

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

"THAT THE FOLLOWING CAPITAL GRANT REQUESTS BE APPROVED:

- a) District Capital Grant District #1 \$ 500.00
- b) District Capital Grant District #2 \$1,122.20
- c) General Parkland Grant \$2,500.00
- d) District Capital Grant District #10 \$ 475.00
General Parkland Grant \$ 475.00
- e) District Capital Grant District #14 \$2,800.00
General Parkland Grant \$2,800.00
- f) General Parkland Grant \$2,788.80
District Parkland Grant District #18 \$2,788.80"

MOTION CARRIED

SECOND AND THIRD READING - A BY-LAW TO AMEND BY-LAW NO. 4, THE MUNICIPAL OFFICERS BY-LAW

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

"THAT SECOND READING BE GIVEN TO A BY-LAW TO AMEND BY-LAW NO. 4, THE MUNICIPAL OFFICERS BY-LAW"

MOTION CARRIED

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

"THAT THIRD READING BE GIVEN TO A BY-LAW TO AMEND BY-LAW NO. 4, THE MUNICIPAL OFFICERS BY-LAW"

MOTION CARRIED

RECORDED RESOLUTION TO ESTABLISH THE MEMBERSHIP OF THE STANDING COMMITTEES

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

"THAT APPROVAL BE GIVEN TO THE RECORDED RESOLUTION, IN THE FORM THAT HAS BEEN CIRCULATED, TO ESTABLISH THE MEMBERSHIP OF THE STANDING COMMITTEES"

MOTION CARRIED

BY-LAW RESPECTING THE AMALGAMATION OF THE DARTMOUTH FERRY SYSTEM WITH METRO TRANSIT

Councillor Peters asked what the total cost would be and if Halifax County's cost is a percentage of the whole.

Mayor Lichter said Metro Authority gets all the assets for \$1.00 but it would have to pick up a deficit of approximately \$960,000. If the deficit is picked up then Halifax County's share is approximately 27% based on assessment. He said what remains now is for each municipality to pass the by-law.

Mr. Crooks said the actual text of the by-law should include at the end the words "effective when approved by the Minister or on a date designated by the Minister" so that the terms of the by-law correspond to what was indicated in the memorandum as the timing for the by-law to come into effect.

Councillor Cooper asked what the term "uniform assessment" meant.

Mr. Meech said it is the total assessment of each of the units including the assessment that would be on the assessment roll as non taxable which is conversion of grant in lieu of taxes to assessment to get the uniform assessment.

Councillor Cooper said if the by-law is based on the memorandum then he would have a problem with items b and c of No.7 of that agreement.

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

"THAT FIRST READING, WITH THE AMENDMENTS, BE GIVEN AT THE NEXT COUNCIL SESSION"

MOTION CARRIED

Councillor Deveaux asked if the Police issue could be considered as a Notice to Reconsider at the end of the Council Session

Mr. Crooks said normally the position as a matter of parliamentary procedure is that only substantive motions can be reconsidered and a motion to defer is not a substantive motion. He said council's procedural by-law, which governs where it specifically deals with procedure and prevails over normal parliamentary procedure, simply indicates that any question decided by the council, either in the positive or the negative, can be reconsidered. He said the By-law also distinguishes between substantive and procedural motion. If it had been intended that it was to be confined to a substantive motion it would have said so. He said, in his opinion, the question can be reconsidered which means notice to that effect would be given and the matter would be considered again near the conclusion of this meeting.

Councillor Deveaux served Notice of Reconsideration for the end of the Council Session to reconsider the RCMP issue.

BOARD OF HEALTH REPORT RE: BEAVERBANK POLLUTION CONTROL STUDY

Mr. Reinhardt outlined the report for council.

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

"THAT THE REPORT BE RECEIVED"

MOTION CARRIED

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

"THAT STAFF BE REQUESTED TO INVESTIGATE HOW BEST TO DEAL WITH THE WATER PROBLEMS IN THE BEAVERBANK POLLUTION CONTROL STUDY AREA"

MOTION CARRIED

REPORT RE: CLEAN AIR - REGULATING TOBACCO SMOKING

Councillor Harvey said he had raised the question of clean air in the municipality in relation to secondary smoke. He said it seems clear from the report that the municipality is unable to act in the interests of its citizens particularly in the interest of the three quarters of its citizens who are not smokers. He said many municipalities are moving to enact regulations in the interest of the health of their citizens.

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

"THAT THE REPORT BE RECEIVED"

MOTION CARRIED

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

"THAT OPTION "A" AS RECOMMENDED BY THE REPORT BE ADOPTED"

MOTION CARRIED

APPOINTMENT - BOARD OF MANAGEMENT - VON, DARTMOUTH

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

"THAT THIS BE DEFERRED TO THE NEXT SESSION OF COUNCIL"

MOTION CARRIED

APPOINTMENT TO LIBRARY BOARD

Council decided that this would be deferred until the second council session in September.

DISPOSAL OF APPLIANCES CONTAINING FREON

Mayor Lichter said he had brought this issue up at Metro Authority with the Authority considering hiring a technician that would be able to do the type of Freon removal that is needed and accept at the landfill refrigerators and freezers that come in with Freon, not through the garbage trucks, but by individuals delivering them. Then, at no cost to those individuals, they could do it cheaper if there was someone trained and on staff to do this.

Councillor Ball said this has been discussed for some time and it may be appropriate to ask Metro Authority, at it's next meeting, as to the status of this item.

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

"THAT A LETTER BE WRITTEN TO METRO AUTHORITY ASKING THEM TO TAKE A LOOK AT THE EARLIER MOTION THAT WAS MADE AT METRO AUTHORITY"

Councillor Cooper said he feels there should be some place where people can take these machines where they could be accepted and stored until a solution is found.

MOTION CARRIED

MEMORANDUM RE: SIDEWALK COST ESTIMATE - WINDSOR JUNCTION/FALL RIVER ROAD

Mr. Meech said originally the request had been to determine an estimate and the report shows that it will be quite expensive. He said the question at this point is whether or not Halifax County wishes to proceed with a request for more detailed estimates.

Councillor Snow said he would like to have a proper survey done on the section on which the school is located.

Mr. Meech said the cost is such that monies may not be forthcoming from the province. He said if it was pursued on the community level then it would have to be pursued with the province to see whether in fact there was any particular ability to access monies.

Councillor Snow advised that he would look into this matter.

