

COUNCIL SESSION

May 18, 1993

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Holland
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Smiley
Councillor Taylor
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Harvey
Councillor McInroy
Councillor Cooper

ALSO PRESENT: Dale Reinhardt, Deputy Municipal Clerk
K. R. Meech, Chief Administrative Officer
Alan Dickson, Municipal Solicitor

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

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY"

MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT THE COUNCIL MINUTES OF APRIL 6, 1993 BE APPROVED"

MOTION CARRIED

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

"THAT THE COUNCIL MINUTES OF APRIL 20, 1993 BE APPROVED"

MOTION CARRIED

Mayor Lichter welcomed, on behalf of council and Councillor Taylor, members of the Upper Musquodoboit Womens Institute.

SUPPLEMENTARY EXECUTIVE AGENDA

Tender - Pumper Tanker, Herring Cove Fire Department

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

"THAT APPROVAL BE GIVEN FOR THE ACCEPTANCE OF THE BID SUBMITTED BY SUPERIOR EMERGENCY EQUIPMENT LTD., IN THE AMOUNT OF \$201,160.00, AS THE LOWEST BID MEETING SPECIFICATIONS"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

Mayor Lichter requested council permission to bring forward the letter from Annapolis Basin Pulp and Power Company Limited.

Mr. Reinhardt outlined the letter for council. He said the company are owners of Blue Mountain Estates Subdivision and were requesting to make a presentation to council concerning their subdivision application as it relates to the extension of water services in their area.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mr. Robert Grant made a presentation to council. He said Annapolis is a major land owner in Halifax County in district 18. It has over 1,000 acres of land. It owns a large area of land off the Kearney Lake Road in the vicinity of Hammonds Plains Road. He said it attempted, over a three year period, to develop a portion of this land as a quarry in accordance with the municipal planning strategies designation of this site as appropriate for resource. It applied to the Department of the Environment and an Environmental Assessment was conducted and unfortunately the Minister, after a public hearing and on the recommendation of the environmental control council, turned down the request to develop the site for a quarry. Having had that development proposal turned down, they then sought to develop the site for some other purpose. He said the municipal planning strategy considers residential use appropriate and according approached Halifax County staff and advised them of their consideration of developing it for residential purposes. He said staff, at that time, encouraged Annapolis to proceed on that basis. In the course of discussions it was indicated to staff that the proposal would contemplate

development hooking into the municipal water service which is adjacent to the Pockwock supply along the Kearney Lake Road. He said staff encouraged Annapolis to proceed on that basis, did not identify any impediments to proceed and it was identified that the extension of municipal water service to that site would encourage the reliability of the supply of municipal water to adjacent subdivisions. In reliance upon those discussions Annapolis directed its development efforts and strategic planning towards this site. The subdivision application was accepted as complete by the Development Officer on January 28, 1993. He said since that time Annapolis has been awaiting a response. He said last week they were advised that Engineering did not recommend the approval until Halifax County had developed a policy with respect to the extension of central water services. He said he would urge council to direct staff to allow developments that are already within the system to connect to the central water system. He said he is asking that if a moratorium is to be placed on developments, that moratorium should only extend to new development where industry has an opportunity to know that the rules have changed.

He said the first notice that Annapolis had that there was a change in the procedures was the April 1st report of staff to the Urban Services Committee. He said in the report staff identified the present practice of permitting extensions of central water services for new development. He said the application from Annapolis came within the present practice. He said the staff report acknowledges that there were no explicit policies to prohibit such extensions and it identifies as a legal consideration the fact that the municipality, as a public utility, is obliged to provide service to the public in a manner which is not unjustly discriminatory. He said he would like to urge council give clear direction to staff to deal with proposals for subdivision which were already in the system before April 1st in accordance with the procedures that existed prior to April 1st.

Mr. Meech said he and Mr. Wdowiak had met with Mr. Betts of Annapolis and he said he would agree with the view point expressed. He said Halifax County would be in a position by the following day to issue the necessary instructions to have the lots approved on the basis that they were in process before Halifax County had developed the suggested moratorium and they were at the stage where they were ready to be given tentative approval. He said that was the basis on which Halifax County had agreed to place a moratorium. He said after reviewing the information and the facts, he said he feels they have a strong case.

Councillor Cooper said he has concern with this because other developers within the municipality has had it indicated to them that unless they have received that tentative approval, then the process would be stopped. He said there are several other developers who are in the same situation and he is concerned how this might be perceived by those other developers. He said Halifax

County has taken the initiative to say it has difficulties with it's development structure and wish to come up with policies that will allow the municipality to address the matter. He said this would be piece mealing these extensions. He said this may put the municipality in a position where other developers may be able to come in and the initiative to develop a policy will be bypassed. He said he is concerned because tentative approval has not been given and if this one is reviewed then all are subject to being reviewed. He said he would have difficulty in extending that service.

Mr. Meech said they are examining what other applications might fall into the same situation. He said it appears there may be one other application that is in the same status as the Blue Mountain Resources. He said it is one belonging to Armoyan but it is also subject to rezoning therefore it is a different set of circumstances. He said the application by Armoyan is in the preliminary stages where this one was ready to be processed for tentative approval. He said with regard to the location of these lots, should the council support the staff position, there will still be a need to define a boundary to bring it to a logical conclusion. He said this particular parcel of land would fall in the proposed boundary that Halifax County would be putting forward. He said on the basis of the information he has at this point it would appear that Annapolis has a strong case and that these particular approvals be issued.

Councillor Merrigan asked if it is being made clear to new developers that water isn't available.

Mr. Meech replied that yes it was being made clear.

Councillor Bates asked if a boundary would be in the recommendation for the June 7th meeting.

Mr. Meech said it is intended to propose boundaries.

Councillor Cooper asked if Mr. Meech was going to propose new serviceable boundaries.

Mr. Meech said it would be supportive of the recommendation that will be made that the fact is recognized that even if council agreed a policy should be developed that would discourage this kind of development in the future Halifax County would still need to put a boundary in place. He said that serviceable boundary needs to be defined.

Councillor Cooper asked if it is the intention for this serviceable boundary to be addressed on a municipal wide scale or just the areas serviced by the water utility.

