municipality's name". He asked if the property is in the Municipality's name and if the driver of that vehicle operates it in a negligent manner or if the vehicle as a result of poor maintenance causes some problems, injury etc. to people who operate the vehicles within the Village of Waverley, would the Municipality be held responsible for the injuries inflicted.

Mr. Crooks said there may be liability, on the part of the Municipality, arising out of the vehicle being registered in the name of the Municipality but he notes that clause 4, pages 2, gives the municipality the right of indemnity against the Village with regards to any liability, all claims and demands, etc. that may arise out of the operation of the fire service. He said, yes, the Municipality may in fact have some liability and may be named in a lawsuit and may be found liable in damages. It would appear from reading article 4 the intention clearly was, under those circumstances, the Municipality would have a right to be indemnified or to claim that amount back from the Village Commission.

Councillor Ball said that the intent with the agreement that was struck between Village Commission and the County of Halifax was that in no way, shape or form, since the municipality cannot be involved in the Fire Service in any way, in the Village of Waverley, that Halifax County would not be held responsible for any injurious acts within that fire department. If it was a matter of convenience for them to be able to participate in the employee benefit package, or if for insurance purposes it was required that the municipality insure the vehicles, then that in no way would reflect any responsibility on the part of the municipality. He said if this reflects responsibility and only give Halifax County the right to seek indemnification from the Village then he would like to suggest that a further look be taken at that clause so that it can be reworded in order that the Village of Waverley takes on the responsibility of insuring and registering the vehicles in

their name.

Councillor Rankin said that a signal has to be sent to the Waverley Village Commission that Halifax County is doing everything possible to put together a deal.

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

"THAT THIS ITEM BE DEFERRED TO THE NEXT SESSION OF COUNCIL OR UNTIL SUCH TIME AS A LOOK CAN BE TAKEN AT CLAUSE 4 AND, IF IN ANY WAY, SHAPE OR FORM HALIFAX COUNTY'S NAME CAN BE ATTACHED TO A JUDGEMENT, THEN THE CLAUSE BE REWORDED SO THAT THE VILLAGE OF WAVERLEY TAKES ON THE RESPONSIBILITY OF INSURING AND REGISTERING THE VEHICLES IN THEIR NAME. "

MOTION CARRIED

POTABLE WATER, DISTRICT 18

Councillor Giffin said that on January 7, 1992 the Engineering department was requested to provide a report respecting a viable solution for provision of potable water in the Hammonds Plains area. He said an update was received in June with facts and figures and there was supposed to be a more detailed report forthcoming this fall. He has been given figures between \$8 and \$10 million to having sewer and water to the Upper Hammonds Plains area. He said a figure of that nature dealing with approximately 125 homes the residents contribution would be prohibitive if it was based on the normal county/resident contribution. He said Upper Hammonds Plains problem is one of chemical contamination in addition to having no water and having to have their wells topped up by the fire departments which has a risk involved.

He said he has done some research and investigation with the water commission. He said there is definitely a requirement for potable water in this area and a solution has to be found. He read a letter, which had been circulated, from the Upper Hammonds Plains Economic Development Committee which requested that Halifax County Municipality take immediate action to: 1) review and examine the original 1975 Pockwock agreement; 2) acknowledgement of the 15 year delay in recognizing this problem; 3) outline specific plans of action as to the course of action to be taken on this issue for the development of a proposal that would include supplementary funding from Federal and Provincial sources to offset resident costs in forthcoming and/or proposed water project and all action taken in this matter be conveyed to the community residents designated by the community.

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

"THAT THE LETTER BE RECEIVED AND FORWARDED TO STAFF FOR EXAMINATION AND FURTHER THAT HE, AS WELL AS THE ECONOMIC COMMITTEE, BE INFORMED OF ANY ACTION WHICH IS GOING TO TAKE PLACE"

MOTION CARRIED

APPOINTMENT OF ALTERNATE - METROPOLITAN AUTHORITY

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

"THAT COUNCILLOR BALL BE NOMINATED AS ALTERNATE - METROPOLITAN AUTHORITY"

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

SIDEWALK CONSTRUCTION AGREEMENT - 1-H

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

"THAT SIDEWALK CONSTRUCTION AGREEMENT 1-H BE APPROVED"

MOTION CARRIED

GUARANTEE RESOLUTION - METROPOLITAN AUTHORITY

Mr. Crooks informed council that the formal borrowing resolution which came before council from Municipal Affairs required some adjustment and those suggested revisions were made on behalf of the municipality. Municipal Affairs have informed Halifax County that they find the revisions acceptable so the guarantee resolution is now in a form which is consistent with the previous resolution passed by council dealing with this issue.