RATIFICATION OF APPROVED DISTRICT CAPITAL GRANTS

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

"THAT THE APPROVED DISTRICT CAPITAL GRANTS BE RATIFIED BY COUNCIL"

MOTION CARRIED

MEMO RE: RESIGNATION OF MRS. MELBA HOLM, ADMINISTRATOR -
H.C.R.R.C.

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

"THAT THE RESIGNATION BE ACCEPTED SUBJECT TO A SATISFACTORY AGREEMENT BEING REACHED BETWEEN THE BOARD AND MRS. HOLM WITH RESPECT TO AN EFFECTIVE DATE AND FURTHER THAT AN INTERIM ADMINISTRATOR BE HIRED UNTIL SUCH A TIME AS A NEW ADMINISTRATOR CAN BE HIRED"

MOTION CARRIED

APPOINTMENT TO THE BOARD OF THE HALIFAX COUNTY REGIONAL
REHABILITATION CENTRE

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

"THAT COUNCILLOR RON COOPER BE APPOINTED TO THE BOARD OF THE HALIFAX COUNTY REGIONAL REHABILITATION CENTRE"

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

LAND PURCHASE, BEAVERBANK

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

"THAT COUNCIL DIRECT STAFF TO PROCEED IN ACQUIRING THE SUBJECT LAND KNOWN AS LOTS XY-A AND XY-B FOR THE INTENDED USE OF A COMMUNITY BALLFIELD. FURTHER THE PROPOSED PURCHASE WOULD BE CONTINGENT ON HALIFAX COUNTY MUNICIPALITY RECEIVING CLEAR TITLE"

MOTION CARRIED

HALIFAX HARBOUR CLEANUP INC. - PROGRESS REPORT 13 TO 30 JUNE, 1993

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

"THAT THE REPORT BE RECEIVED"

Councillor Ball made reference to the report where it states "money was budgeted for the development of predesign concepts and cost estimates of wetland treatment systems for Halifax, Mainland South and Herring Cove". He said this was not part of the environmental assessment in terms of the wetland treatment system. He said it was not discussed by the affected communities; therefore, why has

money been allocated and budgeted for this particular aspect when this was not part of the environmental assessment.

Mr. Meech said it was with regard to authorizing some monies primarily for engineering services to develop the information base. He said it was raised during the panel hearings and they wanted to be in a position to respond to this if it should become an issue. He said it was felt that additional technical information was needed to reinforce the position on that issue.

Councillor Ball said he feels it is a little premature to make an assumption that the environmental assessment panel was going to come back with a request to look at that. He said he does not like the idea that Halifax County is spending money on predesign concepts and cost estimates for a system that he does not feel was ever discussed with the communities. He said he is having difficulty with the idea that money is being expended with no direction coming down from the environmental assessment panel. He said he personally feels that this money should not be expended until such time as the review panels report comes back to see what the recommendations are or are not. He said a design was presented and he would personally like to see this item brought back to HHCI because he does not think this is the right avenue. He said he would like to see Mr. Meech take that item back because there has been no discussion or community input.

MOTION CARRIED

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

"THAT HHCI BE ASKED WHAT IS THE RATIONALE FOR THE
PREDESIGN CONCEPTS AND COST ESTIMATES OF WETLAND
TREATMENT SYSTEMS"

MOTION CARRIEDQUARTERLY REPORT, DEPARTMENT OF SOCIAL SERVICES EXPENDITURE AND
CASELOAD TRENDS

Council agreed to receive the report.

Councillor Fralick asked if it would be possible to have a meeting with the province and the council to deal with this issue.

Mayor Lichter said a meeting could be arranged with the Minister of Community Services and the MLA's of Halifax County. He asked Mr. Meech to look at the possibility of arranging a meeting.

Councillor Taylor said that it had been suggested that possibly a meeting would be held with the services committee with the possibility of arriving at a position. He said he would suggest that this be done before meeting with the province.

Mr. Meech said the possibility of looking at some suggested amendments to the present policy for the administration of the Social Services program, the eligibility criteria, etc. be brought to the committee.

MOTION OF RECONSIDERATION - R.C.M.P.

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

"THAT A MOTION OF RECONSIDERATION RE: R.C.M.P. BE APPROVED"

Mayor Lichter said if this succeeds it would mean council is willing to discuss the deferral motion made by Councillor Rankin. If the motion does not succeed then the issue is finished.

MOTION DEFEATED

8 IN FAVOUR

9 AGAINST

DEPARTMENT OF NATURAL RESOURCES - COUNCILLOR TAYLOR

Councillor Taylor said the Upper Musquodoboit Ratepayers would like to have some input in the decisions made at the Mount Williams Park. He said there is a phase already completed by the previous provincial administration and they would like to be accorded input in any future decisions made there.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER, WITH A COPY TO THE MLA, MAKING HIM AWARE OF THIS REQUEST"

MOTION CARRIED

DOT - COUNCILLOR SNOW

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION REQUESTING AN UPDATE WITH REGARDS TO THE SERVICE ROAD BETWEEN FALL RIVER AND WAVERLEY"

He said this is littered with garbage and Mr. Ken Streach had promised that two gates would be installed.

MOTION CARRIED

PCB'S - COUNCILLOR PETERS

Councillor Peters said she would like to submit a petition containing 1,297 names opposing the proposed PCB incinerator in

Oldham. The residents are against any possibility of the incinerator being placed in that area. The residents have had meetings with the project coordinator. She said information has been asked for which has not been forthcoming. She said a list of questions had been submitted for which answers have not, to date, been received. She said Mr. Johnson was not able to advise her whether the 9,300 hundred tons that is being proposed to be incinerated at Oldham or Gagetown would be the final number. If there are other PCB's discovered later this can be extended and this can go on indefinitely as the contract does not state a time frame.