Mr. Meech said at the present time it would be dealing with the

serviceable boundaries for extensions to the central water systems outside the serviceable boundaries. He said if council decided it wanted to encourage this type of development then there would be a proposal as to how a boundary would be defined to address that. He said it would be near where the existing central water systems are and where Halifax County has allowed extensions to it. He said it would also address the issue of Cole Harbour/Westphal and Eastern Passage.

LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from the Department of Fisheries in response to council's letter with respect to restoring the use of the Emerald and Western Banks for cod and haddock fishing.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

2. Mr. Reinhardt outlined a letter from the Honourable George Archibald, Minister, Department of Transportation with respect to the installation of road signs in the communities of Enfield, Oakfield, Oldham, Goffs and Devon.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Mr. Reinhardt outlined a letter from the Honourable George Archibald, Minister, Department of Transportation and Communications with respect to paving of Southwood Drive and Cox Lake Road, Hammonds Plains.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

4. Mr. Reinhardt outlined a letter from the Minister, Department of Education with respect to the need for a new junior high school in district 18.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

5. Mr. Reinhardt outlined a letter from the Minister of Transport with respect to the reduction in transportation services and facilities in Atlantic Canada.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

6. Mr. Reinhardt outlined a letter from the Minister of Public Works with respect to municipal grants.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Lichter made reference to first paragraph of the "Attachment" which stated "Grant liabilities of 1992 and prior years will be paid in full once the necessary valuation reviews have been completed" and suggested a letter be written to the minister expressing Halifax County's objection to this.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER, THE HONOURABLE ELMER MCKAY, POINTING OUT TO HIM THAT HALIFAX COUNTY DOES OBJECT TO THAT STATEMENT BECAUSE THE NECESSARY VALUATION REVIEWS SHOULD BE COMPLETED WITHIN A REASONABLE PERIOD OF TIME AND NOT THE WAY IT HAS BEEN GOING IN THE PAST"

MOTION CARRIED

7. Mr. Reinhardt outlined a letter from the Halifax Harbour Cleanup Corporation informing council that neither the board of directors meeting nor the minutes resulting from the meeting are public documents.

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

"THAT THE LETTER BE RECEIVED AND FURTHER THAT A LETTER BE WRITTEN TO HHCI EXPRESSING COUNCILS DISPLEASURE WITH THE LETTER MAKING REFERENCE, IN THE LAST PARAGRAPH, TO "CITY COUNCIL" AND NOT COUNTY COUNCIL AND FURTHER EXPRESSING COUNCILS' DISPLEASURE WITH RESPECT TO THE CONFIDENTIALITY OF THE MINUTES"

MOTION CARRIED

8. Mr. Reinhardt outlined a letter from the Leader, Nova Scotia NDP with respect to the proposed municipal reform.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from Warden John Coady, Municipality of the County of Cape Breton with respect to Unitary Government and advising council that they have ceased communication with the Implementation Commissioner.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

2. Mr. Reinhardt outlined a letter from FCM with respect to the 1993 Policy Development Books containing Policy Statements and members' resolutions for consideration at the Annual Conference.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Mr. Reinhardt outlined a letter from the NDP Caucus Office in response to councils' letter with respect to the municipal reform.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

4. Mr. Reinhardt outlined a letter from the Atlantic Winter Fair with respect to the county ad in the 1993 program.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

5. Mr. Reinhardt outlined a letter from the Halifax County Regional Library requesting a joint meeting with the Town of

Bedford to discuss library funding.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT MAYOR LICHTER, MR. MEECH AND MR. REINHARDT
SCHEDULE A DATE AND TIME FOR THE MEETING TO BE HELD WITH
THE LIBRARY"

MOTION CARRIED

6. Mr. Reinhardt outlined a letter from the National Spokesperson, National Neighbourhood Party requesting that Halifax County proclaim June 13, 1993 as National Neighbourhood Party Day.

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

"THAT THE LETTER BE RECEIVED AND HALIFAX COUNTY PROCLAIM
JUNE 13, 1993 AS NATIONAL NEIGHBOURHOOD PARTY DAY"

MOTION CARRIED

7. Mayor Lichter outlined a news release from the FCM informing council that they have been unable to arrange a three party leader debate on municipal reform. It states that a letter has been written to all three leaders asking them to provide written answers to three questions on the topic of municipal reform.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

Order from the Nova Scotia Utility and Review Board

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

"THAT THE REPORT BE RECEIVED"

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Land Exchange - Boy Scouts of Canada, District 14

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

"THAT COUNCIL APPROVE THE EXCHANGE OF MUNICIPAL PROPERTY AS OUTLINED IN THE STAFF REPORT CONTINGENT ON THE MUNICIPALITY RECEIVING CLEAR TITLE TO THE SUBJECT PROPERTY"

Mr. Dickson said that the solicitor had been asked in the past to address the question of disposition of parkland and have arrived at the conclusion that it would be in order to recommend an amendment to the Charter to give an express power to dispose of parkland. He said the parkland in this case was obtained by the municipality pursuant to the Planning Act provisions and there is concern that there is no expressed authority for this kind of a transaction. He said at the same time, Mr. Crooks was of the view that you can imply that kind of authority into the provisions of the Charter and that it might be appropriate to do so where the community has been consulted and there is no objection to the proposed disposition.

MOTION CARRIED

Report Re: Boats on Watercourses

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

"THAT NOTICE OF FIRST READING OF THE BOATS ON WATERCOURSES BY-LAW BE GIVEN AT THE JUNE 15, 1993 COUNCIL SESSION"

MOTION CARRIED

Waverley Recycling Request

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

"THAT A LETTER BE WRITTEN TO THE VILLAGE OF WAVERLEY INDICATING THAT HALIFAX COUNTY WAS REMAINING WITH THE STATUS QUO AND FURTHER SUGGEST THAT ANY SUGGESTIONS OR COMMENTS THEY MAY HAVE WITH RESPECT TO IMPROVING THE RECYCLING BE FORWARDED TO METRO AUTHORITY"

MOTION CARRIED

St. Margaret's Arena - Capital Loan

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

"THAT COUNCIL APPROVE ACCEPTANCE OF THE PAYMENT OF \$53,000.00 TOWARDS THE LOAN FOR THE FISCAL YEAR 1993/94. FURTHER THAT HALIFAX COUNTY APPROVE A ONE YEAR DEFERMENT WITH THE UNDERSTANDING THAT A PAYMENT OF \$75,000.00 BE MADE BY APRIL 30, 1994 OR AN AREA RATE WILL BECOME