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

"THAT THE GUARANTEE RESOLUTION - METROPOLITAN AUTHORITY BE APPROVED AS AMENDED"

MOTION CARRIED

PROPOSED LOCKVIEW/MACPHERSON SEWER PROGRAM

Mr. Meech said this has been a project that has been under consideration for a number of years. He said that for various reasons it has been put on hold and the last reason was with the

concern for the increased cost as a result of having to provide tertiary treatment. He said Halifax County was also attempting to get confirmation from various sources as to the possibility of some financial contributions. He said that confirmation has been received of the additional sums and, as a result of this, three options have been prepared. He said he is seeking some direction from council in terms what Halifax County is prepared to utilize as the formula for the distribution of the cost. The local ratepayers association would like to have an update provided for their meeting in order to share the information with the residents of the area.

He said it had been indicated to the residents of the community that based on the estimated cost and the sources of funding, the charge to the property owner was going to be \$25.00 per linear foot plus a \$2,000.00 contribution per dwelling unit towards the treatment facility. There was a plebiscite held at that time which came out in the affirmative on the majority side but, for various reasons, the project has been put on hold.

He outlined the options. He said in Option 1, with the estimated total cost of 100%, it is showing a confirmation of \$150,000.00 contribution from Sobeys as well as \$128,000.00 from Government Services which would give a net cost of \$3.8 million. If the cost is distributed on the basis of 20% Municipal Affairs, 50% from the Municipality's Capital Grant Fund and 30% would be charged to the user.

In Option 2 there is the same total cost however the County's contribution would be 50% of the total cost and Municipal Affairs would be 20% and then there would be the contributions from the other two organizations and agencies which would give a net recovery from the property owner of a lesser amount.

Option 3 is based on an assumption where the Province may not be in a position to extend it's 20% to revised figure however, the information he has received would indicate that they are going to be prepared to do that. He said that what was really being looked at was either Option 1 or 2.

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

"THAT COUNCIL RECOMMEND OPTION 2"

MOTION CARRIED

PETITION

Mr. Kelly said that the petition had been received from John W. Brewer with reference to the decision of council at the November 9th public hearing.

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

"THAT THE CORRESPONDENCE BE RECEIVED"

Councillor Ball said that it might be advisable to refer the matter to the Planning Advisory Committee to review.

MOTION CARRIED

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

"THAT THE MATTER BE REFERRED TO PLANNING ADVISORY COMMITTEE AND STAFF TO FURTHER LOOK AT THE ISSUE"

Councillor McInroy said there had been a public hearing where there was an opportunity to come and present their views. Staff has gone through and done their analysis and presented their report. He said it has gone through due process and he would not like to see the process started up again without having some serious reasons to do that.

Councillor Boutilier asked what the procedure and limitations were when a public hearing was properly advertised. He asked if there was any recourse to come back and if the recommendation was to have another public hearing, can it be done right away or is there a waiting period.

Mr. Crooks said there wasn't anything that would constrain the Municipality from proceeding to review or consider a fresh application. There is nothing in the Act that would prescribe an intervening period of time although it would have to be a fresh application. It would be a matter of reviving and reconsidering the application that had already been before council. The matter would have to come forward and be reconsidered fresh. At some point, in terms of controlling procedure, if council was faced with the situation where it had declined to approve a particular application for rezoning and then was faced with a series of applications to consider the same matter, council could simply decline to deal with it and that would give rise to rights of appeal to the Municipal Board. There is no constraint on council's ability to look at another application concerning the same subject matter.

Councillor Boutilier asked if, under the Planning Act, there was anything that prevents this from going again.

