

M E M O R A N D U M

TO: Mayor Lichter and Members of Council
FROM: Bill Butler, Acting Director of Planning & Development
RE: User Fees
DATE: April 6, 1993

As per the direction of the Committee of the Whole in recommending a 1993-94 budget to Council, attached are necessary by-law amendments which would implement the user fees incorporated in the budget. The suggested amendments would:

- (1) Amend the Building By-law so as to increase the current building permit fee from \$4.00 to \$4.50 per \$1000.00 of estimated construction value.
- (2) Amend the Mobile Home Park By-law to provide that mobile home permits for the location or relocation of mobile homes within mobile home parks would require the payment of a fee of \$4.50 per \$1000.00 of the value of the mobile home unit. The payment of this fee will be the responsibility of the mobile home park owner.
- (3) Amend the Subdivision By-law so as to require a fee of \$50.00 for each lot for which endorsement of final approval is sought.

The amendments to the Building By-law and Mobile Home Park By-law may be approved by Council pursuant to the Charter. However, the amendments to the Subdivision By-law require the approval of the Minister of Municipal Affairs following Council advertising and holding a public hearing. Council may wish to follow a procedure which would have second and third readings of the former two by-laws considered at the same meeting as the Subdivision By-law amendments. All required advertising and notification for the three by-laws could be undertaken for a meeting as early as the first week of May.

BB/gf
att.

Appendix "A"

A By-law to Amend the Building By-law

The Building By-law is hereby amended by:

- a) deleting the phrase, "four (\$4) dollars" from Sub-section 8.1(a) and replacing with the phrase, "four dollars and fifty cents (\$4.50)"

MINUTES & REPORTS
OF THE
SECOND YEAR MEETINGS
OF THE
FORTY-FOURTH COUNCIL
OF
HALIFAX COUNTY MUNICIPALITY
JUNE COUNCIL SESSION
TUESDAY, JUNE 15, 1993
&
PUBLIC HEARINGS
JUNE 7, 1993
&
COMMITTEE OF THE WHOLE
JUNE 7, 1993

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PUBLIC HEARING

June 7, 1993

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 Snow
Councillor Giffin
Councillor MacDonald
Councillor Boutilier
Councillor Harvey
Councillor Sutherland
Deputy Mayor Richards
Councillor McInroy
Councillor Cooper

ALSO PRESENT: G. J. Kelly, Municipal Clerk
K. R. Meech, Chief Administrative Officer
Julia Horncastle, Recording Secretary
Bill Butler, Planning and Development
Ken Brothers, Water Utility

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

PA-CHW-01-93 - APPLICATION BY OKNAH REALTY LTD. TO AMEND THE SERVICE BOUNDARY FOR COLE HARBOUR/WESTPHAL BY REMOVING A PORTION OF THE COMPANY'S LANDHOLDINGS WITHIN THE PRESENT SERVICE BOUNDARY AND BY ADDING A PROPORTIONATE AMOUNT WHICH IS PRESENTLY OUTSIDE THE BOUNDARY; AND

SB-02-93 - APPLICATION BY OKNAH REALTY LIMITED TO AMEND THE SERVICE BOUNDARY FOR COLE HARBOUR/WESTPHAL BY REMOVING A PORTION OF THE COMPANY'S HOLDINGS WITHIN THE PRESENT BOUNDARY AND BY ADDING A PROPORTIONATE AMOUNT WHICH IS PRESENTLY OUTSIDE THE BOUNDARY

Jim Donovan gave the staff presentation. He said the first item for council's consideration is an application for an amendment to

a Planning Strategy and the Subdivision By-law. The application has been made by Oknah Realty Ltd. to realign the municipal service boundary as it applies to a portion of Oknah's properties located north of the Atholea Drive and Caldwell Road intersection in Cole Harbour. The purpose of the request is to realign the Cole Harbour/Westphal Municipal Service Boundary in order to permit a residential subdivision to be developed in a manner which is more economical for the applicants to service. The property consists of an approximate 30 acre parcel which is partially located outside the service boundary. The present service boundary approximately follows the alignment of a proposed subdivision street which is to be constructed within the subdivision. As a result, lots along one side of the street would be outside the municipal service boundary whereas lots on the other side of the street would be within the boundary. Those located outside the service boundary would not be permitted to be developed on the basis of municipal central water and sewer services.

The applicants are proposing to removed approximately six acres of their land holdings in the north part of the subdivision in exchange for an equivalent amount of land to be included on the opposite side of the proposed subdivision street to be included within the service boundary. Staff have reviewed this proposal as per staff reports dated February 15 and April 9, 1993 and have determined that approval of the application would be consistent with existing municipal policy towards maintaining the integrity of the Cole Harbour/Westphal Service Boundary.

The entire property is situated within the Urban Residential designation which is supportive of a low density service residential development that is being contemplated by Oknah for this subdivision. The application is an exchange of service capacity and technically does not involve the extension of services to additional lands located beyond the service boundary. Oknah would be permitted to develop single unit dwellings on the same amount of serviceable land as can be developed at present. The proposed development will; therefore, not increase demands on municipal services to any greater extent than that created by development which can presently occur. The application has been reviewed by the Department of Engineering and Works who have advised that they have no concerns with the proposal. The proposal would not affect service capacity for the Eastern Passage treatment plant nor the provision of sewer services to adjacent properties in the area within the service boundary.

The Department of Transportation has reviewed the proposal based on the tentative plan that was submitted in support of the application and have indicated that they have no major concerns, however, the Department of Transportation would prefer to see the service boundary extended further north in order to include a short street that would also be constructed in the subdivision. He said from transportations' perspective this would facilitate internal

circulation within the subdivision and provide for street maintenance.