EFFECTIVE. THE AREA RATE WOULD BE \$0.015. FURTHER, IT PAYMENT IS MADE BY APRIL 30, 1994 BUT DEFAULTED IN SUBSEQUENT YEARS, THE AREA RATE BECOMES EFFECTIVE UPON DEFAULT. THE EXECUTIVE COMMITTEE TO RECEIVE AN UPDATE, ON A THREE MONTH BASIS, SHOWING THE AMOUNT, WHICH WOULD NOT INCLUDE CAPITAL GRANT FUNDS, BEING PUT TOWARDS THE REPAYMENT OF THE LOAN. FURTHER THAT AREA RATE WOULD GO INTO EFFECT FOR DISTRICTS 1, 2, 3, 4 AND 18 EXCLUDING THE PART OF DISTRICT 18 THAT PAYS AN AREA RATE TO THE SACKVILLE SPORTS STADIUM"

MOTION CARRIED

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Former Goodwood School

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

"THAT COUNCIL APPROVE THE PURCHASE OF THE GOODWOOD SCHOOL BY TWIN CITY INSULATION LIMITED FOR AN AMOUNT OF \$71,500."

MOTION CARRIED

Capital Grant Requests

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

"THAT THE FOLLOWING CAPITAL GRANT REQUESTS BE APPROVED:

District Parkland Grant, district 9, in the amount of \$755.60 for the purchase of picnic tables, park benches and general park improvements, Lower East Chezzetcook Playground Assoc.

General Parkland Grant in the amount of \$600.00 and District Parkland Grant, district 9, in the amount of \$600.00 for fencing of the West Chezzetcook/Grand Desert ballfield"

MOTION CARRIED

Borrowing Resolutions

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

"THAT BORROWING RESOLUTION 93/94-02 - STREETS (LAKESIDE INDUSTRIAL PARK) IN THE AMOUNT OF \$940,000. BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION 93/94-03 - WATER (LAKESIDE INDUSTRIAL PARK) IN THE AMOUNT OF \$385,000. BE APPROVED"

MOTION CARRIED

RECORDED RESOLUTION RE: COMMITTEES AND BOARDS RESTRUCTURING

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

"THAT THE RECORDED RESOLUTION BE APPROVED"

Councillor Cooper said he had some concerns with the Service Standards Committee responsibilities. He said it was his understanding that under restructuring three committees would be set up that would be an advisory to council with recommendations with respect to policy, planning and servicing areas. He said he feels the wording under section 19 (b) might limit the scope and the intention of having the Service Standards Committee. He said if this committee is to be established with the idea of making recommendations on servicing standards the limitations should come not before they have had their deliberations but in any constraint itself that council may wish to put on them after their deliberations and recommendations. He said under 19 (b) he feels it would be more appropriate for the municipality and this council to receive the recommendations of the Service Standards Committee and, if they are accepted by council, then they should be passed on to that financial body, being the Executive Committee, for implementation rather than having a set of criteria applied to the Service Standards Committee which may restrict them in their deliberations.

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

"THAT THE RESOLUTION BE APPROVED WITH AN AMENDMENT TO SECTION 19 (b) WHICH WOULD DELETE THE WORDS "ON THE ADVICE OF THE EXECUTIVE COMMITTEE"

Councillor Cooper said the Service Standards Committee should have the ability to take reports and make recommendations to council and council, later, should take appropriate action to implement them if they so wish.

Mayor Lichter said in his view it doesn't matter what words are put into the description of the function of any particular committee. He said practice will bear out what would be the best possible way of having those committees function. He said, by making this change, he does not see any difficulty.

Councillor Peters asked, as the resolution stands, is it mandatory on each and every resolution to clear it through Executive. She

said she does not read it that way and does not see a need to change it.

Councillor Taylor said it seems to question the competency of the nine council members on the Service Standards Committee versus the members on the Executive Committee.

AMENDMENT APPROVED

8 IN FAVOUR

6 AGAINST

RECORDED RESOLUTION AS AMENDED CARRIED

MINOR VARIANCE

Kelly Denty made the presentation on behalf of the Planning Department. She said it is a request for a variance to allow for the location of a semi detached dwelling 10 feet from an old highway right of way rather than the required 20 feet under the Land Use By-law. The property in question is on Shore Road in Eastern Passage. It is bounded on the North by the road and on the Northeast by MacDonald Pond and on the Southwest by an old highway right of way. The project request was originally received in January. Permits were processed and issued based on the approved subdivision plan of the property in 1984. She said the plan does not show the old highway right of way alignment along Southeast Passage and their office was not aware of such a road. It was only when they received the location certificate of the footings position on the property that the presence of the old highway along the Southwest portion of the lot became evident.

The footing is shown at a distance of 10 feet from the road right of way while all other setbacks were maintained. Further investigation showed the Department of Transportation did, in fact, own the road but did not maintain it. Investigations also showed that they would not sell the portion of the road to the proponent Mr. Morris. Mr. Morris was informed that the only means by which a building permit for the completion of the building could be issued would be through a minor variance approval for the reduced setback. Accordingly, Mr. Morris applied and received for a minor variance approval with the recommendation from the Department of Transportation. During the course of the minor variance appeal period Mr. Morris misinterpreted the Department of Transportations approval as permission to continue with construction and proceeded with the placement of the foundation and pony wall. A stop work order was immediately issued at that time and no further construction has taken place.

She then outlined the three conditions under which a variance is not to be granted. She said that upon examining the request it is determined that the request is minor in that the perceived front yard setback from the main road is maintained. She said there is

not an intentional disregard as both the municipal development permit and preliminary building permit were obtained prior to construction. She said it may be argued that the difficulty experienced is general to properties in the area because the road runs along the backs of several properties. She said they feel this is not a factor because the municipality did not know of the existence of the road and if it had been know then Mr. Morris could have been advised that the road was there and other arrangements could have been made. She said as the decision was appealed, it now rests with council.