MOTION CARRIED

13 IN FAVOUR

6 OPPOSED

DOT - COUNCILLOR TAYLOR

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS ASKING THAT THE LEMON HILL SPORTS ASSOCIATION CLUB HOUSE ROAD BE PLOUGHED FOR THE UPCOMING SEASON"

MOTION CARRIED

CROSSWALK, KETCH HARBOUR - COUNCILLOR BALL

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

"THAT A LETTER BE WRITTEN, WITH A COPY TO THE MLA, TO DEPARTMENT OF TRANSPORTATION AND COMMUNICATION REQUESTING THE INSTALLATION OF A CROSSWALK IN THE KETCH HARBOUR AREA BY ST. PETER'S CHURCH AS THERE IS A SCHOOL BUS STOP IN THE PARTICULAR AREA"

MOTION CARRIED

DEPARTMENT OF NATURAL RESOURCES - COUNCILLOR RANDALL

Councillor Randall said his item deals with the dumping of garbage along the former CN rail line. He said the property is owned by the Department of Natural Resources and a portion of the line, which is of concern to him, is from Lawrencetown to Musquodoboit Harbour running through the villages of Lawrencetown, Three Fathom Harbour, Seaforth, the Chezzetcooks and Gates Brook. There are a number of locations along the #7 and #207 highways where there are ways of access to this property and wherever these exist there is garbage being dumped. He said he understood that this property was being considered as recreational land. He said this is happening more and more since the closing out of the transfer station in Musquodoboit Harbour has added the amounts that are being dumped.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER, DEPARTMENT OF NATURAL RESOURCES, WITH A COPY TO THE MLA, ASKING HIS STAFF TO CONSIDER A CLEAN UP OF THAT AREA AND FURTHER LOOK AT WAYS OF STOPPING THIS DUMPING SUCH AS BLOCKING THESE ACCESS WAYS TO VEHICULAR TRAFFIC. FURTHER HE WOULD LIKE TO KNOW WHAT PROCEDURE, IF ANY, THERE IS IN PLACE WHEREBY PROPERTY OWNERS WHO'S PROPERTY IS DIVIDED BY THIS RAIL LINE MIGHT PROCEED TO ASK THE DEPARTMENT TO CORRECT THE SITUATION"

MOTION CARRIED

CONFLICTS OF INTEREST

Councillor Peters said since becoming a member of council she has had occasion to declare "conflict of interest" on three separate

occasions primarily to do with insurance and pension plans, etc. She said she has been more than willing to do this even though she has not seen a conflict on her behalf. She asked if the company she works for has not quoted on the job, it has no relationship to her business and she would receive no benefit from it she would like to know is she has to declare a "conflict of interest". She said it is regrettable because she feels she could bring some intelligent questions or points of interest to the discussion.

Mr. Crooks said that the definition of "interest" direct an indirect is quite broad over the municipal "Conflict of Interest Act" and he would like to consider this and provide general comments to council with regards to the question being raised. As advisor to council he can provide general comments about the Act and it's application but it would not be appropriate for him to give advise to an individual councillor with respect to whether or not the individual has in a specific set of circumstances a conflict of interest. He said he would prefer an opportunity to come back at the next council session to provide those comments after he has an opportunity to look at the act.

RATIFICATION OF APPROVED DISTRICT CAPITAL GRANTS

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

"THAT THE APPROVED DISTRICT CAPITAL GRANTS BE RATIFIED"

MOTION CARRIEDURGENT AGENDA ITEMSDepartment of Transportation - Councillor Deveaux

Councillor Deveaux said that his items pertains to lanes where sewer and water has been installed both in his district as well as district 2, Timberlea. When sewer and water was installed into these private lanes an agreement was made by the Department of Transportation and the Municipality that should there be any further request to upgrade these private lanes the Department of Transportation would not contribute any financial funding towards that project. They have, on occasion, done so prior to that. He said these lanes are listed in the appendix of his plan and the Timberlea plan. He said that both he and Councillor Rankin have requested and received some figures from Bruce Miller of the Engineering Department as to what the required extra funding would be in order to upgrade some of these lanes. He said he would be satisfied to have four done and there are six in the Timberlea area. He said that these lanes would not be able to be upgraded because of the exorbitant costs on frontage.

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION TO RECONSIDER THEIR DECISION AND PROVIDE FUNDING TOWARDS THE UPGRADING OF PRIVATE LANES IN QUESTION TO BE COST SHARED BETWEEN THE PROVINCE AND THE ABUTTER IN ORDER TO BRING THE FRONTAGE COST DOWN TO THE ABUTTING RESIDENTS TO NO MORE THAN \$30.00 PER FOOT. FURTHER HE WOULD REQUEST THAT A COPY OF THE LETTER BE SENT TO THE MLA IN BOTH AREAS."

MOTION CARRIED

Councillor Rankin said that they were asking the municipal staff to assist in profiling the negotiations between the province and the residents in a leadership role. He said he would like the staff, the mayor's office and the CAO involved in the negotiations to bring about a successful solution.