The application is based on a subdivision design which has not yet received tentative approval; therefore, certain aspects of the design are subject to change, including the final road lay out if it does not meet the requirements of the Department of Transportation. These details can be addressed through the subdivision approval process. It has been determined that the proposal will not increase the amount of serviceable land nor affect the future capacity to the treatment plant or affect community services to a greater extent than which is presently permitted to occur. He said it is recommended that the application be approved by council and that the service boundary map of the Cole Harbour/Westphal Planning Strategy be amended accordingly. Additionally, staff is recommending that in conjunction with these amendments the amendments to the Subdivision By-law, which would ultimately be required to reflect this application, an additional amendment to the Subdivision By-law be approved by council which would basically incorporate a new map into the Subdivision By-law in order to reflect a more up to date mapping.

QUESTIONS FROM COUNCIL

No questions from council.

SPEAKERS IN FAVOUR

Jean Beeler spoke in favour of the application. She said she represented Oknah Realty. Oknah has owned these lands since the early 1970's. She said she wished to emphasize this is an exchange of service capacity only and does not involve the inclusion of services. The proposed realignment does not increase the burden on or cause any increase in the use or capacity of the existing system and; therefore, suggest that the purpose of the application is to allow a more rational and economical development of the area. Oknah has already developed a number of lots which have sold and there are homes built in the area. She said there is interest in more homes being built and this is the way Oknah sees as being the rational and economical way to develop. She said with giving up the other lands in the area for servicing, it will not create any kind of extra capacity in the system. She said they were; therefore, asking for council's support.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT APPENDIX "A" BE APPROVED"

MOTION CARRIED UNANIMOUSLY

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

"THAT APPENDIX "A-1" BE APPROVED"

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved by Councillor Harvey:

"THAT THE PUBLIC HEARING BE ADJOURNED"

MOTION CARRIED

COMMITTEE OF THE WHOLE

June 7, 1993

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Rankin
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Councillor Ball
Councillor Deveaux
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Deputy Mayor Richards
Councillor McInroy
Councillor Cooper

ALSO PRESENT: G. J. Kelly, Municipal Clerk
K. R. Meech, Chief Administrative Officer
Julia Horncastle, Recording Secretary
Bill Butler, Planning and Development
Ken Brothers, Water Utility

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The meeting was called to order at 6:30 p.m.

Mr. Meech said he would like to put into context the issue being addressed at this meeting and also what the expectations are. He said what is being proposed, in terms of a policy to deal with the issue of residential development on central water with on site septic tank disposal bed, is in no way to preclude extending central water systems into existing communities as a response to a health or quality or quantity water problem. This is basically focused on trying to address the whole issue of new development and to the development of policy and growth management strategy. He said this relates to the potential of large scale residential development on central water combined with on site septic tank and disposal bed. He said there has not been sufficient time or resources available to address the boundary issues or water service district boundaries for those areas that are now served by the Dartmouth Water Utility. He said this would have to be done in cooperation with the City of Dartmouth. He said it would be the

intent, depending on council's direction, to follow through and generate the necessary information and data base in order to make recommendations as to what those boundaries should be in those areas that are presently served by the Dartmouth Water Utility. He said the boundaries related to at this meeting are those presently served by Halifax County Water Utility.

He said a suggested interim policy, for those areas served at the present time by the Dartmouth Water Utility, would be to examine the application on the basis of whether or not it is infill or in fact it would be required to provide some looping to further support the integrity of the water system. He said this meeting is not intended to restrict council from utilizing existing water utilities or extensions to existing water systems to resolve a health, quality or quantity problem. He said what is being addressed is the issue of a policy with respect to managing growth and development. He said, through no fault of developers or land owners, there was from time to time decisions taken by council to extend water lines out to areas to respond to a health, quality or quantity problem. He said this cannot go on on an ad hoc basis but on some kind of planned basis. He said what they are proposing is to restrict expansion of water service districts. He said council may wish to open it up to allow for larger scale development. He said they are concerned that they may be creating urban communities which at some point, depending on growth, will place demands on the Municipality to start providing a range of other services with respect to transit, library, schools etc.

He said he acknowledges that there is about 50% of development taking place in these serviceable boundary areas and 50% outside at this point in time. He said what is being put forward in the staff report is two options and they are recommending option 1 which is basically to try to bring this kind of development under control. He said if council decides to go with option 2 or some modified option then there are a series of questions that would have to be addressed with regard to the financial impact to the existing water users. He said, from his point of view, the larger issue is with regard to what direction to go in terms of managing growth and whether or not this is seen as an acceptable means of encouraging residential growth. He said that there will probably be, at some point in time, a substantial demand for urban types of services in some of these areas. He said this proposed policy is not to restrict the municipality from still utilizing or accessing water systems and utilities to respond to health problems in an existing developed community.

Bill Butler said in the past year or so it has become clear to staff that the lack of clear policy direction with respect to the extension of central water services, particularly for new development outside of serviceable areas, has created the potential for fairly significant implications many of which are unanticipated and unintended. If the scale of development, which is currently

taking place on the basis of central water only in some areas of the municipality, is indicative of what can be expected over the next years there is indeed a concern. He said that central water servicing new development, at the present time, is not occurring within any context of a policy permitting it but rather with a vacuum. There is no policy prohibiting it nor any policy providing any regulations or guidelines under which it should occur. He said council should ask, from a planning point of view, whether or not permitting such development is consistent with the intentions in other parts of the municipality. He said the staff conclusion, as contained in the April 1, 1993 report, is that it is not. The policies which council has adopted to look after and regulate development, within the municipality, are contained within the several municipal planning strategies and land use by-law's that are now in force and effect.