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

"THAT COUNCIL ACCEPT THE PETITION AND CONTINUE TO SUPPORT THE OPPOSITION OF THE PLACING OF THE PCB INCINERATOR IN OLDHAM"

MOTION CARRIED

DOT - COUNCILLOR RANKIN

It was moved by Councillor Rankin, seconded by Councillor

"THAT A LETTER BE WRITTEN TO JIM WILLIAMS, DIRECTOR OF TRAFFIC, WITH A COPY TO BRUCE HOLLAND, MLA AND EDWARD ARAB OF THE GOVERNOR GLEN RESIDENTS ASSOCIATION, REQUESTING CONSIDERATION OF A CROSSWALK ACROSS THE BAY ROAD AT THE ENTRANCE OF THE GOVERNOR'S GLEN SUBDIVISION"

MOTION CARRIED

FISHERY CRISIS - COUNCILLOR SMILEY

Councillor Smiley said there is a crisis in the fishing industry. She said people don't fully understand or are aware of what the Transitional Fisheries Adjustment Program means or the implications. She said many people have not applied because they feel they are diversified in their fishing. She said these people will end up on the social services rolls unless the Federal government can be encouraged to change the criteria so that these people will take advantage of the program. She said this not only involves the fishermen but the people, on shore, who have worked to support the industry. She said people are not applying for the program and she has requested that social services to educate their workers to encourage everybody who is involved in the fishery in any way to apply.

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

"THAT HALIFAX COUNTY INVITE INDIVIDUALS FROM THE FISHERY INDUSTRY AND ECONOMIC DEVELOPMENT PEOPLE FROM THE

COMMUNITY FUTURES PROGRAM TO COME IN AND SPEAK TO COUNCIL
ON THIS ISSUE"

MOTION CARRIED

Councillor Cooper said he would like to give Notice of Motion to Rescind the motion to defer the RCMP issue to budget time.

Mayor Lichter asked the solicitor if a motion that has been reconsidered and failed to get reconsideration can be now given a notice of motion to rescind.

Mr. Crooks said a motion can be reconsidered only once but it is possible, even though there has been reconsideration, to give notice that at a subsequent meeting a motion of recession will be moved. He said the only reason a procedural motion such as a deferral motion can be reconsidered is because the council by-law explicitly provides for that. He said there is nothing in the council by-law with respect to recession and it is an open question as to whether or not, if we fall back onto parliamentary procedure, that a motion of this type can be reconsidered. He said he would have to examine this and report to council at the next session.

Mayor Lichter said, based on the opinion of the solicitor, if the motion was phrased in such a way that he move that council request the solicitor general to give Halifax County an extension and if an extension is received, that a notice of rescindment is automatically on the floor of the next council session. If Halifax County does not receive this then there is no point in dealing with it.

Councillor Cooper said he feels there are sufficient reasons to rescind that motion and to get back into discussions.

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

"THAT THE SOLICITOR GENERAL BE ASKED GIVE AN EXTENSION OF
ONE MONTH"

MOTION DEFEATED

7 IN FAVOUR

10 AGAINST

Councillor Cooper gave Notice of Motion to Rescind for next council session.

URGENT AGENDA ITEMS

Bussing Distance for Elementary School Children - Councillor
Deveaux

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

"THAT HALIFAX COUNTY RECOMMEND TO THE UNSM THAT THEY APPROACH THE PROVINCIAL GOVERNMENT WITH THE INTENT BEING TO REQUEST THAT THEY LOWER THE MINIMUM DISTANCE FOR ELEMENTARY CHILDREN TO ONE MILE IN LIEU OF THE TWO AND ONE QUARTER MILES"

MOTION DEFEATED

Reconsideration of Appointment to Rehab

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

"THAT COUNCIL RECONSIDER THE APPOINTMENT TO THE REHAB BOARD AND ACCEPT FURTHER NOMINATIONS"

MOTION CARRIED

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

"THAT THE APPOINTMENT BE DEFERRED"

MOTION DEFEATED

7 IN FAVOUR

8 AGAINST

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

"THAT MOTION THAT NOMINATIONS CEASE BE RESCINDED"

MOTION CARRIED

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

"THAT COUNCILLOR BRILL BE NOMINATED TO THE REHAB BOARD"

THE PREVIOUS MOTION NOMINATING COUNCILLOR COOPER STILL STANDS.

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

After a vote was taken Councillor Cooper was appointed to the Rehab Board by a vote of 10 to 7

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

"THAT COUNCIL ACCEPT MAYOR LICHTER'S RESIGNATION AS A MEMBER OF THE REHAB BOARD"

COUNCIL SESSION

27

AUGUST 3, 1993

MOTION CARRIED

ADDITION OF ITEMS TO THE NEXT COUNCIL SESSION

Fire Safe House - Councillor Ball

DOT Speed Limit - Councillor Ball

Club Road - Councillor Ball

Community Futures Criteria - Councillor Ball

School Board - Councillor Rankin

IN CAMERA ITEM

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

"THAT COUNCIL MOVE IN CAMERA"

MOTION CARRIED

Committee agreed to move out of camera and meeting adjourned.

PUBLIC HEARING

August 9, 1993

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

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

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

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

Mayor Lichter outlined the format followed for the public hearing.

PA-TLB-14-92 & ZAP-TLB-14-92 - APPLICATION BY PIERCEY INVESTORS LIMITED TO AMEND THE PROVISIONS OF THE MUNICIPAL PLANNING STRATEGY AND THE LAND USE BY-LAW FOR TIMBERLEA/LAKESIDE/BEECHVILLE TO ALLOW FOR APPLICATION OF THE C-2 (GENERAL BUSINESS) ZONE ON THE LANDS OF PIERCEY INVESTORS LIMITED, SITUATED ON THE SOUTH SIDE OF HIGHWAY NO. 3 AT INTERCHANGE NO. 4 OF HIGHWAY NO. 103

Paul Morgan presented the staff report. He said an application is being made to have the municipality amend it's land use policies and regulations to allow for commercial development on it's land

holdings. He outlined a map showing the land holdings of Piercey Investors Limited. He said Pierceys originally requested that these land holdings be redesignated from residential to commercial to allow for commercial development. After meetings with the Planning Advisory Committee and Public Participation it was decided to just go with the site shown as Site A on the map. This site is at the interchange of the 103 highway and the highway No. 3 and the St. Margarets Bay Road. Site A has a total area of approximately 22 acres.