MT&T - Councillor Adams

Councillor Adams said there are a number of residents in district 8 that feel inconvenienced when they realize they can't use the call holding or the call forward program under the 829 and the 827 exchange. He said MT&T could not provide an answer as to when that service would be available for 829 and 827.

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

"THAT A LETTER BE WRITTEN TO MT&T ASKING FOR A SPECIFIC TIMETABLE AND PROGRAM AS TO WHEN THE CALL HOLDING AND CALL FORWARDING PROGRAM WOULD BE AVAILABLE FOR THOSE EXCHANGES"

MOTION CARRIED

Postal Service - Councillor Adams

Councillor Adams said Canada Post continues to install their new permanent based mailboxes in the urbanized areas of Halifax County. He said there is a need for more of these supermailboxes in his area.

It was moved by Councillor Adams, seconded by councillor Randall:

"THAT A LETTER BE WRITTEN TO CANADA POST ASKING FOR A SPECIFIC SCHEDULE OF PLANNED SITINGS OF THIS TYPE MAILBOXES OFF THE #7 HIGHWAY THROUGHOUT DISTRICT 8"

MOTION CARRIED

Site H - Councillor Adams

Councillor Adams said he feels Site H faces some serious dilemma

these days as the site of choice for Metropolitan Authority's proposed landfill site. He said he would like to urge and encourage the Metropolitan Authority to begin looking at new options or alternates for landfill siting before the time factor is too late.

He said he feels it would be prudent for the Authority to take a look at alternate sites.

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

"THAT METROPOLITAN AUTHORITY BE URGED AND ENCOURAGED TO BEGIN LOOKING AT NEW OPTIONS OR ALTERNATES FOR LANDFILL SITING"

Councillor Harvey asked if the motion included existing sites.

Councillor Adams said his motion doesn't. He said that there is no intent in his motion to abandon the site. He said with the dilemma that the site faces it might be prudent to start looking at alternates at this point in time.

Councillor McInroy said he is uncomfortable with council being asked to take a position.

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

"THAT DEBATE BE LIMITED TO 15 MINUTES"

MOTION CARRIED

15 IN FAVOUR

5 AGAINST

Councillor Peters said she would like to support Councillor Adams motion because if site H turns out to be "Not Viable" for whatever reason she would like to have an alternative site available.

Councillor Deveaux said he could not support the motion.

Councillor Randall feels that an alternate site should be looked at and further council should be made aware of how far the project is overexpended and behind schedule.

Councillor Richards said that Halifax County council has taken a position with regards to the Waste Management Strategy and site selection, etc. and before a motion can be entertained that would alter that, Halifax County's previous position would have to be rescinded and then a new position put forward. He said he felt it would be most inappropriate for council to take a position of either rescindment or a new position at this time. He said that he would only entertain a motion of withdrawal or rescindment of Halifax County's present position.

Mr. Crooks said that matters of substance, including matters of new business, should not be dealt with except on the basis of proper agenda notice. The procedural rule is that matters of substance require proper agenda notice in order for all council members to have an opportunity to know what matters of substance are going to be considered, at a meeting, in terms of determining whether or not it might be necessary or important to be present. Also this would also allow staff to know whether the matter is consistent with or contradicts some previous position taken.

Deputy Mayor Richards declared the motion on the floor "Out of Order".

ADDITION OF ITEMS TO DECEMBER 1, 1992 COUNCIL SESSION

DOT - Councillor Giffin

Recycling Incentives - Councillor Sutherland

Site H - Councillor Adams

DOT - Councillor Fralick

DOT - Councillor Peters

Department of Education - Councillor Rankin

School Board - Councillor Ball

IN-CAMERA ITEM

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

"THAT COUNCIL MOVE IN-CAMERA"

MOTION CARRIED

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

"THAT COUNCIL GIVE APPROVAL TO THE PROPOSED STORM SEWER WORKS OF RIDGE AVENUE, SACKVILLE AS PER THE STAFF REPORT"

MOTION CARRIED

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

"THAT COUNCIL MOVE IN-CAMERA"

MOTION CARRIED

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

"THAT THE REPORT BE APPROVED"

Councillor Sutherland asked if there was an urgency in having this approved at this meeting.

Mr. Meech said there wasn't an urgency but it has been examined for a period of time and there are people who are waiting for some indication as to what Halifax County's position is going to be.