He said central municipal water is an urban service which, along with central sewer, is required to support and encourage an urban scale development. The serviceable boundary areas which have been established in Sackville, Cole Harbour/Westphal, Eastern Passage/Cow Bay and Timberlea and which are consistent with the regional development plan are designed to define these urban areas to govern decisions, public and private, concerning the infrastructure and support resources necessary to sustain this urban type of development. He said there have been fairly significant decisions made, in the last few years, with regards to expenditures for water and sewer as well as transportation related expenditures which are designed to support or encourage this urban growth within the defined communities.

He said although the urban areas have been promoted and encouraged for development there is also very clear recognition for the fact that development will continue to occur outside of these urban areas. He said it is generally understood that the same scale and intensity of the development will not occur in these areas and the same level of urban type services will not be provided. The scale of the new development on the basis of central water only begins to seriously challenge some of these assumptions. He said there is no doubt that future development will place considerable strain on existing services and will lead to demands for new or improved services. He said one of the major challenges is to try and respond effectively to service requests throughout the entire municipality. In said in many cases the request or demand comes forward at a time when there is already significant problems in existence and council has little choice in terms of options. He said more reliance is being put on individual municipalities to solve its own problems and pay for those solutions out of its own resources with the result that it is more necessary than ever to plan carefully for the services which it will provide.

He said they have not found any information to suggest that with central water you will have to have sewer; however, they have been

able to determine for the Kingswood area, based on information on water consumption, at least five percent of the consumers are using more household water than the two hundred gallon per day design capacity of the septic systems. There is some indication that there could be some potential problems with respect to on site systems for sewer. He said current health regulations do not distinguish between lots which are served with central water or those which are served with either dug or drilled wells. He said central water only development is attractive within the development community; however, the development which it actively encourages may not only undermine efforts to focus a higher level of service within urban communities but it may also be detracting from the rural environments which are so attractive in the first place.

He said the level of the planning strategies for the fringe areas have some very clearly articulated development philosophies which could be termed anti urban. He said they are not suggesting that development outside of serviceable areas is inappropriate; however, they are suggesting that it is inappropriate to permit the extension of a municipal service which so actively encourages and promotes an urban scale of development in these areas. He said, from a planning point of view, he feels the issue should not be viewed simply as one of capacity even if there is sufficient capacity in the water system. He said staff would suggest that the extension of central water services to accommodate a significant amount of new development outside a designated serviceable areas is not consistent with either the serviceable area concept with the plans nor with the intent for which that water was extended in the first place. He said in reviewing the reasons behind the approvals council has given over the last number of years for central water only service, staff have concluded that the motives that council acted under were appropriate. Council had proper regard to engineering considerations relative to the immediate problem that was to be serviced. In making those decisions to extend water, council should have provided specific limits to areas in which the water would be provided. They have recommended in their staff report the formal delineation of what they have termed to be water service districts which would recognize areas to which central water only has been extended and which they believe would also be consistent with the serviceable area policy which guides councils decisions concerning the extension of municipal water and sewer services.

He said from his point of view it is obvious that a clearly established policy is necessary with respect to the extension of central water. The April 1, 1993 report outlines two options for councils' consideration and the preferred option, from a staff point of view, would restrict the extension of central water outside of existing serviceable areas except for those areas to which it has already been extended which would be defined within water service boundaries. He said at the present time, Halifax County is faced with a situation where central water is dictating

planning rather than occurring within a well planned and rational framework.

Mr. Ken Brothers said the Engineering Department has experienced significant pressure from developers requesting extension of water systems in outlying areas. The existing criteria for review of extensions to the water system are contained in the Municipal Services General Specifications. These specifications were specifically created to provide design criteria for pre planned serviced areas that already include transmission mains, reservoirs and control facilities. He said difficulty arises when areas that do not have geographical boundary within which a hydraulic design and water supply allocation has been defined. The design criteria for strategic water infrastructure plan is not contained within the municipal services general classifications and consequently staff do not have the regulatory policies in place to ensure that a properly planned and engineered water serviced area may proceed without long term cost implications to the municipality or the water utility. He said presently multiphased extensions to the water system are proceeding in an unplanned ad hoc manner. This results in extensions to the central water system which may require significant expenditures by the municipality or the water utility to correct these deficiencies. Water supply capacity and appropriate allocation of this supply should be managed and ensure that extensions to the municipal system are properly designed and constructed and financially supported.

The water system located within the original serviced area has been designed with transmission mains, reservoirs and booster facilities necessary to provide the water supply to the Bedford/Sackville area. A water master plan was developed and long term supply was secured to provide for the infilling and full development within the original serviced area. The municipality adopted municipal systems general specifications through the Subdivision By-law to provide the design criteria for extensions to the central water system within the serviceable area. During the 1980's central water was extended at the developers expense outside the designated serviceable area in the Bedford South area. In addition extensions to the water system are approved by Halifax County council to provide water supply to Uplands Park. The Waverley area was also provided with central water supply to address health concerns related to poor ground quality in the region. As a consequence of these and other water extensions the availability of a central water supply has spurred rapid urban development in these outlying areas. Extension to the central water supply in Waverley has provided central water to Lakeview Avenue and subsequently to the Lakeview Acres subdivision. This watermain has provided a central water supply to the Windsor Junction and Fall River area which has contributed to significant growth of residential construction and demand for water supply in this area. Recently the demand for central water extension has increased at a rapid rate. Extensions to central water systems have proceeded in the ad hoc unplanned

fashion without consideration for an infrastructure master plan or without regard for long term cost implications to the municipality or existing water customers.