She said the frontage has been questioned because it runs into MacDonald pond. She said they have been advised by Municipal Affairs that water does not subdivide the property. There was also concern raised over the use of one driveway for the two dwellings because of the limited frontage along the main road. She said they do not regulate the number of driveways that are required provided the Department of Transportation is happy with the access and easement over the other can be gained. She said neighbours to the west have expressed concern over drainage problems which they attribute to the new construction. The Department of the Environment has informed them that the previous property owner may have filled in a portion of the pond which may have led to the current drainage situation. She said Mr. Morris has met with the county Engineering department and they have come to an arrangement that will rectify the situation. She said the right side yard property line is another factor which is common with the property of Robert Naugle. She said Mr. Naugle has reason to believe that the distance to his line is closer than 8 feet required under the by-law; however, the location certificate, prepared by a surveyor, shows the distance to the footing is around 8 feet 7 inches.

She proceeded to show council slides of the property in question.

QUESTIONS FROM COUNCIL

Councillor Deveaux said that approximately four years ago he had pointed out that approximately half the frontage is under water. He said he finds it hard to believe that a 60 foot frontage could be approved where almost half of it is under water. He asked how this originally came about to be approved.

Ms. Denty said that on the original survey plan the frontage was shown completely along the road right of way and there was no encroachment of water into that area. She said that plan did not show the old right of way it only appeared when the location certificate was prepared in March.

Councillor Deveaux asked if the old right of way was discovered by the surveyor who was responsible for the footings.

Councillor Harvey asked if this pond was salt water or if it is

connected to some other water.

Ms. Denty said there is no connection.

Councillor Harvey asked if the water level changed dramatically.

Ms. Denty said not to her knowledge.

Councillor Brill asked, if this minor variance was approved, what conditions would be put in place to correct any drainage problems.

Ms. Denty said there has been an agreement with the builder and the county Engineering department to rectify the situation. She said she does not know what was specifically agreed to but they have agreed to something that is satisfactory to both. She said it would be something that Engineering would dictate, it would not be upto the Development department.

APPELLANT

Mr. Robert Naugle spoke against the granting of the minor variance. He said four or five years ago he and his neighbours were opposing the filling of McDonald's Pond. He said it had been brought to their attention at that time that duplexes were to be constructed on the pond area. He said he fought at that time to try and save it. He said it seems to him that this variance is not minor. He said a minor variance, in his opinion, would entitle such things as the building of a porch that would encroach closer to somebody else's property line and a variance would be granted to allow them to do that. He said to be able to put a whole dwelling up where there would normally not be enough property to be built seems to him to be a major variance. He said it has encroached upon his personal view of the ocean and has caused him some water difficulties which he said he understands will be corrected.

QUESTIONS FROM COUNCIL

No questions from council.

Mr. Gary Roberts, 1901 Shore Road. He said he owns the half of the duplex closest to the house being constructed. He said he feels that if there was enough property there in the first place the minor variance would not have been needed. He said if the minor variance was not granted and the property brought ten feet forward then it would be too close to the high water mark on the pond. He said the pond contains fresh water and the residents have been trying to get parks and recreation to take it over as a recreational area. He said 25 loads of fill was brought in two years ago to build the property up which resulted in the flooding problem. He submitted a petition from the area residents in opposition to the construction of the duplex.

QUESTIONS FROM COUNCIL

Mayor Lichter asked how long he had resided at his present address.

Mr. Roberts said he has been there for approximately six years and he said there had been one previous owner. He said Mr. Morris did not know anything about this property or any of the problems that had come from it. He said there is a 30 foot driveway as opposed to 60 feet. He said a drainage for water from the other side of the road as well as sewer pipes comes through this area.

Mayor Lichter asked if Mr. Roberts knew how many of the signatures of the 25 on the petition were by people presently living in duplexes.

Mr. Roberts said some of the signatures represent residents in duplexes on the North side of Shore Road but he had not listed which were duplexes. He said he had not received a copy of the minor variance until after the foundation was put in and first part of the walls had been boarded up. He said he had to call planning to have the building stopped until the minor variance was heard. He said the building is in and in his opinion the odds of having it stopped or moved are very slim. He said he is being flooded out and if it is moved ten feet ahead they are too close to the high water mark for the pond.

Councillor Brill asked if the Engineering department can satisfy that there will not be any flooding, will Mr. Roberts be satisfied with it.

Mr. Roberts said he and Mr. Naugle were flooded this spring and there is no runoff because this land has been built up and the land no longer runs off into the pond as it did previously.

Mr. Wendell Morris, owner of the lot. He said he acquired the lot after the filling was done. He said he has met with Mr. Roberts and has verbally agreed to help him to correct his drainage problem. He said had he known he would have to apply for a minor variance he would have reduced the size of the building and gone higher which would have still created a problem. He said he had met with a county representative who has told him what can be done to correct the drainage problem. He said he had told Mr. Roberts prior to this that he would help him drain his property.

DECISION OF COUNCIL

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

"THAT THE GRANTING OF THE MINOR VARIANCE BE REJECTED"

Councillor Deveaux said he feels that this is a unique situation. He said he could not believe that a lot could be approved with

almost half of the frontage submerged under water. He said it had been hoped that the driveway going into this lot in question could have been kept as a green area bordering the pond. He said there was consideration given to purchasing the piece of land, from the then owner, but a decision was made not to proceed along those lines. He said the present owner purchased the property in good faith with the intention of being able to construct.

Councillor Peters said that she sees two problems in this situation, one is the apparent obstruction of the view of the water and the other is the water problem. She said the gentleman who is doing the building has stated that had he been aware of it he would have made it narrower and higher. That would have eliminated the need for the minor variance but it would still would have obstructed the view of the duplex in behind. She pointed out that Mr. Morris has said he will work with Engineering and the neighbours to resolve the water problem. She said the zoning is R2 and she feels the minor variance should be upheld and staff should be supported.

Councillor Bates said he agrees that the minor variance should be supported. He said the water situation is unfortunate but Mr. Morris has indicated he will do what he can to help alleviate the problem. He said the property was bought in good faith and the owner has gone through a lot of expense to date.