Mr. Morgan said that this property is presently designated Urban Residential under the Planning Strategy for Timberlea and zoned R-1 (Single Unit Dwelling) zone under the Land Use By-law. Mr. Piercey has, in support of this application, suggested that this site may not be suitable for residential development. Mr. Morgan proceeded to show slides of the site. He said the R-1 one zone does allow for institutional uses such as police stations, churches, etc. He said these can be considered, by right, under the R-1 zone. He said given the proximity to the interchange and the growing number of subdivisions in the immediate area, the applicant has suggested that it may be more suitable for commercial development. He said staff would concur with that opinion but they would also look at some of the constraints to the site - 22 acres is a fairly large area and there is fear on the part of staff that, if the property was zoned C-2 as requested originally, there may not be sufficient control. He said this has to be considered in the context that directly across from the site there is a low density residential subdivision and the because the site is low lying it could pose some problems with storm drainage if it was improperly developed. The application before council would be to redesignate Site A from Urban Residential to Commercial under the Planning Strategy but leave it zoned R-1 (Single Unit Dwelling) zone under the Land Use By-law and then allow for the possibility of commercial development by Development Agreement. He said this would require the applicant or proponent to come in with site plans and a proposal that addresses the criteria identified under the proposed implementing policy.

He said if this policy was approved council would be requested to consider the criteria identified under this proposed policy CG3 in any future Development Agreement - things relating to the site plan, the architectural design of any buildings, access to the highway, signage and matters regarding storm drainage. This would give better control over what may or may not happen on this site. He said it does offer possibilities for commercial development but there are constraints with regard to surrounding residential environment.

QUESTIONS FROM COUNCIL

Councillor Fralick asked if there had been any correspondence in either support of or opposition to this application.

Mr. Morgan said there are not that he is aware of.

Mayor Lichter asked if Council has to deal with Appendix A and Appendix B.

Mr. Morgan said the proposed amendments are identified in Appendix A and Appendix B.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

Charlene Bouchard spoke in opposition to the application. She said she lives directly across the street from the proposed site. She said the area that the slides show as being treeless is a very small area of approximately one (1) acre at the very tip of the proposed site. She said there are no houses across the street from that. The subdivision is down from that. Her house is down from that. She said that this is actually just the exit. The rest of the area is not treeless but very dense and it provides a buffer zone between the route 3 and highway 103 for the residents on route 3. She said the proposal states that there is approximately 22 acres which would be divided into one acre parcels. This means 22 small businesses all needing water and sewage facilities and drainage. She said there is a small population of homes near this site. She said there is a gas station, video stores, drug store, etc. located in Timberlea. She said the residents closer to Tantallon use the facilities in Tantallon. She said this type of mini mall is not needed in her opinion. She said if it does go in she would like to see some trees left as a buffer. She said she feels drainage would be a big problem.

QUESTIONS FROM COUNCIL

Councillor Rankin said it was his understanding that if this agreement went through the parcel would be one entity and not 23 lots. He said it is his understanding that the general commercial is distinguished from the commercial zones and would not allow for shopping centres. He said if this went through drainage concerns and buffering would be taken into consideration and addressed within a development agreement and there would not be that flexibility as by right. He asked for clarification as to what type of building can be put on the property, the area of the permitted building and the question of subdivision of that lot.

Mr. Morgan said under the proposed amendments it would not preclude the possibility of the area being subdivided. He said it is possible that the applicant could propose to subdivide it into more than one property. He said there are two lots at the present time. The scale of any building or buildings being proposed would be

subject to future negotiations. He said Halifax County would try to negotiate with respect to these criteria. He said, when looking at these criteria, it is contemplated there would be a shopping centre here. He said it is possible that someone could propose a smaller strip mall. He said the criteria do require that council reviews landscaping measures. He said that he would presume that the retention of trees would be something that staff would try and negotiate.

Councillor Fralick asked Mrs. Bouchard if she would be opposed to erecting a church at that particular location.

Mrs. Bouchard said would not be but pointed out that Timberlea has, to her knowledge, one church for all major denominations in the area. She made reference to page two with respect to types of businesses which she said suggests a mini mall.

Councillor Ball asked Mrs. Bouchard if she was opposed to it being rezoned to a commercial property with development agreement or are her concerns more with regards to the drainage and buffer zones.

Mrs. Bouchard said both issues are of a concern to her.

Councillor Ball said if council agreed to amend the by-law in order to allow Site A to be developed by development agreement then negotiations would take place between staff and the developer and there would be another public hearing as to what the layout would be in terms of design, type, buffer zones of tree, etc. He said there is a great deal of control as to the kind of development and the way it is done through the development agreement because it would have to come back to council and go through the process.

Mrs. Bouchard said there are a lot of children in the area and they are concerned with the increase in traffic flow. She said she would like to see it remain residential.

Councillor Ball said if it was a residential development it would pose the difficulty of increased traffic, it would pose problems to children, decrease the foliage thus reducing privacy and it would still pose a drainage problem with less control than a development agreement would have.

Mrs. Bouchard said she feels it would not be to the extent where you would have the possibility of 22 extra businesses with the traffic flow to each of those businesses.

Councillor Ball said his understanding, from reading the document, was that on average the parcels for commercial development, throughout the designated area, is two acres and above.

Mr. Morgan said that on page 2 it says the applicant has expressed the intention to subdivide the property into minimum one acre lots.

He said he does not feel that staff would ever recommend approval where someone was contemplating this. He said he does not think that the applicant had any firm idea of what exactly was going to go in there. He said some of the uses identified may or may not be acceptable to council.

Councillor Ball clarified that Mrs. Bouchard was not opposed to homes being constructed on site but would be opposed to some kind of controlled commercial development being constructed on site.

Mrs. Bouchard said yes this is what she was saying because homes would have their own septic field.

Deputy Mayor Bates said to his understanding what Mrs. Bouchard is saying is they are in a residential zone and they would not like to see commercial coming in.

Mrs. Bouchard said this was basically what she was saying.

Molly Perry, 1535 Island Road, Lake of the Woods Subdivision, spoke in opposition to the application. She said read the pro's and con's with regards to the suitability of the sites for commercial development and was impressed with the thoroughness of the assessment. She said one of the main reasons given to develop was to provide services to those communities west of Exit 4 - Sheldrake, Lake of the Woods, Hubley and Upper Tantallon. She said the residents of these communities have no interest in and no need of any new commercial development. She said there are very adequate services and retail outlets available within minimal and convenient distance. She said they urge council to deny this rezoning application and to allow further commercialization to develop in already designated commercial core areas such as St. Margaret's Bay Village and Hubley Centre and the areas in Lakeside and Timberlea that are already designated that way.

QUESTIONS FROM COUNCIL

No questions from council.