A revised water service area should have been established at the time of extending municipal water services to the outlying serviced areas. In terms of the options, staff recommend the policy to create water service districts in areas presently serviced with central water outside the established serviceable areas. This policy would, in effect, allow water extensions within proposed water service districts and focus development within the established serviceable area. The water service district would describe the geographical area as generally defined and shown in the overview plans. The water service district will be allocated a water supply capacity to fulfil the long term water demands in an area. The municipal services systems general specifications shall provide the minimum design criteria for extensions of water systems in all proposed water survey districts. Some districts may require a water plan within the context of option 1 where existing infrastructure is insufficient to provide the long term water supply. Boundaries for option 1 water service districts have been prepared to include existing areas with central water and areas where commitments have been made to provide central water servicing. The intention behind option 1 is to focus water extensions within the serviceable areas and to formalize where water extensions have already occurred. He said option 2 would provide for natural infilling of larger areas to be included in water service districts.

He said what all this means in terms of water supply in the short term and up to a certain point in time they do not foresee the capacity available to the Pockwock water system to be an issue. He said option 1 is looking at full infilling of approximately twelve million gallons per day. He said the adoption of option 1 formalizes the inclusion of extended water serviced areas into water service districts. Allocation of water supply will be assured for these districts for many years to come without any undue risk or associated cost to secure future water capacity. Further development will continue to be promoted within preplanned fully serviced communities consistent with municipal planning strategies adopted by council. Municipal services, both water and sewer, may be provided to new areas through extensions of municipal serviceable areas. Through this process planning, engineering, environmental and health issues may be addressed and considered in determining extensions to municipal services.

Option 2 proposes the establishment of water service districts that capture a large area for inclusion with a particular area. Water service districts would be created and serviced with a central water supply by the Halifax County water utility. Extended water service districts are proposed for Kingswood, Blue Mountain, Uplands Park, Bedford South, Cobequid Lake, Second Lake and Windsor

Junction areas. The proposal will result and encourage limited extension and infilling of existing water serviced areas. Option 2 proposal must include revisions to the municipal general services specifications to provide appropriate design parameters for these extended water services. A master plan must be created for each water service district. In conjunction with this master plan, a financial plan must be developed to ensure that an appropriate financial is in place. An implementation plan would provide the necessary timetable for major infrastructure installation to provide a sustained level of service throughout the water service district. If council elects to adopt option 2, water service districts, the engineering department will prepare detailed amendments to the municipal services general specifications appropriate to provide the review criteria necessary to administer extensions of central water to proposed water service districts. Each proposed water service district has been studied to determine the long term impact of available water supply capacity. Option 2 is based upon the assumption that the short term excess supply capacity will be allocated to these proposed water service districts. Ultimately other long term sources of water supply will be required to meet the demands in the proposed water service districts. Future purchase of water supply capacity will cost more and will be share amongst all water customers serviced by Halifax County water utility. He proceeded to review the water service districts for the information of council.

He said they require the tools to ensure that whatever goes in the ground is planned and in a geographical area to ensure that the systems are designed and built so money will not have to be spent at a future date correcting problems that should have been dealt with from the beginning. Considerations regarding roads, schools, health and environmental issues are not addressed with respect to creating a variety of servicing options.

QUESTIONS FROM COUNCIL

Councillor Giffin asked Mr. Brothers what he meant when he used the term "ad hoc".

Mr. Brothers said this referred water extensions having progressed without any consideration of a master plan to ensure that when you get to the end of a development that full consideration has been taken in terms of pipe sizing, reservoir requirements and control facilities that would have been required had they known they would be servicing a large area.

Councillor Giffin asked Mr. Meech if there would only be more demand in rural areas.

Mr. Brothers said they conducted a review of the water consumption in the Kingswood area as well as the Silverside area. They specifically took the period from late fall and during the winter

to analyze the water consumption for outdoor use. They have taken that period when there would be basically no outside water consumption to come up with the basis that approximately five to six percent of those homes were using water in excess of the design capability of the septic tank and disposal systems.

Mr. Meech said growth to any type of community would in fact require some additional expansion of present services. He said Halifax County is planning for the future infilling and expansion of people in those areas. He said this is to be taken into consideration. He said in those serviceable boundary areas you are required to develop on both central sewer and water. There are requirements, given existing population levels, to do certain things with regards to the transportation network. There is an emphasis on trying to plan, with regard to services, on the assumption of the potential population would be in those areas.

Councillor Cooper referred to Mr. Brothers mention of future supplies to take up shortfalls by possibly obtaining water from the Dartmouth system. He asked him if the purchase capacity would be intended to be transported out of the Dartmouth area into the Sackville area to meet the demands there.

Mr. Brothers said if it cannot be obtained from the Pockwock system the only other available central water supply would be from the City of Dartmouth. He said the Lake Major Watershed and the proposed treatment plant in Dartmouth may have some excess capacity available to it depending upon the size of the treatment plant and infrastructure put in place during construction. Should it be necessary to consider purchasing excess capacity then Halifax County either buys from the water commission at a premium or consider looking at the City of Dartmouth Water Utility in an attempt to buy into that water treatment plant and put in the major infrastructure required from Burnside into the Lower Sackville area.

Councillor Cooper referred to page 12 of the report. He said from reading this he would get the impression that outside of those developed serviced areas Mr. Brothers did not take into consideration any of those issues.

Mr. Brothers said from the point of view of water extensions it is his understanding water extensions outside the serviceable area were considered and approved by council to address certain water quality issues, whether lack of supply or water quality supply. During that process they were directing their attentions to solving a particular problem.

Councillor Cooper asked if water utilities, when they are set up, restricted to certain geographical areas.

Mr. Brothers said the intention of the central water supply was to

service the Bedford/Sackville area. The mandate to extend water service lies with the board of directors of the Halifax County water utility which is county council. Should council feel it is appropriate to extend water outside those areas it was originally intended, it is within it's power to do so.