MOTION DEFEATED
3 IN FAVOUR
11 AGAINST

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

"THAT THE MINOR VARIANCE BE APPROVED"

MOTION CARRIED

SECOND AND THIRD READING: A BY-LAW TO AMEND BY-LAW NO. 32 - THE OCEAN VIEW MANOR BY-LAW

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

"THAT A BY-LAW TO AMEND BY-LAW NO. 32 - THE OCEAN VIEW MANOR BY-LAW BE GIVEN SECOND READING"

MOTION CARRIED

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

"THAT A BY-LAW TO AMEND BY-LAW NO. 32 - THE OCEAN VIEW MANOR BY-LAW BE GIVEN THIRD READING"

MOTION CARRIED

SECOND AND THIRD READING: A BY-LAW TO AMEND BY-LAW NO. 46 - THE REGIONAL REHABILITATION CENTRE BY-LAW

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

"THAT A BY-LAW TO AMEND BY-LAW NO. 46 - THE REGIONAL REHABILITATION CENTRE BY-LAW BE GIVEN SECOND READING"

MOTION CARRIED

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

"THAT A BY-LAW TO AMEND BY-LAW NO. 46 - THE REGIONAL REHABILITATION CENTRE BY-LAW BE GIVEN THIRD READING"

MOTION CARRIED

MEMBERSHIP - COLE HARBOUR PLACE BOARD

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

"THAT DERECK TOWER BE NOMINATED AS A MEMBER TO THE COLE HARBOUR PLACE BOARD"

MOTION CARRIED

NOMINATION - MEMBER BOARD OF DIRECTORS DASC INDUSTRIES

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

"THAT ART DUKESHIRE BE NOMINATED AS REPRESENTATIVE BOARD OF DIRECTORS DASC INDUSTRIES"

MOTION CARRIED

NOMINATION - SET ASIDE POLICY REVIEW COMMITTEE - ONE REPRESENTATIVE FROM PUBLIC TO REPRESENT THE BLACK BUSINESS COMMUNITY

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

"THAT MR. JOHN MADDISON OF CRANE HILL, HALIFAX COUNTY BE NOMINATED AS THE REPRESENTATIVE"

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

APPROVAL OF AREA RATES

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

"THAT THE AREA RATES BE APPROVED WITH THE EXCEPTION OF THE SCHOOL AREA RATE FOR TIMBERLEA JUNIOR HIGH WHICH IS LEGALLY APPROVED BY THE SCHOOL BOARD"

MOTION CARRIED

NOMINATING COMMITTEE REPORT

Mayor Lichter said it basically leaves the boards, committees and commissions unchanged and assigns councillors to the Executive Committee, Planning Advisory Committee and the Service Standards Committee.

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

"THAT THE REPORT BE RECEIVED AND APPROVED"

Mayor Lichter said the committee recommended that council adopt the report with appointments to be formally made by further resolution of the council on the first session following the coming into force of the recorded resolution. He said the solicitor said these appointments are subject to all by-laws that have to be invoked, revoked and all other legal work being done that needs to be done.

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

"THAT THE REPORT AND CONCERNS BE REFERRED BACK TO THE NOMINATING COMMITTEE FOR FURTHER CONSIDERATION"

MOTION DEFEATED
ORIGINAL MOTION CARRIED

BOARD OF HEALTH REPORT

Central Water Service Extension

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

"THAT WHEN A POLICY IS CONSIDERED FOR CENTRAL WATER EXTENSIONS THAT HIGH PRIORITY BE GIVEN TO AREAS WHERE EXISTING HEALTH PROBLEMS HAVE BEEN DETERMINED"

MOTION CARRIED

Rodent Problems

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

"THAT COUNCIL REQUEST STAFF TO REVIEW THE PROBLEM WITH

RODENTS IN VARIOUS AREAS OF HALIFAX COUNTY AND COME BACK WITH RECOMMENDATIONS OF HOW BEST TO DEAL WITH THIS MATTER. FURTHER THE REVIEW BE DONE AS QUICKLY AS POSSIBLE SO THAT EXISTING PROBLEM AREAS CAN BE DEALT WITH"

MOTION CARRIED

RESOLUTION RE BANKERS AND SIGNING OFFICERS

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

"THAT COUNCIL ENDORSE THE RESOLUTION"

MOTION CARRIED

REPORT AND RECOMMENDATIONS RE: FUNCTIONAL REVIEW OF THE HALIFAX COUNTY INDUSTRIAL COMMISSION

Mr. Meech said council had requested that he examine the mandate and the function of the Industrial Commission. He said as a result of the review it is his recommendation that Halifax County should suspend the Industrial Commission as it is presently structured. He said if council endorses the recommendation outlined in the report he would proceed to have the necessary administrative and legal issues addressed which would then come back to council.

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

"THAT THE RECOMMENDATION AS OUTLINED IN THE REPORT BE APPROVED"

Councillor Peters asked if this is dissolved who would the staff people report to and how would in-camera items be dealt with.

Mr. Meech said technically the staff are employees of the municipality within his department. He said they would continue to report to his office. He said it would be his view, until there is a revised structure, issues would be dealt with through the Executive committee. He said there would be appropriate staff resources in that area reporting to the Executive committee. He said if there is an issue to be dealt with, the Executive committee would meet in-camera on confidential items.

Councillor Peters asked how long would he anticipate it would take, once this is dissolved, to restructure it to tie in with the economic development. She asked if there was also a way to send acknowledgement to the ladies and gentlemen who have worked on the Industrial Commission as volunteers thanking them for their service.

Mr. Meech said it would possible be a six month to one year time

period. He said it would have to wait to see what position the province was taking on their White Paper. He said once it is clear what direction that is to take, then either Halifax County would become part of that structure or continue with it's own structure. He said with regards to the acknowledgement, the mayor, if this is supported, intends to communicate to each of the non council members.

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR MERRIGAN

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

"THAT A LETTER BE WRITTEN TO THE MINISTER, DEPARTMENT OF TRANSPORTATION ASKING FOR THE STATUS ON THE PIECE OF SIDEWALK THEY PROMISED TO PUT IN FROM THE KINSAC CORNER TO THE BALLFIELD"

MOTION CARRIED

UNSIGHTLY PREMISES - COUNCILLOR MERRIGAN

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

"THAT STAFF BE INSTRUCTED TO LOOK AT THE WAY HALIFAX COUNTY IS DEALING WITH UNSIGHTLY PREMISES AND TO COME BACK WITH A RECOMMENDATION AS TO HOW IT CAN BE STREAMLINED OR IMPROVED".

Councillor Adams asked if a report could be prepared on this on an annual basis.

Mr. Meech said rather than on an annual basis it could be something that could be tracked and reported on a quarterly basis. He said he would check to see if that information is available at the present time.

Mr. Meech asked Councillor Merrigan which area of unsightly premises he was referring to.