MOTION CARRIED

10 IN FAVOUR

4 AGAINST

ADJOURNMENT

It was moved by Councillor Meade:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

November 9, 1992

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Holland
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Taylor
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Giffin
Councillor MacDonald
Councillor Boutilier
Councillor Sutherland
Deputy Mayor 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 Sutherland, seconded by Councillor
Giffin:

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY"

MOTION CARRIED

ZA-24-13-92 AND RA-24-12-92-13 - APPLICATION BY DALE BREWER TO ZONE
THE PROPERTY OF RENEE HELEN BREWER, SITUATED ON THE NORTH SIDE OF
THE OLD ELDERBANK ROAD AT ELDERBANK TO SD (SALVAGE YARD AND DUMP)
ZONE IN ORDER TO PERMIT A SALVAGE YARD

Mr. Crooks said there was a question concerning council's ability,
should council decide to approve the first part of the application
and eliminate the requirements that exist with respect to the size
of a lot and the frontage on the highway, to move then tonight to

decide to rezone the specific property. He said some recent decisions of the Municipal Board would indicate that there is a question whether or not council can, in fact, rezone specific site before such time as the conditions which are the basis for the rezoning come into effect pursuant to the Planning Act. The procedure which he would suggest council to follow would be to consider the first aspect of the application. If council's decision, having heard the submissions and representations, is to approve the general amendments then to go on to consider the specific application relating to the particular piece of property for the rezoning but to defer any decision on that application for the rezoning until such time as the previous amendments come into effect.

He said that he would suggest that the deferral of the decision, which is not a deferral of the hearing, be to a date certain beyond the time permissible for the taking of an appeal from the decision on the first matter under the Planning Act. This is effectively 21 days following the publication of notice council's decision of tonight.

Mr. Paul Morgan presented the application. This is a two part application. Staff had received an application by Mr. Dale Brewer to zone his property to SD (Salvage yard and dump zone). There is also an application to amend the standards of this zone. The property is presently unzoned.

The property is located on the John Grant Back Road sometimes referred to the Elderbank Road. Mr. Brewer resides on his property and operates an auto body shop from a garage. He has submitted a site plan which is reasonably accurate in terms the dimensions of the property, the location of the house and the garage. It shows where he has requested permission to operate a salvage yard on a 100 x 100 foot portion of the property, near the rear.

Under the standards imposed for the SD zone this application could not be approved. Staff has looked at the standards and are recommending amendments to the standard that could accommodate this proposal.

Under By-law #24, Section 22.1, the salvage yard and dump zone requires that any lands zoned SD must have a minimum area of one acre and a minimum frontage of 100 feet on a public highway. This proposal does not satisfy those requirements. The area requested for the zone is only 10,000 square feet which is approximately a quarter of an acre. It is not possible to extend the zone as would be required. The main criteria being looked at for a salvage yard zone is ability to be screened from the roadway and abutting residents so as not to be a nuisance. The requirement that the zone extend for a width of 100 feet down the highway may be putting this zone over portions of a lot that are unsuitable for this type of operation. The requirement that the area being zoned have a

minimum of one acre eliminates the possibility of smaller operations such as that of Mr. Brewer.

He said that it is therefore recommended that these standards be dropped eliminated and in it's place it is suggested that the salvage yard can only be located on that portion of a property zoned SD by council. He said this would give council greater flexibility in determining what portion of a lot is suitable for a salvage yard. Some factors would be the topography, surrounding screening, and proximity to adjacent development. This would give greater control over exactly that portion of the property which the salvage yard would be suitably located. There has also been added Section 22.3 (c) where it is further suggested, in consultation with the Department of the Environment, that where a salvage yard is being operated or an automobile repair outlet/service station, which is also permitted in the zone, that containers for waste oil and any other waste products be provided in a safe and convenient location on the property so that the waste products can be disposed of off the property. This is presently not a standard in the By-law but it is felt it could be of assistance in ensuring that these contaminants are not making their way into groundwater. If disposed off on site they might contaminate nearby wells or local watercourses.

He showed slides of the site to council for further clarification. He said that Mr. Brewer has been found to have been operating a salvage yard from this property. He was requested to remove the vehicles until such time as approval had been received by council. He said, at the time he inspected the property, he had done so. There were two subsequent inspections by the By-law Enforcement Officers who felt that he had remained in compliance with this request. If the amendments to the standards were approved by council, it is the staff opinion that this would be a reasonable location for this type of operation. It is reasonably well screened. It is in a low density area with forest screening around its perimeter which provides adequate screening from the neighbouring residents closer to the roadway. From a technical perspective, the Department of Transportation officials have been out to the site and have expressed no concern. The Department of Health inspectors have visited the site and have indicated they have no objections. The Department of Environment has stated it would be prepared to issue a license for a salvage yard under the Salvage Yard Licensing Act. This responsibility has recently been transferred to the Department of the Environment from the Public Utilities Board. He said it his understanding that new regulations are being drafted for the operation of a salvage yard.