Councillor Cooper asked if the municipality has ever been involved in other areas of the municipality with water such as the Woodside or Spryfield areas.

Mr. Brothers said he did not have this information.

Councillor Cooper asked if Mr. Brothers would consider it outside the Utility's role to become involved anywhere in the municipality with regards to water supply's.

Mr. Brothers said he is involved in many areas throughout Halifax County and the involvement is quite varied in terms of providing both water and sewer services.

Councillor Cooper asked Mr. Butler if there are commitments as to lot sizes within the areas outlined in the water utility report under option 1.

Mr. Butler said most of those areas would be subject to the 20,000 sq. foot. Department of Health regulations. There may be some areas where the zoning would require larger size but the 20,000 sq. foot would be the minimum.

Councillor Cooper asked how this would apply in the Kingswood area.

Mr. Butler said in the Kingswood area, where the zoning would permit 20,000 if the Department of Health would, what has been found is that the average lot size is approximately 50,000 sq. ft. He said they have assumed in their calculations that the 50,000 sq.ft., based on the geology of the area, would probably continue.

Councillor Cooper said that some of Mr. Butler's previous reports had indicated concern over these developments without having a master plan or infrastructure, etc. He said that he feels the reports presented at this meeting have not addressed these. He asked if there were adequate answers to the concerns his department had raised regarding infrastructure, etc for those particular areas.

Mr. Butler said that under option 1 what is being looked at is accepting what is already there. Lines are already in the ground for the most part and the development has already occurred and there is a limited amount of infilling. Option 2 presents, in his opinion, more concern relative to the engineering aspects because there are significantly larger areas so obviously the systems have to be better engineered. He said it also increases the planning

implications.

Councillor Cooper asked if water service districts were established could council continue to expand them leaving Halifax County in the same position it is now.

Mr. Butler said the option is there for council to expand existing water service districts or to create new ones. He said he would suggest that some of the planning considerations would not only look at the engineering aspects but also planning aspects. If water is extended to alleviate a problem in a community to delineate a boundary that solves the problem but would not open up a significant amount of new development. Alternatively if council saw some advantage to accommodating new development it could delineate a boundary which could accommodate that. The concerns such as engineering, environmental, social and planning would be looked at more comprehensively.

Councillor Cooper asked Mr. Meech to respond to his questions with regards to the limitations on the utility and their ability to operate in all areas of the municipality.

Mr. Meech said it would be his understanding since the water utility is regulated by the Public Utilities Board and it can be demonstrated that there is sufficient water capacity that the capacity meets their standards and there is no financial burden to the existing water users then, from the regulatory point of view, Halifax County would be in a position to expand the water utility to areas that it chose. If council endorsed option 1 then essentially this would be trying to put some definition to the area that would be served by the water utility. He said it would be council policy meeting regulations of the PUB which would dictate whether it could or couldn't be expanded to other areas in the municipality.

Councillor Cooper asked, given the difficulties in areas outside that presently served by the water utility, why was there not a request to establish water serviceable areas other than in the water utility area.

Mr. Meech said what is being responded to is the existing situation where extensions to the water lines have taken place beyond the present serviceable boundaries. There is still the flexibility and the option that for areas that are now having or experiencing water quality and/or quantity problems that if in fact there is a feasible access to the existing water utility that then council could respond to that by stopping and developing a water service district or a boundary. On the basis of that if the financial monies were there Halifax County could still go ahead and do that.

Councillor Cooper asked if the monies out of the water utility be used to finance the extensions as proposed.

Mr. Meech said that on the short term if it is just an extension of the water line into a private development, the developer is expected to pick up the cost of the installation of the distribution main in the subdivision; however, when you add up all of those parts to get a total you may find at some point in time there is a need for a major expenditure such as booster pumps or reservoirs. If this is going to be permitted then there will have to be some kind of financial levy individual lands or lots to generate a fund to look after those future expenditures.

Councillor Cooper asked if the municipality will be able to address the areas of Hammonds Plains, Cole Harbour and Eastern Passage in a financially responsible way.

Mr. Meech said that if Halifax County responds to it as in recent years in effect in most cases the installation of some of these extensions of water or sewer systems will become a donation to the water utility and is an asset to the water utility. The user in turn will pay their share of the costs.

Councillor Cooper asked Mr. Meech to expand on his reference earlier to looping and infilling.

Mr. Meech said in Option 1, when the engineering people were asked to try to identify boundaries for these proposed water service districts outside the serviceable boundary area, that was one of the criteria that they apply was to look at whether or not to try to achieve a looping to ensure that the water system was going to have adequate pressure and also two sources of supply.

Mayor Lichter said the advertisement in the paper had indicated that council would be accepting written and oral submissions from the public. Mayor Lichter said that he would suggest council agree to hear the public.

Mr. Paul Pettipas, Fall River Village said it seems to him that one area is putting pressure on the County system. He said Fall River Village is celebrating it's twentieth anniversary this year. They have had 350 lots developed over that time period, an average of 12.5 per year. They are now into a new section and out of those 350, 90 of the last phase 9 is on water. When they did their proposal they hired CBCL who mapped out a whole proposal and met with Halifax County Water Utility. He said they oversized all the mains so they could not only do the 500 acres they have now but bring it through the existing part of Fall River Village right to the Fall River Village Road. He said he finds it difficult that the 500 acres have been cut in half and left out the existing section of Fall River Village. He said they go along with a plan from the County and try to do their best by spending the money doing the oversized water mains and then someone comes back and says you are not to go any further. He said they would appreciate some cooperation. He said the people on the Fall River Road have

been looking to get water for the past five or six years and areas of Uplands Park which has not even been started yet have water allocated to them. He said he feels that the people who already exist and are there should have first chance at the water. He said they submitted plans showing what water lines would be needed and what they were going to do and, after sitting down with county representatives, they agreed to spend more money to oversize the lines. He said cooperation is a two way street and you can't expect private developers to spend money to do things and then change the ground rules. He said Fall River Village spent one million seven hundred thousand at a time when there wasn't a lot of money being spent. He said he finds it difficult how any developer could come to the County of Halifax and expect to do anything. He said they have urged the importance of clean water. He said, as a developer, he pays for all the water lines plus on 90 lots he pays Halifax County \$90,000. infrastructure fee.