Dr. Robert Chambers, Lake of the Woods, spoke in opposition to the application. He said he is in agreement with Mrs. Perry. He said the residents have chosen the rural way of life and he is opposed to any change in zoning because he is opposed to the premise that these services are needed. He said additional business would not only destroy what makes it a nice place to live but also would increase traffic.

QUESTIONS FROM COUNCIL

No questions from council.

Jean Harris, St. Margaret's Bay Road, spoke in opposition to the

application. She said this is presently a residential area with three growing subdivisions in close proximity to the Exit 4 overpass. She said they would like this area to remain strictly residential. She said there is ample shopping already in the area. She said a rezoning could lead to the kinds of development which would be totally incompatible with the residential area. It would bring more traffic, litter, unattractive premises and they do not want to see this happen in their area. She feels the area in question should be left R1 for any kind of building that the zoning allows.

QUESTIONS FROM COUNCIL

No questions from council.

Paul Avery, 3253 St. Margaret's Bay Road, spoke in opposition to the application. He said he lives directly across from the Site A proposal. He said his opposition is for all the previously expressed reasons but primarily for the drainage problem. The homes across from this site already have drainage problems. The only outlet they have for the water they have is in a culvert that passes under St. Margaret's Bay Road. That water exits onto Site A. The buffer zone that this site represents is a buffer zone between their properties and a lake on the other side of the zone where the drainage passes through and goes into the lake. The property that the proposal wishes to develop is primarily a swamp at this time. He said he feels any future proposal would only have detrimental effects to the already existing properties.

QUESTIONS FROM COUNCIL

No questions from council.

William Fougere, 66 Silver Bridge Drive, spoke in opposition to the application. He said he is opposed to the rezoning. He asked if the decision is made to rezone then and only then do all future negotiations only centred around that type of zoning that would take place. He said his understanding is that you would not be able to reverse the existing decision.

Mayor Lichter said if the municipal planning strategy would be amended it would give council and staff the ability to negotiate a development agreement. If council, in the end, at a public hearing does not approve the development agreement it would not go in force. He said, in other words, nothing could be done with that piece of property that council doesn't approve. He said the MPS amendment itself would not be the last step in any kind of commercial development. He said it is not a matter of an irreversible decision that automatically would push a commercial development in there. This is only the first step in a two step approach.

Mr. Morgan said if these amendments were approved then the applicant would be entitled, if they had a proposal, to negotiate. He said for any future applications, all those within 500 feet of the site would receive written notification of the public hearing.

Mr. Fougere said he had another concern with regards the community growing in proportion and they do not wish to have a commercial core in the region.

Councillor Deveaux said the commercial industrial ratio in Halifax County is around 12%. He said that with a low commercial industrial ratio of this type tax rates could be affected. He said there are a number of areas in the county where people have accepted commercial development and it helps the tax rate.

Mr. Fougere said there are presently areas that have been designated commercial and he feels more should be done to attract businesses into those areas.

David Bancroft, Lake of the Woods, spoke in opposition to the application. He said the services are within a very short distance. He said people do not want the tax rate to go up and a commercial base is needed. He said he is not against development, but against poor development and he would not like to see development to go ahead that does not stand a good chance of success. He said there are services at Exit 5 and those are in the process of being extended. He said there are areas that are zoned for commercial use and he feels perhaps those areas should be promoted instead of opening up new ones.

Don Harris, Sheldrake Subdivision, spoke in opposition to the application. He said he wanted to say he is against the development of this commercial area.

Jane Chambers, Lake of the Woods, spoke in opposition to the application. She said it is a rural areas and this is what they want.

DECISION OF COUNCIL

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

"THAT THE APPLICATION BE DENIED"

MOTION CARRIED
12 IN FAVOUR
4 AGAINST

George Piercey, President, Piercey's Investors Limited said if this went residential there would only be approximately 20 lots. He said it is a very narrow piece of land which is not suitable for residential development. He said it would be a dangerous and noisy

place to live. He said there are potentially 900 hundred lots to be developed North and East of that site going to three lakes. He said the needs of these additional people are not taken into consideration when talking about the Hubley centre. He said the distances will be worse with the future development that is bound to take place. He said all the drainage in that area, including Site A, and most of the land to the Northeast and North is natural drainage towards Frasers Lake and Cranberry Lake. Storm drainage from the initial development above Site A is heading to Frasers Lake. Drainage will have to be looked after on this site and any future development of Site B. He said this will have to be accomplished and will be part of any negotiations, in detail, with the planners before coming back to council.

He said that he would like to clarify that the land in question is not swamp land. There is swampland at the far end of Site B. He said that land will be developed whether commercial or residential. He said the trees will be there. He said they have no intention of clear stripping that land.

Councillor Sutherland asked Mr. Piercey how long the land had been in the ownership of his company.

Mr. Piercey said he has owned the property since 1956.

Councillor Rankin asked why he had not come forth at the Public Participation sessions to request that the change be made from residential to general commercial.

Mr. Piercey said he has been at many of the sessions.

Mayor Lichter said in order to have a vote on the issue he would have to have a rescindment.

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

"THAT THE PREVIOUS MOTION BE RESCINDED"

MOTION CARRIED
15 IN FAVOUR
3 AGAINST

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

"THAT THE APPLICATION BE REJECTED"

MOTION CARRIED
12 IN FAVOUR
6 AGAINST

PA-8&9-05-93 AND ZAP-8&9-05-93 - APPLICATION BY THE MUNICIPALITY TO AMEND THE PROVISIONS OF THE MUNICIPAL PLANNING STRATEGY FOR

PLANNING DISTRICTS 8 AND 9 IN ORDER TO ALLOW FOR A SHOPPING CENTRE
BY DEVELOPMENT AGREEMENT ON THE PROPERTY OF PATRICIA KEEPING

Kurt Pyle gave the staff presentation. He said the application is as a result of the municipality's planning advisory committee meeting of March 8, 1993 when the planning advisory committee instructed staff to initiate an application, on the behalf of Patricia Keeping, to amend the municipal planning strategy for planning districts 8&9 in order to permit commercial development, in excess of 2,000 square feet, by development agreement, in the Lake Echo designation.

Prior to this application Mrs. Keeping submitted an application in 1991 and 1992 to amend the planning strategy in order to permit a commercial development that she had begun prior to the development of the municipal planning strategy in 1988 which she had received permits for. He said the site is approximately two acres and has frontage on highway #7. He said the entire area is forested. He said the site has approximately 305 feet of frontage on highway #7. He said the property slopes upwards. It moves along highway #7, away from Halifax. He said there are residential dwellings next to the property. He said the Lake Echo Community Centre is located across from the property.