QUESTIONS FROM COUNCIL

Councillor Ball asked if there was any indication as to when these new regulations would be in place and would these regulations be retroactive to all salvage yards in Nova Scotia or at the time that

those regulations come out.

Mr. Morgan said that until he sees the draft he is not sure. He said that one of the reasons this responsibility was transferred to the Department of Environment was to make sure that the oils and various fluids that could contaminate ground soils would have adequate measures to ensure that this would not happen. He said a concrete base would be required where oils are being drained from the car. The car will be sitting on this so that this will prevent ground water contamination.

Councillor Ball asked if a salvage yard is generally site specific or can it be issued to a person who may not necessarily have a site.

Mr. Morgan said it is site specific. The right to that location could be transferred to a subsequent owner but it applies specifically to that site.

Councillor Taylor asked for confirmation on who monitored the waste containers.

Mr. Morgan said, at the present time, these regulations are not in effect. They are draft regulations. He said it is his understanding that some of the salvage yards have begun providing an area in which there is a barrier to prevent the oils from getting into the ground.

Councillor Taylor asked if it would be the county's responsibility or the province.

Mr. Morgan said those regulations would be administered by Environment staff.

Councillor Brill asked how long the applicant had operated the salvage yard prior to the application.

Mr. Morgan said he was not sure but understood that it was four to six months prior to this. He said a complaint was received and the inspectors for the salvage yard licensing division and a by-law enforcement officer from Sackville visited the site.

Councillor Brill asked Mr. Morgan what the nature of the complaint was.

Mr. Morgan said that it is his understanding that the complaint was from his neighbour to the fact that he was operating a salvage yard. He said, from what he saw of the site, from where it is Halifax County inspectors, driving by, would not have seen it.

Councillor Boutilier said he understood that this was previously used as a salvage yard or a storage area for vehicles.

Mr. Morgan said Mr. Brewer had cleared the area and had begun storing vehicles there which made it a salvage yard. He said when Halifax County became aware of this he was advised that this was not a permitted use until such time, and if, council approved the salvage yard zone over the present zone.

Councillor Boutilier asked if an existing use applies to this in terms of a grandfather clause.

Mr. Morgan said that the requirements for the salvage yard zone has been in the by-law since 1974. He said the area looks as it has been recently cleared.

Deputy Mayor Richards asked if the conditions that Halifax County wants to change is to reduce the size from what it is now, under By-law #24, to a much smaller site.

Mr. Morgan said that the frontage requirements would be totally eliminated for a salvage yard zone and totally eliminate the minimum area requirements and just leave it that you can only operate your salvage yard on that portion of the property which has received the approval of council. That allows greater flexibility because sometimes you have very large properties and the way the terrain goes portions of it can be screened and with others it can be quite visible.

Councillor Richards asked Mr. Crooks if this is what was to be dealt with first with a hearing date later with regards to the specifics of the application.

Mayor Lichter said not a later hearing date but, council would take care of everything tonight except a decision on that particular property. He said council would have the public hearing today, file the information and when the municipality is legally empowered to make a decision then council would come back and make a decision after the appeal period has expired providing there is no appeal.

Councillor Richards asked if By-law #24 applies to all those parts of the municipality without a current municipal planning strategy in place.

Mr. Morgan said there are five districts, the Eastern Shore districts 10, 11, 12, 13 and district 4. He said it could potentially affect district 4 as well until the land use by-law is in effect.

Councillor Richards asked if an applicant could come in from any of those areas and make application for a salvage yard without any size constraints or frontage restrictions as there is no criteria to guide council.

Mr. Morgan said that they can come in for any size they want over

an acre and any frontage over 100 feet.

Councillor Richards asked if the changes being proposed would mean that anyone could come in the unplanned areas and make application.

Mr. Morgan said this was correct.

Councillor Sutherland asked what the vegetation along the other lot consisted of.

Mr. Morgan said it is thickly forested. He said the thinnest is between the salvage yard and the dwelling.

Councillor Holland if what was being recommended by the Public Participation Committee was different from what it is now.

Mayor Lichter said that there is a letter from the Public Participation Committee to be read into the record under the opposition portion of this hearing.