He said the developer is paying his fair share of the infrastructure. He said that he, personally, does not like either of the options. He said he feels they overly restrict and he feels that this is taking one particular area of the county, that is having tremendous growth. He said in the Fall River/Windsor Junction area they have had tremendous growth over the year. He said he feels this should be thought out and nothing decided until the new council comes in. He said he does not feel that it is fair that a major decision should be made. He said this should not be rushed. He said this is affecting people's livelihood and where people want to live. He said this penalizes areas that shouldn't be and rewards areas that over developing.

Mayor Lichter said this is before council for the first time. He said that does not mean that councillors did not have the document to read. He said council has not made any decision and he said that it does not necessarily mean that council sees things the same way as staff. He said he does not see how a decision can be made at this meeting because there will be a lot of suggestions that will have to be digested.

Mr. Pettipas said councillor Snow has been working to get water down the Fall River Road for years and by this all his work goes out the window. He said they have a plan in place for a whole water system through the 500 acres which also goes out the window. He said if there is a problem in one area you correct it but you do not go after everyone else.

Douglas Bundy, representative of Sobèys and Atlantic Shopping Centres spoke to council. He said they have 1500 acres of land where Hammonds Plains and Highway 103 intersects. They are also concerned about the Tantallon Shopping Centre. He said he would like to make a written submission. He said in Tantallon the shopping centre was built in 1987 and since then it has expanded and other companies have shown an interest in locating out there.

He said there is a market demand in that direction and this does not address this issue in any way. He said this gives him a negative message. He said the phrase limited development has not been defined. He said he feels that staff have done a mammoth job but he does not feel that the problems will be solved for everyone.

Mrs. Purleen Oliver, 909 Lucasville Road said she lives on land bought by a predecessor. She said she is living on an approximate five mile stretch of road which has been isolated by the water utility. She said water from Pockwock goes down and crosses under the Lucasville Road, in seeing distance of her home, and going into other areas. She said the water went down and across in front of them for approximately 25 miles and goes into Bedford and up on the Hammonds Plains Road. She said all the homes up on the Old Sackville Road, in walking distance from her home, has water. She said water goes to the Old Windsor Highway, Millwood and Beaverbank but they are cut off. She said she is saying look at the people who live in this area. She said that their water is polluted with iron and arsenic. She said she feels they are drinking poisoned water and nobody seems to care.

Mr. Kevin Saunders, President, Stoneridge Properties Limited said he has a couple of hundred acres out in Sackville which he is developing called Stone Mountain Village. He said he feels this is being rushed too fast.

Mr. Coldwell, Coleridge Estates said he was making a presentation on behalf of the residents association of Cole Harbour. He said the purpose of his presentation is to request the extension of water service to the area of Cole Harbour from Ritcey Crescent to Ross Road including the Ritcey Crescent and Roode Court area, Coleridge Estates and Cole Harbour Road from Ritcey Crescent to Ross Road. He said the important issue here is the health of approximately 400 residents who live in the area. He said they have data from the Department of Health which shows high occurrences of arsenic, other metals and bacteria in many of the wells in the area. He said his community has been designated outside the serviceable boundary however they do have water service all around them including to the end of Ross Road. He said it would seem to make good sense to complete the loop and to provide the area with this much needed service. He said many of the residents had to bring water into their homes for drinking and cooking. Some residents have two wells - one drilled and one dug only to find unacceptable levels of arsenic in the drilled well and unacceptable levels of bacteria in the dug wells. He said the Department of Health has advised many of the residents that their water is unacceptable for drinking. He presented a petition of people who have problems. He said it is of the utmost importance to service the existing development properly before allocating funds to new or proposed developments.

Mr. Ross Evans, Pockwock Road said they are on an area called the

Halifax Shale. He said they have very bad water quality. He said Mr. Kynock has advised his people to use a very shallow well to avoid the problems of iron, sulphur, etc. that is in the Halifax Shale. He said that is a good idea until the wells are polluted by salt from septic systems or water softeners. He said they have houses across from the Hammonds Plains School where residents have not been able to drink their water for over 17 years. He said a representative from the Department of Transportation is supplying drinking water. He said this situation has gone on for a long period of time and they need water.

Mr. David Grace said he is concerned about the hold on the present boundaries. He said he has a property that is adjacent to the municipal development boundary line and he would like to see it extended to include the property that he has. He said there is a bigger issue in the Sackville area. He said Springfield mobile home estates have a problem and there are problems around Springfield Lake. He said he feels Halifax County may have to extend the corridor that presently exists. He said he feels the residents of Lucasville should be taken into consideration as well. He said he does not feel that expansions can be cut off but controlled. He said pipes have to be brought into existing areas to encompass a lot of these areas that now have problems. He feels that the county should look at the bigger picture and then seriously consider what the options are today and what they might be in five or ten years down the road.

Mr. Ed Weaver, contractor said that there has not been a demand for lots in any other area of Halifax County as there is in Hammonds Plains. He said he feels that if people wish to live in a specific area they should be able to choose where they wish to live. If an area comes under demand for more housing it should be accommodated and if that means bringing water to that area then it should be carried out.