He said in 1991 the planning advisory committee chose to recognize the unique circumstances which Mrs. Keeping's municipal permits were initially issued for this development and therefore proposed to exempt her property from the floor area restrictions imposed by the planning strategy and land use by-law for planning districts 8 for the C1 zone. He said this has a maximum floor area of 2,000 square feet. He said a public hearing was held on the proposed amendments which was unable to obtain the support of the majority of the whole council required for all plan amendments; therefore, the application was not approved and was a catalyst for the plan amendment application being discussed tonight.

He said the amendments proposed in the staff report of February 10, 1993 would only affect the Lake Echo designation of the Planning Strategy for districts 8 & 9. He outlined the area on a map. He said priority is given to low density residential development within the Lake Echo designation. However, the designation also permits small scale commercial and local service uses. In addition, the designation also permits large scale commercial uses but only within 1500 feet of the intersection of the highway 107 and the Minesville Road. Mrs. Keeping's property is located two miles from the intersection.

The Lake Echo designation clearly supports the limiting location of large scale commercial uses such as Mrs. Keeping's development to the area near the highway 107 and the Minesville Road intersection in order to achieve the overall objective of the designation which is to separate large scale and small scale commercial development.

The development agreement option, proposed in the February 10th staff report, is a means of providing flexibility and a control to enable larger commercial projects within the Lake Echo designation beyond 1500 feet radius of highway 107 and the Minesville Road to occur. He said this is also to ensure that the level of control needed to address residential and community concerns are addressed. The amendments proposed in the February 10th staff report enable council to consider large scale commercial developments subject to certain provisions and controls which address the following: 1) location of the use; 2) access to traffic including both car and pedestrian; 3) site conditions; 4) buffering and screening provided by the development; 5) parking; 6) exterior finish of the building; 7) hours of operation and 8) adequacy of sewer and water as well as other additional aspects and provisions. This amendment proposed is not just for Mrs. Keeping, this applies throughout the Lake Echo designation as long as you have access either on highway 107, Bell Road or Minesville Road.

He said if council approves this application tonight, it will allow Mrs. Keeping to apply for a development agreement. He said at the development agreement step all these conditions must be addressed by staff when dealing with Mrs. Keeping's or any other application on those three roads. Because of the flexibility of the development agreement and option in the controls that it provides over the development staff is recommending that council approve the proposed amendments in the staff report dated February 10th.

QUESTIONS FROM COUNCIL

Councillor Taylor said at the May 25, 1992 public hearing Mrs. Keeping indicated a desire to construct a development of 18,000 square feet. He asked if this was still Mrs. Keeping's intention.

Mr. Pyle said he believed that this is still her intention.

Councillor Taylor asked if, at that time, she indicated a buyer for that property and is it now her intention to construct the already started development.

Mr. Pyle said he was not aware if Mrs. Keeping still has that same buyer or a new one but the agreement would provide for any developer along those three roads to apply for this option.

Councillor Taylor asked if the recommendation put forward at this meeting is approved, would Mrs. Keeping necessarily be able to construct 18,000 square feet.

Mr. Pyle said it is still subject to council's approval. He said there is the possibility that she may apply and be rejected.

Mayor Lichter asked Mr. Pyle to clarify that it would be Appendix "A" for the MPS amendment and also Appendix "A" for Land Use By-law

amendment.

Mr. Pyle verified that it was.

SPEAKERS IN FAVOUR

Mr. Ryan, 2704 #7 highway, Lake Echo, spoke in favour of the application. He said he had spoken to a number of people in the area and a majority of those people were in favour of this development. The major reason for this is that there are no financial or legal institutions in the Lake Echo area. He said there are a number of other industries that they would appreciate having. He said the area chosen is becoming the core development area with a community centre, restaurant, video store, service station, etc. He said he would like to see this develop because it will help the tax base but more importantly he sees it as a potential place where young people will have a chance to get part time work. He said there is no place for them to get a part time job at the present time.

Mr. David Hendsbee, spoke in favour of the application. He said he would like to see some flexibility to the planning of district 8 & 9. He said he has some reservations about the project that Mrs. Keeping has but he feels those can be ironed out in discussions when it comes to a development agreement. He said his understanding is that if this passes tonight Mrs. Keeping has an opportunity to apply for a development agreement where she has to go through the process of consulting with the public in district 8 and have the concerns addressed by the community as well as come back to council for approval on that project.

Mayor Lichter said he does not believe there is an obligation for the applicant to consult with the public but when it comes to having the development agreement get to the stage that there is going to be a public hearing, everybody within 500 feet would be notified of the public hearing coming up and it is at that stage that everybody would have a chance to have a final input to indicate to council whether they support or don't support the particulars of the development agreement.

Mr. Hendsbee said this amendment to the planning strategy would allow some flexibility to the district as well as providing an opportunity to develop a commercial base within the area.

Mr. Patricia Keeping, applicant, spoke in favour of the application. She said the Lake Echo Mall is her project. She said this goes back to 1970 when she acquired some land. She said at that time she felt it was ideal for a shopping mall on the #7 when the population warranted that. She said for the next seventeen years she assembled land. Two years prior to actually starting work to obtain this permit, she consulted with different government departments and the officials in those departments to talk over the

feasibility of this plan and to ask if they saw anything that would be a potential problem.

She said she met with Mr. Heffler, Chief Building Inspector for Halifax County and Mr. Bill Thurston, Chief Engineer, Provincial Health Department. She said they were very supportive of her idea and did not find any fault in it. Mr. Thurston advised her that she should engage an engineer when she was ready to start the work to design a septic field that would be appropriate for the building. She said there were two years of work involved in obtaining the permit. She said she was granted the permit in 1987. She said all government officials, she had talked with, were supportive of her idea. She said the Municipal Plan was approved in 1989. She said she put many hours of work and considerable financial investment into this. She said her permit was renewed in 1988, 1989 and 1990. She said she had been looking, during those years, for people interested in leasing in order to arrange financing.

She stated that in 1991 she had several companies interested subject to renewal of the permit which, at that time, was not renewed. She said this project will create jobs for people in the construction industry as well as creating 40 or 50 permanent jobs. She said the project will give services and stores to the area. She said it will generate tax dollars. She said when this had come to council on a previous occasion it had been defeated. She said she had engaged only the most capable people could find in helping her design the project. She said there has been over twenty years, with considerable investment, spent, by her, developing this project. She urged council to vote for the amendment.