Councillor Merrigan said he would like staff to take a look at all the problems involved and come back with recommendations.

MOTION CARRIED

OLDFIELD SCHOOL - COUNCILLOR PETERS

Councillor Peters said the Oldfield school is in the Enfield

portion of district 14 on Halls Road. She said approximately two months ago the department of education started roofing the school and has not yet been completed.

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

"THAT A LETTER BE WRITTEN TO THE SCHOOL BOARD ASKING THEM TO COMPLETE THE ROOF AS QUICKLY AS POSSIBLE AND ALSO COULD THEY MAKE AN EFFORT TO HAVE THE TURNING CIRCLE REPAVED AND REPAIRED"

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR PETERS

Councillor Peters said Grant Road has never been ditched. She said it floods each spring and fall.

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION REQUESTING THAT THEY TAKE A LOOK AT GRANT ROAD, TO RAISE IT, PUT EXTRA LAYERS OF GRAVEL ON IT AND THEN DITCH IT SO THAT THE PEDESTRIAN AND VEHICULAR TRAFFIC IS SAFE"

MOTION CARRIED

TRANSPORTATION - COUNCILLOR FRALICK

Councillor Fralick said the residents of Seabright and Highway Route 333 have a by road which is along Woodens River and they would like to send a petition, with 100% support, for a sign for this by road called "Woodens River Road"

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION REQUESTING THAT A SIGN BE PLACED INDICATING THE WOODENS RIVER ROAD IN SEABRIGHT AND HIGHWAY ROUTE 333"

MOTION CARRIED

URGENT AGENDA ITEMS

Department of Transportation - Councillor Randall

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

"THAT THE PETITION FROM THE RESIDENTS OF OLD HARVEY ROAD,

WEST CHEZZETCOOK BE SENT TO THE MINISTER, DEPARTMENT OF TRANSPORTATION, WITH A COPY TO THE MLA, REQUESTING PAVING OF THIS ROAD"

MOTION CARRIED

A. J. Smeltzer School - Councillor Brill

Councillor Brill said there are four homes in his district, located at 90, 94, 100 and 106 Skyridge Avenue, that experience flooding. He said these homes abut the high school property and the reason the homes are flooded is due to runoff from the school property. He said he feels it is a problem of the Halifax County Municipality or the Halifax County School Board however, neither department wants to accept responsibility. He said he would like to receive a written legal opinion from the solicitor to indicate to him and his constituents who is legally liable for damages and ultimately responsible to correct the drainage problems caused by runoff water from the school property.

Council agreed to this request.

Crosswalks - Councillor Deveaux

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION REQUESTING THAT CROSSWALKS BE PLACED AT THE INTERSECTION OF 1) GARRISON DRIVE AND COW BAY ROAD, 2) THE SENIOR CITIZENS COMPLEX ON THE COW BAY ROAD, 3) THE INTERSECTION OF CALDWELL ROAD AND HORNES ROAD AND 4) ONE ALONG THE MAIN HIGHWAY AT CFB SHEARWATER"

MOTION CARRIED

Canada Post - Councillor Rankin

Councillor Rankin said this was in regard to the proposed installation of community postal box opposite 12 Fraser Road, Timberlea.

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

"WHEREAS CANADA POST IS CONSIDERING THE INSTALLATION OF A COMMUNITY POSTAL BOX OPPOSITE 12 FRASER ROAD, TIMBERLEA AND WHEREAS THIS PROPOSED LOCATION IS SITUATED ON A DECEPTIVE GRADE AND DEEMED BY CONCERNED RESIDENTS ALONG WITH THE LOCAL COUNCILLOR TO HAVE PARTICULARLY SLIPPERY ROAD CONDITIONS DURING ADVERSE WINTER WEATHER AND ALSO TAKING INTO ACCOUNT THE PROPOSED SITE IS ON THE SAME SIDE OF THE ROAD, NOT FAR FROM A METRO TRANSIT STOP OPERATING DAILY; BE IT THEREFORE RESOLVED THAT COUNCIL REQUEST

CANADA POST TO IDENTIFY AN ALTERNATE LOCATION TO SAFELY SERVE THE LONG TERM NEEDS OF THE CONCERNED RESIDENTS ON THIS ROAD"

MOTION CARRIED

ADDITION OF ITEMS TO THE JUNE 15, 1993 COUNCIL SESSION

Noise By-law - Councillor Brill

Irving Big Stop, Enfield - Councillor Peters

Department of Transportation - Councillor Taylor

Department of Natural Resources - Councillor Taylor

Councillor Adams said as a result of presentations made to him over the weekend he has heard about the vote held in Dutch Settlement. He said he would like to read into the record the following Notice of Motion for the next council session:

"Whereas the residents of district 13 have been afforded the opportunity of determining whether or not they wish to host the landfill in their district and whereas an affirmative vote of 66% was required in order to constitute acceptance and whereas no district should have a landfill imposed on them against their wishes be it resolved that before a landfill site is selected anywhere in Halifax County that a meeting of the ratepayers be called and they meet in the various communities constituting the district in which the affected residents reside and that two thirds of those voting in each district do so in the affirmative otherwise the motion is defeated and there will be no landfill in that district. Be it further resolved that the passing of this resolution will constitute a mandate for the mayor and council for the district affected by the proposed landfill known as Site H to hold a meeting of the ratepayers of the districts in accordance with the above in order to determine whether the residents of the districts wish to have the landfill in their area"

Councillor Bates said he feels it might be a good idea if the people in that area had an opportunity to understand what was involved with Site H. He said that the people from East and North Preston are not fully aware of the potential that the compensation package might have for them.

IN-CAMERA ITEM

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

"THAT COUNCIL MOVE IN-CAMERA"

MOTION CARRIED

Council agreed to move out of camera.

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

"THAT THE STAFF RECOMMENDATION BE APPROVED"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Merrigan:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

May 10, 1993

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Deveaux
Councillor Bates
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor Cooper

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

=====
The meeting was called to order at 7:00 p.m. Mr. Kelly called roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

SB-03-93 - APPLICATION BY THE MUNICIPALITY TO 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

Bill Butler gave the staff presentation. He said the proposed amendments are relative to the Subdivision By-law and would, if approved, establish user fees which are intended to capture some of the costs related to the processing of subdivision applications. He said this processing service is specific to individuals seeking subdivision approval and would be similar to the building permit fee that is presently required for that particular service.