Mr. Graham Heffler, representative of Timber Trails Homes said he has 230 homes. He said he has been in operation for twenty two years on wells. He said he started with one well, 200 feet deep, and every second year he has to either do maintenance on the existing well or drill a new one. He said he has drilled eight wells on the property, 400 feet deep, trying to maintain a supply of water. He said the water has iron but he has iron removers to take the iron out. He said his wells keep drying up and he has nowhere else to drill. He said he would like to see what the county could do with regards to the water problem on the Lucasville Road.

Mr. Walter Regan, Sackville Rivers Association said he is a part of an organization trying to maintain the Sackville River Watershed. He said they have taken on an added project of the Second Lake Provincial Park. He said they would prefer that water did not run through those lands. He said it would be easier to build the park

without water. He said they feel it is more equitable to run water to more established parts of Sackville first. He said he feels it would be cheaper to install sewer at the same time as water is being installed. He said long term planning is needed but this does not, in his opinion, show long term planning. He said this shows the running of water lines but nothing about sewage treatment and one goes with the other. He said the controlling of where subdivisions go is done by rules and regulations and maybe those rules and regulations could be tightened up to control urban problems. He said if the ground water quality and the discharge from septic tanks can be controlled then the Sackville River will maintain better quality. He said this should be looked at in its entirety, water and sewage and long term urban problems.

Mr. Steven Wallace consultant for the Kingswood Subdivision in Hammonds Plains said a master plan has been done for the Kingswood project and all of those lands. The master plan includes a water reservoir and an extensive loop system which will provide securities of supply and integrity to the overall water system. The total system involves all of the Kingswood lands. If option 1 was selected and the boundaries for Kingswood, that are indicated, were in place that system would not be possible. The looping that is proposed would not take place and the land upon which the reservoir sits would be outside of the boundary. The developer is willing and would like to provide a fully integrated total solution to the county, at his expense, that will serve the county water utility and the customers of the county. He said he would urge the council to consider that project for inclusion for water supply.

A resident of Hammonds plains said that his water has iron and he uses a water softener to eliminate this in order to be drinkable.

Mrs. Margo Fraser, Hammonds Plains said she has lived there for thirty years and has always had bad water. She said the water is hard and causes problems with cleaning and washing. She said for approximately the last seventeen years the water has been undrinkable. She said over eighty percent of the homes along the Hammonds Plains Road have water that is not fit to drink. She said she feels it's time and the residents have been there long enough that they are entitled to have clean and drinkable water. She said the water line goes along behind her house and Maplewood and she feels it would not be complicated to put a waterline extension to the people who need it. She said she finds it hard to accept that the new subdivisions are getting water before she is and she does not feel this is fair. She said she feels it is time the people along the Hammonds Plains Road get drinkable water.

A resident of Hyland Park said she is concerned about the drinking water in schools. She said the water in the Hammonds Plains School is not fit to drink because the teachers are bringing in water to drink but the children are still allowed to drink the water from fountains. She said there is obviously something wrong when the

teachers don't want to drink the water.

Mrs. Peggy Godfrey, Atlantic Nurseries said she runs a business in Middle Sackville and is just outside the designated area for distribution of water. She said they have a twelve acre site in Middle Sackville and they are a producing nursery which utilizes a lot of water. The water that they presently use is of drilled well but it is not sufficient nor is it of the right quality. They have built a pond on the site, which has run dry several summers, to sustain the nursery. She said she feels her business is important to Sackville and is very much dependent on water. She said the future growth of her company is dependent on the Sackville site being improved upon so from her perspective they not only need water for the plants but also for the employees. She said they presently bring in water as there is no drinkable water on the site. She said county council has to look at the need both from the personal point of view as well as from a business point of view. She would like to see Middle Sackville included in future planning for the development of water.

Mr. Robert Grant said he represented Annapolis Pulp and Power Co. and S.R. McKay. He said those two companies own the Blue Mountain parcel which is located of Kearney Lake Road. He said it is approximately 1200 acres. He said they contacted county staff who indicated that the land could be hooked up to the central water facility if it were developed for residential purposes. With that expectation his client went ahead with the development. He said there has been an enormous demand for the lots and his client is planning to develop those lots and to expand and wishes to do so pursuant to a comprehensive plan. He said the expectations of individuals who have bought lots in the area is that those lots will be developed for residential purposes. He said in their submission, option 1 of the staff report does not make any sense as it applies to the Blue Mountain lands. He said it does not cover all of his clients lands and results in a very odd configuration which is only going to encourage incompatible land use conflict with adjacent lands. He said it will also hamper his clients reasonable expectations and plans and will prevent it from responding to the demand for development of the lots. He said where there is capacity and where a developer can hook into the water supply, at no cost to the county or the utility, then the county ought to permit the developer to tap into the water supply. He said water should be made available on a fair basis, a first come, first served basis in a way that is not unjustly discriminatory. He said of the two options put forward his client is in favour of option 2. He said if option 2 is selected that it not be considered an unalterable rule but merely a guide to introduce a little more certainty into decisions with respect to extending centralized water. He said the ultimate decision should be guided by the considerations of extending water in a fair fashion.