Mr. Bob Beir spoke in favour of the application and made an oral presentation of his written submission.

QUESTIONS FROM COUNCIL

Councillor Giffin asked if to verify that there were two questionnaires distributed with regards to this project.

Mr. Beir said there were two questionnaires as well as telephone calls and personal door to door canvassing.

SPEAKERS IN OPPOSITION

Mr. John Wood spoke in opposition to the application. He said the amendment puts in place things that he was concerned about. He said he is not concerned about the property being commercial under the C-1 aspect. He said, from his understanding, under the amendment the C-1 that is not under consideration at the present time could be brought into the picture and then the whole area could become heavy commercial property. He said there is not proper access into the property but if the area was cleared he does

not see any problem.

Ms. Olive Wood, Old Camp Road, spoke in opposition to the application. She said she is concerned with about a traffic problem. She said she does not see the need for another shopping centre. There are stores as well as doctor's offices in Lake Echo. She said there are vacancies in the present mall.

DECISION OF COUNCIL

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

"THAT APPENDIX "A" TO AMEND THE MPS FOR PLANNING DISTRICT 8 AND 9 BE APPROVED BY MUNICIPAL COUNCIL"

Councillor Sutherland said there seems to be some misunderstanding about road right-of-ways in that area. He said he feels it would be to the benefit of the applicant to work with Mr. Wood in terms of providing some assurances that the right-of-way can be retained. He said he feels it would be of benefit to the community if assurances were given with regards to keeping that right-of-way clear.

MOTION CARRIED UNANIMOUSLY

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

"THAT APPENDIX "A" CHANGING POLICY P87(b) OF THE LAND USE BY-LAW BE APPROVED BY MUNICIPAL COUNCIL"

MOTION CARRIED UNANIMOUSLY

FIRST LAKE SANITARY SEWER

Mayor Lichter said that the way this was being approached was to ask council's approval subject to Sackville Community Council successfully the following night. He said the Department of Transportation is doing storm construction on a short section of this particular road and in order to service a few homes with sanitary sewer Halifax County is able to piggy back on a job they are doing now.

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

"THAT COUNCIL APPROVE AN EXPENDITURE OF \$26,400. FROM THE CAPITAL GRANT FUND, SUBJECT TO SACKVILLE COMMUNITY COUNCIL APPROVAL, FOR CONSTRUCTION OF SANITARY SEWER AT FIRST STREET"

Councillor Boutilier said there are four property owners who will be asked to pay the \$75.00 frontage charge. He asked what if these property owners do not agree to participate in the cost sharing.

Mayor Lichter said the property owners have been notified and Mr. Wdowiak will get confirmation that they will participate so that the information will be available at the Sackville Community Council meeting. The decision by the council could then take into consideration that fact.

Deputy Mayor Bates said it was his understanding that no one would be exempt when services are put in. He said it is his understanding that everyone pays the betterment charges.

Councillor Harvey said there is a complicating factor in that, of the four properties involved, two of them are now on their own, pumping into the system. Should they decide not to be involved, it leaves only two properties that have no service.

Mayor Lichter said that is why the motion is council approves subject to community council's decision the following night. He said by that time Mr. Wdowiak should have the answers.

MOTION CARRIED

PROPOSED SANITARY SEWAGE WORKS LOCKVIEW/MACPHERSON

Mayor Lichter said Halifax County is finally ready to let out the contracts for the Sanitary Sewage work to serve the Lockview/MacPherson Road area. He said the report outlines the funding arrangements as well as guarantees and what additional estimated costs there will be in the future.

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

"THAT THE CONTRACTS, AS PER THE STAFF REPORT OF AUGUST 9, 1993, FOR THE IMPLEMENTATION OF THE SANITARY SEWAGE WORKS TO SERVE THE LOCKVIEW-MACPHERSON ROAD AREA, BE APPROVED"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Merrigan:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

August 23, 1993

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Ball
Councillor Deveaux
Deputy Mayor Bates
Councillor Hendsbee
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Taylor
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor Giffin
Councillor Barnet
Councillor Boutilier
Councillor Harvey
Councillor Sutherland
Councillor Turner
Councillor Cooper

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

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

SWEARING IN OF COUNCILLORS ELECT

Mayor Lichter welcomed the four new councillor elects to Halifax County council.

Mr. Kelly proceeded to swear in the four new councillors.

District 4 - Jack Mitchell
District 8 - David Hendsbee
District 19 - Barry Barnet
District 23 - Lynn Turner

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

RA-TLB-12-93-02 - APPLICATION BY STAN HAVILL TO REZONE 15 LOTS IN TEMBERLEA VILLAGE FROM CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE TO R-1 (SINGLE UNIT DWELLING) ZONE IN ORDER TO PERMIT THE EXPANSION OF THE EXISTING SUBDIVISION

Paul Morgan gave the staff presentation. He said this is an application to rezone a new phase in the Timberlea Village Subdivision which is located off the St. Margaret's Bay Road in Timberlea. He said the lands are proposed to be rezoned from CDD (comprehensive development district) to R-1 (single unit dwelling) zone. He said there are presently 52 lots which have been approved during the latter part of the 1980's. They are zoned R-1 and developed as single family residences.

During the course of plan review for this area, the land owner, North American Real Estate Ltd., requested that the remaining land, from which this subdivision was taken, be rezoned to comprehensive. He outlined the lands in question on maps provided. He said the CDD zone would not allow for a permit to be issued for any development by right. The Planning Act and Policies require is that a development agreement be negotiated for any developments to proceed. Such an agreement would have to be brought before council for approval and there would have to be a public hearing.

He said staff has met with consultants for the proponent as well as several of the provincial agencies. A proposal is currently being prepared. He said it will probably be a little while before any proposal is brought before council for consideration. During the interim the applicant has requested that the lands shown to be rezoned R-1, Phase IB, be rezoned back to R-1 zone to allow for development of single unit residences. There was a final subdivision plan approved in 1987. The lot design and service specifications have all been approved by both the planning and engineering department. If the approval remains in effect and if these lands were rezoned back to R-1 he would be eligible to get permits for single family residences once the services were installed.