He said fiscal restraint suggests that the user pay principle has to be looked at very seriously. The actual fee being recommended, \$50.00 per endorsed lot, is considered to be appropriate for several reasons. First, it recognizes that all applications do, in fact, create a demand for processing by municipal staff. Secondly, it has some degree of proportionality to it in that larger

subdivisions will pay more than smaller ones. Thirdly, it would be applied at the end of the application process and not at the beginning when it is certain that approval can be granted to whatever lots are being applied for approval. Fourthly, payment of the fee can be controlled by developers who may wish to regulate the actual endorsement of lots. An example of this would be that a twenty lot subdivision could be endorsed on the basis of four lots per year and only those lots which are endorsed would be paid. This would respond to a concern council was previously made aware of by some developers who were arguing that it wasn't fair to have all their lots endorsed with approval and then assessed and had to pay taxes on them.

In terms of actual revenue, based on the 1323 lots the municipality approved last year, approximately \$66,000. would have been generated had this fee been in effect. He said they have approved 74 plans and 214 lots so far in 1993 which would have generated \$10,850. for the first quarter of 1993. He said the proposed fees are based on the user pay principle and are felt to be reasonable and appropriate within this particular economic climate.

QUESTIONS FROM COUNCIL

Councillor Fralick asked if there were any other municipal units collecting this fee.

Mr. Butler said the City of Halifax charges \$25.00 per acre or part thereof and the Town of Bedford charges \$60.00 per acre or part thereof. He said there is no fee in the City of Dartmouth.

Councillor Rankin asked what the process was in subdivision approval.

Mr. Butler said a subdivision application comes in and has to be processed in terms of all the information requirements that the Subdivision By-law would require. It also, in most situations, have to be sent to outside agencies such as the Department of Transportation and the Department of Health depending on the complexity and size. He said, with very few exceptions, it has to be sent to some outside agency. He said Halifax County acts as a clearing house relative to those agencies.

Councillor Peters asked, if under the old system, if a developer comes in and develops twenty lots as soon as the subdivision was approved he would then pay taxes on that particular zoning.

Mr. Butler said the situation was that once the lots were endorsed and registered at the Registry of Deeds, they would then become subject to a assessment. They would now be legally separate parcels and the assessment department would step in and put an assessed value on them and they will have to pay taxes accordingly. The concern by developers was that if the market was slow they

could have twenty separate lots that weren't selling and therefore they would have to pay taxes. He said the choice is the developers. They can get final approval but not ask for them to be actually registered except on a one by one basis. He said this would be more expensive in terms of the actual registration costs but that would be the developers choice. The fee being suggested would only be implemented at the actual endorsement stage. He said if there were twenty lots that had received subdivision approval but only wanted four of them registered at a particular time, they would only apply the fee to those four lots. The remaining sixteen would not be assessed until such time as they request came in to register them.

Councillor Peters asked if you had resource land that was subdivided into twenty lots, four of them could be under this process and sixteen would remain without at a lower rate.

Mr. Butler said to his understanding the Assessment Department would not necessarily change the assessment category until the lots are approved. Once they are endorsed and become legally separate parcels the resource designation would be changed to residential and the appropriate tax rate would apply.

Councillor Peters asked if he saw this as satisfying staff requirements with respect to costs and also to reduce costs on an overall subdivision.

Mr. Butler said it responds to the concern by in the development community that they wanted the opportunity not to necessarily have twenty lots given final approval and then assessed as twenty separate parcels of land. This proposal would still let the developers decide when they wanted to come in and actually have the parcel legally created and they would not charge the fee until such time as that specific application is made.

Councillor Merrigan said he does not feel that this fee is helping the developers. He said he is concerned that Halifax County acts as an agent for different government departments. He said when a plan comes in to develop and subdivision in Beavertown, the Department of the Environment would have to approve the lot because they are not hooked into storm drains, Health would have to approve the lot because they do not have central water or sewer and Transportation would have to approve the road because they are DOT owned. He is concerned whether or not Halifax County is going to tell the Department of Transportation, Health and Environment that they should be looking at user fees because they are doing all the work and Halifax County is just coordinating it. He asked if this was opening the doors for these departments to put in user fees.

Mr. Butler said he does not know this, it may be a possibility.

Councillor Rankin asked if the \$71.00 was the provincial fee

associated with registry.

Mr. Butler said that is just the cost of registering a plan.

Councillor Bayers asked if a developer came in with twenty lots in a subdivision how much it would cost for him to register it.

Mr. Butler said it would cost \$71.00 per plan.

Councillor Bayers asked if it is broken down and final approval is given per lot would it cost \$71.00.

Mr. Butler said it would cost \$71.00 each time. He said it would be the developers choice how he would like to have them endorsed.

Councillor Bayers asked what was the time limit that the county required if one lot is approved at a time in a twenty lot subdivision.

Mr. Butler said it is his understanding that it should have been able to be done between a week and two weeks if the plan has been finally approved because it is just a matter of bringing it in and saying they want it taken and registered.

Councillor Bayers said seven days is not too bad but if it takes fourteen days a buyer may go look somewhere else.

Councillor Brill asked how many houses are there on an acre.

Mr. Butler said there would be approximately five or six.

Councillor Bates asked what the costs would be in processing the paperwork.

Mr. Butler said if all the building inspectors were taken out and try to look at the development technicians and managers it would be approximately three quarters of a million dollars for those individuals. He said it is very difficult to allocate that all their time is spent on subdivision. He said he would suggest that the \$66,000. would not be 20% of the total in his opinion. He said they had originally looked at whether trying on an acreage basis was feasible. In Halifax County where you have larger properties and a number of subdivisions on unserviced land, trying to come up with an acreage format did not seem to be very fair. They looked at a straight application fee of \$100. for every application plus so much per lot if those lots were in serviced areas where there was more processing. He said the \$50. per lot was arrived at as the fairest method of trying to implement this cost. He said this would be fair to the small developer who is only interested in one lot versus the developer who is more in the business of developing who would pay proportionately more.

Councillor Peters said the way it stands now is that if someone wants to have a twenty lot subdivision and they come in to have it approved and if they do not sell they are paying a higher assessment.