Mr. David Ferrar representing the Armoyan Group Ltd. and Armoyan Properties. He passed out a written submission to council. He said there is concern of the manner in which the serviceable boundaries were concluded. He said from an engineering point of view option 1 does not make any sense because it does not provide for an integrated water system. He said he would like to know what the criteria is for determining what the serviceable boundaries are, is it commitment or is it engineering. He said if it is commitment, how is it determined. He said the report is unclear what a criteria is. He said Kingswood has prepared a detailed report dealing with water serviceable areas and they can do it at no cost to the county. He said Kingswood has provided a master plan and it would be provided by the developer. He said the Armoyan Group has expended considerable sums in preparing a master plan for the water service to hook up into the central water supply and it is not proceeding on an ad hoc basis. It is a complex, detailed plan which shows that it is viable and whatever has to be done the Armoyan Group is prepared to do it. If the concern is with engineering, he said they have the engineering and they know they have the capacity and it can be provided by Kingswood at no cost to the county. He said if they have to go with an option they would prefer if option 1 was available with the Kingswood lands included in it that would be the best option. If not, there is a phase 7 on which tentative approval has been sought by Kingswood which they would like to have included in option 1. He said he would like to impress upon council that engineering considerations are the key to whether or not central water services can be provided.

Councillor Giffin read a submission by Mrs. Helen Jackson into the record. It read as follows: I have been chosen as spokesperson for the community of Lucasville. There have been land owners on the road for almost a hundred and fifty years. We have survived on drilled wells that have led us to drink water that has a high content of iron and arsenic in it. Officials have known about this situation for many years as different homeowners have had their water tested for chemicals. We come here this evening with a few simple questions: is it such an impossible request to have water throughout the community; why can the surrounding communities have it piped to them and not us, we are in the middle. There is a new subdivision going in on the Hammonds Plains Road, will they have water? How many people will have to get sick and die from our community water supply before the municipality can see that there is a desperate need for water in our area? How many homes will have to be lost because there are no fire hydrants? What makes the decision on what communities want the public water system? Why has our community been overlooked for such public utilities and services such as water and sewer? We all pay taxes and we are only asking to be considered in the large scheme of things and stop overlooking us, we are people just like you. Humbly submitted by Helen Jackson.

Councillor Giffin said the evolution process has to be natural and healthy but also has to be fair. He said he has been trying to get water into parts of his area. He said as politicians council should set the policies which best suit the residents and not which makes it easier for county engineers or staff. He said the staff have an objective job to do. He said a master plan for development has to have some flexibility and a master plan for water would require that as well. Producing a water policy which makes it easier or more manageable for staff is very efficient but providing life giving water to the residents is a duty. He said projects need not cost as much as they do. He said he feels there are things to be done to cut down on costs. He said he does not favour either option 1 or 2 but something that meets the needs of people.

Mayor Lichter said he would suggest that council accept written submissions up to June 28th. He said those written submissions would go to all the councillors and to staff to ensure that in the next draft they would try to address those concerns that were brought to councils' attention tonight.

Councillor Cooper said all that has been said at this meeting applies to those areas of Cole Harbour and district 25 that are caught in the middle between two pipe systems. Requests for water survey and health survey has gone in with no results. He said he is disappointed in staff because that has been there but there has been no follow up. He said that area is not within the utility and he feels the thinking in the municipality is in the water utility area. He said there is planning there but it has stopped. The province came up with money and it went down through the Westphal area and down Ross Road. He said there is an area in between where there are identified arsenic problems but the municipality has never followed up on the request to put it all together and present a case. He said he expects Mr. Meech and staff to come up with suggestions for water serviceable areas not only where the water utility is, but to apply that same criteria and fairness throughout the municipality where areas need to be addressed.

Councillor MacDonald said the staff report is putting controls on certain parts of the county but not on others and he feels that staff should go back and look at the areas such as Lucasville that really have a problem and have been suffering for years with bad water. He said he feels Halifax County should be concerned with those areas rather than looking at new areas that are being developed.

Councillor Merrigan said if Halifax County is setting up areas that are going to service with water those areas with water problems should be put in so that the county knows what it is looking at. There are a number of areas where it has been indicated that there is a health problem and needs water. He said he feels those areas should be shown in to serviced areas with water.

Mayor Lichter thanked those in attendance and for the information they shared with council. He said the information is valuable and hopefully the county will be able to use it.

ADJOURNMENT

It was moved by Councillor Merrigan:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

COUNCIL SESSION

June 15, 1993

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Randall
Councillor Bayers
Councillor Taylor
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Giffin
Councillor Boutilier
Councillor Harvey
Councillor Sutherland
Councillor McInroy
Councillor Cooper

ALSO PRESENT: G. J. Kelly, Municipal Clerk
Ed Wdowiak, Acting CAO

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

Mayor Lichter congratulated Councillor Richards, Adams, Holland and MacDonald on their election to the Legislature. The former councillors tendered their official resignation.

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

"THAT THE LETTERS OF RESIGNATION BE ACCEPTED"

MOTION CARRIED

Mr. Kelly called roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT THE MINUTES OF THE MAY 4, 1993 COUNCIL SESSION BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE MAY 18, 1993 COUNCIL SESSION BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE APRIL 19, 1993 PUBLIC HEARING BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE MAY 10, 1993 PUBLIC HEARING BE APPROVED"

MOTION CARRIED

BY-LAW AMENDMENT TO BY-LAW NO. 4, THE MUNICIPAL OFFICERS BY-LAW

Mayor Lichter said before this could be dealt with council would have to make a decision whether they would wish to have the incoming Deputy Mayor elected for the balance of the out going Deputy Mayor's term or for the balance of that term plus the additional year.

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

"THAT THE DEPUTY MAYOR BE APPOINTED FOR THE BALANCE OF THE REMAINING TERM PLUS THE ADDITIONAL YEAR"

MOTION CARRIED

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

"THAT NOTICE OF INTENT TO CONSIDER FIRST READING OF A BY-LAW TO AMEND BY-LAW NO. 4, THE MUNICIPAL OFFICERS BY-LAW BE GIVEN FOR JULY 6, 1993"