Mr. Morgan said that it is his understanding, talking with the planner involved, that up the Eastern Shore there is getting to be a reluctance to accept any new salvage yards. He said his impression is that there has been too many illegal ones and the regulations have not been enforced well enough and there is a reluctance to approve any further ones. He said they haven't taken this to public meetings.

Councillor McInroy said he has a concern with council's ability, if staff's advice is followed as there is not frontage requirement and no minimum size, to arbitrarily case by case decide what will be accepted. If council accepts the 100 x 100 portion of a lot to be zoned in one case for salvage yard use and dump use what prevents the municipality from being put in a position where it has to approve a 100 x 100 portion of a 125 foot square lot if there are no requirement for widths or size. He said that what is being suggested is that any requirement for frontage is thrown out as well as any requirement for size of the total lot.

Mr. Morgan said that what they are trying to suggest is what value or purpose does this 100 foot frontage serve.

Councillor McInroy said it gives minimum standards for the size that you don't have if you say it doesn't matter what the frontage is or what size lot it is. He asked how you could impose standards at one hearing and say no at another because there are no standards. He said at the present time zoning can't be approved on a site that less than 100 feet wide and less than a certain size. This is giving some standards to deal with. If this is thrown out then there are no standards. He asked where Halifax County would have the ability to turn down an application on a lot that is 125 square feet that it up against the road.

Mr. Morgan said that the proponent would be asked to show on a plan where they want to put the salvage yard. Staff would go out to look at the context it is in and make a recommendation to council based on this. Some criteria would be screening from neighbouring properties, setbacks from watercourses, etc. In previous salvage yard applications under By-law 24 staff has run into this problem.

Councillor McInroy said that if an application is turned down and then goes to the Municipal Board and they ask on what basis is this being rejected, there is no basis to justify denying the application if it meets all the requirements if this one meets.

Mr. Morgan said that most applications will be on an area over an acre and the frontage will be over 100 feet. If they just had to meet these standards then it would be met with most parcels of land in districts 12 and 13. He said it is staffs opinion that these are not particularly relevant in terms of the adequate location of a salvage yard.

Councillor McInroy said what is relevant to him is the small lot that would qualify under these proposed amendments that could be out by the road and it would be totally inappropriate and Halifax County would not be in a position to deny the application.

Mayor Lichter said the Municipal Board, when they take an appeal for a plan area, look at one thing only and that is "is the action of Halifax County consistent with the intent of the MPS". Under zoning By-law 24 they can look at only "is it in the best interest to do what the municipality has done". If this general amendment is approved then if the municipality feels that its best interest is served by not approving a salvage yard on a particular lot, although it is exactly the same size as this one, the municipal board would have to take a look at the arguments as to why was it or was it not in the best interest of the municipality to do what it did and not whether it is consistent with the zoning by-law 24.

Mr. Crooks said the board would look at the application and it would have to be consistent with the zoning by-law. The board is precluded from interfering unless it can satisfy itself that council's decision to rezone is inconsistent or unnecessary for the protection of the best interest of the municipality. The legislature has made it reasonably clear that the board is to interfere in these kinds of rezoning decisions very rarely and that substantial difference is to be accorded to the decisions of the council.

SPEAKERS IN FAVOUR

Mr. Dale Brewer, Meaghers Grant, said that the residents of the area, to whom he has spoken, have indicated an interest in having a salvage yard in the area. He said he picks up old cars from

properties and have disposed of by a crusher once or twice a year. He said he would like to keep on working.

Councillor Sutherland asked Mr. Brewer how long he has been conducting business on that particular site.

Mr. Brewer said he has been in business for approximately eight months prior to when he was told to dispose of all the vehicles.

SPEAKERS IN OPPOSITION

Mr. Wayne Brewer said he is the applicants nephew as well as his next door neighbour. He said he is not against Mr. Brewer having a salvage yard but he has fears for his property value as well as the environmental impact. He said the land has a grade and there is a ditch dug to the road which in turn goes across the road and into a swamp which drains into the Musquodoboit River. When there is a rainstorm the water comes from the back of Mr. Brewers property, across his driveway and into the ditch. He said that when the crusher comes into the yard and crushes the cars the gas from the gas tanks on those cars just drains onto the ground. He said the same happens with the oil and antifreeze. He said across the John Grant Back Road there is a very big swamp and it goes to the Beaver Lake Brook and eventually to the Musquodoboit River.