Mr. Butler said this was correct. He said this would permit the developer to continue to decide how many lots he wished to get approved at a particular point in time. He said they would not implement a charge until a lot was actually requested for that final endorsement and registration.

Councillor Deveaux said that Halifax County acting as a clearing house is a benefit to the developer and therefore are providing a benefit to the developer. He asked why the fee was being proposed.

Mr. Butler said the total cost for subdivision processing at present is paid by the general tax rate. He said that during budget deliberations it was looked at as an option in terms of trying to generate some additional revenue that would put Halifax County in a better net position.

SPEAKERS IN FAVOUR

No speakers in favour

SPEAKERS IN OPPOSITION

Mr. Daryl Dickson, representative of the Armoyn Group spoke in opposition. He said as a residential land developer with substantial portions of development in occurring in the Municipality the introduction of any additional user fee represents further change and ultimately would pass on to the homeowners and purchasers of the land. He said they would assume that this would get added into the land cost that they have. Today the concept of value for money is very real and must be capable of being applied in this levy. What is being offered by the County is exchange for levy. Are any improvements or inefficiencies going to result from the collection of these funds. They are asking if they as a developer have to pay the county and if there are any additional services being offered because of this levy. The use of lot levies is wide spread throughout Canada and in all cases the direct benefit is real and can be shown to the purchaser of being a value added to the land acquisition costs. Providing the county can show real benefit and not simply regard the levy as a tax to residential developers his company will support the motion. However, if there is no real benefit to be provided in exchange for the levy, the creation of new sources of tax revenue, at the expense of residential development, will cause a significant decrease of the objectives of the development sector. He said they are basically saying that increasing any costs to the development community in the residential sector is going to have a drastic downturn on the residential community. He said if it goes to them and they pass it

on to the homeowner, it will be paid anyway. He said he would like to hear what they will be receiving for the increased tax. He said they would support pay as you go scenarios.

Mayor Lichter said that there would be nothing additional in terms of services that are being offered. If council approves this additional levy then one pays for something that one has received free of charge before. He said the money would cover a portion of the operating cost of the department that is involved in the subdivision approval process. He said that is presently being covered by all property taxpayers. He said it is a matter of realignment of the same number of dollars. He said that at budget time council had decided that in order to come in with 0% increase in the tax rate, there had to be some adjustments. Part of those adjustments were made and some weren't made.

Mr. Dickson said that levies in other parts of the country such as Ontario where levies can range up as high as \$20,000. per lot for development. He said they are concerned that it will start at \$50. and escalate yearly.

A representative of the North American Real Estate Ltd. spoke in opposition to the fee. He said his main concern is that there are so many things to get approved, much of which are necessary but there are still a long process involved. He said that development is going through a slow time. He said taxes are adding 18% to almost everything. He said he feels this is more a time for belt tightening than for trying to add on. He said he would encourage council to reject this at this time.

Mr. Vernon Kynock, representative of the Halifax County Business Association spoke in opposition to the fee. He said their business runs on a cycle. He said they develop land for the residential builders market. He said they use their own lands. Costing is proportional to difficulty encountered. During the 1970's the demand for building lots exceeded the supply therefore there was no problems in selling them. In the mid to latter part of the 1980's the supply exceeded the demand and except for a few hot spots the market softened. He said he personally holds some lots that were developed in 1987. He said another blow to the industry was the introduction of the GST. It is difficult to pass that on and most of the developers had to absorb it. High up front costs for land acquisition, engineering studies, surveying and plan preparation plus the actual construction costs in meeting stringent criteria is capital intensive. The freezing of some wages, the reduction of some other pay scales and a lowering of the inflation rate makes it more difficult to sell lots. He said this proposed tax is very regressive as it siphons of necessary working capital. The amount proposed compounded over time can be very difficult to recoup. Recent financial institutional marketing of building lots, in some areas, is affecting prices by as much as 45% below normal market values. He made reference to a present subdivision where lots are

being sold at a low price. He said lots that have final approval are being taxed at the full assessment which, in the developers opinion, is not necessary or fair since they require no services. He said he would urge council to vote against this tax.

Barry Zwicker spoke in opposition to the fee. He said the economic climate is not good for developers. There have been additional costs and there is high unemployment. He said he feels that if there are more lots developed and more houses built the taxes will take care of themselves. He said he feels this fee is a short term gain for a long term pain. He said if anything is done to dampen the spirits of people out shopping for lots, then there is not only going to be fewer lots sold but fewer houses built and fewer taxes paid. The power corporation is charging for putting in lines. He said there are many other costs such as Environment Protection costs.

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

"THAT COUNCIL REJECT THE CHARGING OF \$50.00 FOR EACH LOT FOR WHICH ENDORSEMENT OF FINAL APPROVAL IS SOUGHT"

Councillor Bayers said that any extra dollars creates a burden on the contractors. He said if the economy is better next year this can be looked at again.

Councillor Cooper said that there is a budget process and this was included in it. He said this was a part of the revenue and he would expect it to remain a part of the revenue. He does not feel that this is causing undue burden. He said there are costs to be met and Halifax County provides a fair amount of services to both the residents and developers.

MOTION DEFEATED AS THERE WAS NOT A MAJORITY VOTE OF COUNCIL IN FAVOUR THEREFORE EVERYTHING STAYS AS IS WITH NO FEE BEING IMPOSED.

10 IN FAVOUR

4 AGAINST

IN-CAMERA ITEM

Council agreed to move the meeting to In-Camera status.

Mr. Meech presented a report and recommendation, dated May 10, 1993, on the appointment to the following positions:

1. Director of Finance and Treasurer
2. Director of Social Services

Council members raised a number of queries to which Mr. Meech responded.

Council agreed to recommend the meeting as a regular Council

Session.

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

"THAT THE RECOMMENDATION OF THE CAO, DATED MAY 10, 1993, FOR THE FOLLOWING APPOINTMENTS BE APPROVED IN ACCORDANCE WITH THE TERMS AND CONDITIONS ESTABLISHED BY THE CAO:

A) THAT GEORGE MACLELLAN BE APPOINTED TO THE POSITION OF DIRECTOR OF FINANCE AND TREASURER, EFFECTIVE JUNE 7, 1993 AND;

B) THAT ROBERT COWILL BE APPOINTED TO THE POSITION OF DIRECTOR OF SOCIAL SERVICES, EFFECTIVE MAY 31, 1993"

MOTION CARRIED