These lands are within Urban Residential designation under the planning strategy where priority is given to low density residential development. Most undeveloped lands within this plan area have been zoned R-1 to reflect this intent. There are provisions to allow for alternative housing forms through zoning or

development agreement. There is also provision for this comprehensive development district. It is intended primarily for larger parcels of land where there is a greater opportunity to allow for varying housing types without altering the status quo and established communities. This also allows for better planning of services and community facilities such as parks. It also allows for better road layouts. The applicants properties were specifically identified, in the planning strategy, as an area where comprehensive planning would be desirable. He said the land involved here are 16 lots. He said they are in an area where they are in close proximity to lands that have already been developed into single family dwellings. He said, in any subsequent agreement, Halifax County, would want those lands to maintain the single unit dwelling.

He staff would support maintaining the CDD zone but, given the size of the lands involved, they recommend this application be approved.

QUESTIONS FROM COUNCIL

Councillor Peters asked if the developer, at a later date, come in and do 16 to 20 lots all the way throughout so there would eventually be another piece etc. She said if this is approved as an exception to a rule could another few acres be developed at a later date and would staff view it the same way.

Mr. Morgan said you would have to take into consideration the fact that if the applicant understood the full burden of the CDD zone, he may have requested at the time of the plan review to leave these out of the CDD. He said all it will do is to allow for lots to be sold in the interim while plans are being prepared for this CDD proposal. He said he has been in consultation with the consultants and he is aware that the proposal is being prepared and should be submitted to county staff in the near future. He said staff would not recommend chopping of lands bit by bit but the discretion to do so would be with council.

Councillor Peters asked what the impact was going to be on the water and sewer services if this is approved.

Mr. Morgan said these are serviced lots and the engineering approval has already been received through the plan. Once final subdivision approval has been received it signifies that all service specifications have been approved.

Councillor Hendsbee asked what set asides is the developer planning to do with regards to recreational lands.

Mr. Morgan said, in this phase, the 5% dedication required under Subdivision By-law had already been satisfied in an earlier phase. He said there are also provisions that it can be provided in a future phase. The developer enters into an agreement with the

municipality to provide the land in a later phase. He said staff has accepted that agreement. He said they are proposing a big commons near the main highway.

Councillor Hendsbee asked him if he meant the 103 highway.

Mr. Morgan confirmed this. He said one of the important design aspects is a new collector road that will start at the St. Margaret's Bay Road and will go through these lands and link to a new interchange with the 103 highway.

SPEAKERS IN FAVOUR

Mr. Stanley Havill, North American Real Estate, spoke in favour of the application. He said he is the developer. He said this is a continuation of work that was already done. He said they previously had preliminary approval to do these lots. He said they stopped, part way through the project, because the market was slow. He said they have done blasting on the road, the telephone poles are in and the trenches have been blasted through a part of the area. He said this is just a case of continuing on. The road has been levelled and flattened. He said there is a much larger, comprehensive plan, of the overall area that should be coming in within the next week or two to show Halifax County what they plan to do.

QUESTIONS FROM COUNCIL

No questions from council.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT THE APPLICATION BY NORTH AMERICAN REAL ESTATE LIMITED TO REZONE A PORTION OF PHASE 1-B OF THE TIMBERLEA VILLAGE SUBDIVISION, AS ILLUSTRATED ON FIGURE 1 OF THE STAFF REPORT DATED JULY 19, 1993, FROM CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) TO R-1 (SINGLE UNIT DWELLING) ZONE, BE APPROVED"

MOTION CARRIED

NOMINATING COMMITTEE REPORT

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

"THAT THE NOMINATING COMMITTEE REPORT BE ACCEPTED WITH

THE CHANGE OF COUNCILLOR BARNET MOVING FROM THE EXECUTIVE COMMITTEE TO THE SERVICE STANDARDS COMMITTEE AND COUNCILLOR BOUTILIER MOVING TO THE EXECUTIVE COMMITTEE FROM THE SERVICE STANDARDS COMMITTEE"

MOTION CARRIED

ATLANTIC WINTER FAIR

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

"THAT COUNCILLOR MITCHELL BE NOMINATED TO REPLACE BRUCE HOLLAND AND COUNCILLOR GIFFIN BE NOMINATED TO REPLACE BILL MACDONALD AS HALIFAX COUNTY COUNCIL REPRESENTATIVES ON THE BOARD OF THE ATLANTIC WINTER FAIR"

MOTION CARRIED

FIRST STREET SANITARY SEWER

Mr. Meech said this was approved at a previous council session but subsequent to that there were certain changes made to the funding proposal. This was brought back to the Executive Committee and it is being recommended that this project proceed and that it be funded as indicated on page 2 of the proposal. Further it is recommended that the contract be awarded to Sackville Trenching.

Councillor Harvey said the special circumstances of this particular case has been outlined in two reports and was discussed at a Sackville Community Council meeting. He said this has the support of the citizens.

Councillor Brill asked if this included the reinstatement of the properties.

Mr. Meech said it includes the reinstatement of the right of way.

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

"THAT COUNCIL APPROVE AN ADDITIONAL EXPENDITURE OF \$7,600 FROM THE ENVIRONMENTAL SERVICES AREA RATE FOR THE FIRST STREET SANITARY SEWER PROJECT, AND THAT BETTERMENT CHARGES BE ESTABLISHED AT \$50.00 PER FOOT WHEN SUBSEQUENTLY THE REQUIRED AMENDMENT TO THE SEWER TAX BY-LAW IS BROUGHT BEFORE COUNCIL AND FURTHER THE CONTRACT BE AWARDED TO SACKVILLE TRENCHING FOR THE QUOTED PRICE OF \$37,400.00 PLUS G.S.T."

MOTION CARRIED

CORRESPONDENCE RE: PWA COALITION

PUBLIC HEARING

6

AUGUST 23, 1993

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Council agreed to hear a presentation at the September 7, 1993 council session.

ADJOURNMENT

It was moved by Councillor Meade:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

MINUTES & REPORTS
OF THE
SECOND YEAR MEETINGS
OF THE
FORTY-FOURTH COUNCIL
OF
HALIFAX COUNTY MUNICIPALITY
SEPTEMBER COUNCIL SESSION
TUESDAY, SEPTEMBER 7 & 21, 1993
&
PUBLIC HEARINGS
SEPTEMBER 13, 1993
&
COMMITTEE OF THE WHOLE
SEPTEMBER 20, 1993

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