He said his biggest concern is with regards to the possibility of selling his home. He said no one would want to buy a home located beside a salvage yard. He said he would have no objection to it being located out of his view. He said that the way his house is positioned he can see the salvage yard from his home. He said his well is approximately 125 feet from where Mr. Brewer wants to put the salvage yard and approximately 25 feet from where the water runs across.

He said that the proposed site is a good one which is out of sight but he has concerns with old cars that will be parked near his home.

Councillor Taylor asked how the water would get into the river because representation from the Musquodoboit Rivers Association had been at the PBC meetings and were in favour of the application.

Mr. Brewer said that people are not aware of the existence of the swamp.

Mr. Kelly read the letter addressed to Mayor Lichter and members of council, dated November 9, 1992, from the Public Participation Committee, Districts 12 and 13, Dutch Settlement /Musquodoboit Valley into the record.

The letter read as follows:

Re: Application by Dale Brewer - Salvage Yard, Elderbank, Nova Scotia.

In February 1991, a Public Participation Committee (PPC) was formed to guide the preparation of a plan and land use (zoning) by-law for Districts 12 and 13 which are the Dutch Settlement/Musquodoboit Valley areas. This Committee has met many times and is making progress in developing a proposed municipal planning strategy and land use by-law for these areas.

At two of our PPC meetings with 5 committee members and 3 members of the public present, our Committee reviewed the regulations, concerning Salvage Yards which exist under by-law No. 24. although protection is provided to surrounding properties, we have concluded that improvements to the existing regulations are desirable from the point of view of our Committee.

We consider that all aspects of by-law no. 24 should be adhered to with respect to Salvage Yards in our districts until such time as our Committee can further study and propose improved standards to represent the citizens of Districts 12 and 13.

It is our understanding that the application to operate a Salvage Yard in Elderbank by Mr. Dale Brewer does not meet the minimum requirements of by-law no. 24 with regard to frontage and total lot size. We feel that the approval of this application will set an undesirable precedent and will thwart the aims of our Committee.

In view of the foregoing, we respectfully ask that you consider this letter as our opposition to council's approval of Mr. Brewer's application."

DECISION OF COUNCIL

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

"THAT COUNCIL NOT APPROVE OF THE PROPOSED AMENDMENTS AS CONTAINED IN APPENDIX "A"

MOTION CARRIED

12 IN FAVOUR

11 AGAINST

Mayor Lichter said that the solicitor suggested that a motion should be made to reject the rezoning application.

Mr. Crooks said the reason to reject it is that the application is before the council. It is either rejected formally or it is deemed to be refused by virtue of a section of the planning act after the expiry of a certain period of time. In view of the fact that

council does not have a legal basis to approve the application because the necessary amendments to the zoning by-law have not been approved he would suggest that a formal and on the record refusal of the zoning application.

Deputy Mayor Richards asked if council has ever approved, by a special regulation, a salvage yard with current by-law 24 on a piece of land that was smaller in size.

Mayor Lichter said he did not believe that council could unless zoning by-law 24 is amended.

Deputy Mayor Richards asked if all salvage yards that are in place now in unplanned areas all met the minimum requirement when they were approved.

Mayor Lichter said since the date of zoning by-law 24 coming into being.

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

"THAT THE APPLICATION BE REJECTED"

MOTION CARRIED

Borrowing Resolution

Mayor Lichter said that at the last council session council approved, in principle, the borrowing guarantee resolution.

Mr. Crooks said that the language in the draft doesn't include the provision that the guarantee would cease to have effect in the event and as from the time the court were to finally determine that the City of Halifax was obliged to guarantee the full amount of its proportionate share. This was one of the terms that council had stipulated. The other is that the intention is to catch the City of Halifax's share or the unguaranteed portion of the City of Halifax's share. He would suggest that language be added which would specify that. He said it would say something to the effect that subject to the approval of the Minister of Municipal Affairs Halifax County Municipality does in addition to the guarantee already provided guarantee that portion of the borrowing by the Authority of \$8,370,000. equal to the portion of the said borrowing that is not guaranteed by any other member of the authority. Then words to the effect "being the proportionate share of the City of Halifax in the sum of \$4.57 million".

Mayor Lichter said since Municipal Affairs are the ones that have to prepare these borrowing resolutions and they have to provide the form he would ask the solicitor to get in contact with them, point

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out the deficiencies of this one before it is dealt with.

Council agreed to this.

ADJOURNMENT

It was moved by Councillor Taylor:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED