

agreement should be looked and possibly drafted and brought to PAC or the appropriate committee for consideration rather than defer the issue waiting for a policy. He said he feels the county has some obligation here and can protect itself if it moves in this direction.

Mayor Lichter asked Mr. Sheppard, with reference to Policy 13 of the Storm Water Management Manual and Mr. Zwickers comment that it was up for interpretation, if it is his interpretation that this is not a large enough facility and that was his reason for indicating that he is not prepared to accept these two holding ponds.

Mr. Sheppard said it is but the county currently owns one retention pond which is in the Forest Hills area. He said it drains approximately 200 acres. He said the county may soon assume another pond which is located in district 25. He said the drainage area of that one is approximately the same size as the two ponds being proposed for Kingswood. He said it would have been his preference not to accept that one either because it is fairly small but it was the only way that the land could develop. He said it was land within and surrounded by existing development. He said it is his personal feeling that those areas are too small and he is concerned, not only with Kingswood, but small ponds located across the municipality. He said his interpretation is "yes".

Mayor Lichter said Mr. Sheppard's comments have brought to council's attention that there are two small ponds that the municipality has accepted previous to these two. He asked when the municipality has accepted those.

Mr. Sheppard said the municipality has not accepted the smaller one yet but it is part of a subdivision that is currently being constructed. He said it is his understanding that it was approved approximately 5 years ago.

Mayor Lichter said Mr. Sheppard has indicated that that agreement basically came about because there was no other way to develop.

Mr. Sheppard it is in a serviced area. The county owns the lands. The county owns storm sewer systems to which the drainage from the ponds will go to. He said there were many factors that came into play.

Councillor Giffin said he has received telephone calls from people who are waiting to move into that area, who had started building homes. He said some of these people are living in hotels and motels. He said Mr. Sheppard had mentioned that the only way the land could have been developed in Cole Harbour they took over the pond. He said the only way this land can be developed is if the municipality takes over the ponds. He said the Haverstock heirs cannot agree as to what to do with the land and it may be years

before they agree, so it would be sitting there. He said the only alternative would be retention ponds or temporary holding ponds. He said it is not really precedent setting because it has been done before. He said the municipality is at an impasse and the only thing to be done is to help this developer and in turn help the people who want to get into their homes.

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

"THAT THE MUNICIPALITY ACCEPT OWNERSHIP OF THE TWO DETENTION PONDS IN THE PROPOSED KINGSWOOD WEST PHASE 1B SUBDIVISION, AS REFERRED TO IN THE OCTOBER 5, 1993 REPORT OF THE ENGINEERING AND WORKS DEPARTMENT TO THE PLANNING ADVISORY COMMITTEE, SUBJECT TO THE NEGOTIATION BY STAFF, AND EXECUTION, OF AN AGREEMENT BETWEEN THE MUNICIPALITY AND THE ARMOYAN GROUP LIMITED WHICH SATISFACTORILY ADDRESSES MATTERS RELATING TO MUNICIPAL OWNERSHIP OF THE PONDS, INCLUDING THE DESIGN OF THE PONDS, THE TYPE OF INTEREST TO BE TAKEN BY THE MUNICIPALITY IN THE RELEVANT LANDS, MAINTENANCE COSTS, LIMITATION OF MUNICIPAL LIABILITY, SECURITY FOR THE PERFORMANCE OF THE DEVELOPER'S OBLIGATIONS AND OTHER RELEVANT TECHNICAL ISSUES"

Mayor Lichter asked Councillor Giffin, with regards to bonding, if he was leaving it up to staff to do the negotiations.

Councillor Giffin said "yes, something of a legal nature".

Mayor Lichter said would it be the intent that the negotiations would be toward the end of making this become a reality.

Councillor Giffin said "yes, and not in a long term, but a short term".

Councillor Ball said he does not have any difficulty with the motion as it is but he would like to point out that at the PAC meeting the previous day there was a motion that staff look at a report outlining policies, alternatives and options given similar case scenarios. He said he feels the municipality has to have something and he can appreciate the need to get this done as soon as possible. He said the municipality has to take a look at futuristically of outlining what kinds of options and policies that the municipality wants to initiate in order to bring about the development in rural areas utilizing that kind of a scenario. He said he does not feel the municipality should be just doing things carte blanche, there has to be some accepted standards by council, staff and the developer. He said the motion from PAC was with regards to this issue and he feels this is an issue that the municipality should, at the same time, piggyback on with this one, in outlining some kind of standard and options.

Mayor Lichter asked Councillor Ball if PAC asked staff to prepare a staff report.

Councillor Ball said yes and he wanted to make sure council was aware of that.

Mayor Lichter said as soon as it happens it will be a recommendation to council as to how to handle in future.

Councillor Rankin said he supports the motion. He said the fact that council is asking for a review of policy is an admission that there is a mandate. He said it is the municipality's mandate for storm management. He said he agrees with the interpretation of the Storm Management Manual that it is a responsibility of the municipality. He said if there is a defect, it is a shortcoming of the municipality and the developer should not be penalized. He said the municipality should get on with the detailed policy but admit that it has the mandate to offer a solution this evening.

Councillor Cooper asked Mr. Sheppard what was the second pond the municipality was planning to take over.

Mr. Sheppard said it is at Chameau Crescent.

Councillor Cooper asked who would be maintaining it.

Mr. Sheppard said it is on municipal land so it would be the municipality's responsibility.

Councillor Cooper asked if the other was the huge drainage area behind Cole Harbour Place.

Mr. Sheppard said he was referring to the retention pond and dam near the intersection of Cole Harbour Road and Forest Hills Parkway.

Councillor Cooper asked if the municipality owned the retention ponds in the system behind Cole Harbour Place.

Mr. Sheppard said it is a pond that is wet all the time but there is no dam.

Councillor Cooper said there are dams in that system and they have never been maintained. He said there are a number of retention ponds in that system between Cole Harbour Place and Cole Harbour Road.

Mr. Sheppard said he was not aware of them.

Councillor Cooper said if the motion passes and the municipality takes temporary responsibility for the ponds, what happens between now and the time an agreement for maintenance has been worked out.

Is the municipality responsible?

Mayor Lichter said these ponds are not in the ground.

Councillor Cooper asked how long it would take to put them in the ground.

Mayor Lichter said they are not going to put them in the ground until after the agreement is reached. He said if there is no agreement reached, there is no development.

Councillor Cooper asked if the municipality was saying that this agreement should definitely guarantee that the size of the ponds and the maintenance will be adequate to handle what the municipality would normally work with a 25 or 50 year storm - that they should be able to handle that and be maintained for that.

Mayor Lichter said according to the Department of Transportation standards it is a 1 in 5 year storm that it needs to handle.

Councillor Cooper asked if the municipality's standard was the same.

Mr. Sheppard said he is not sure about this because there is no natural watercourse but the other ponds are designed for a 1 in 100 year storm. He said as there is no natural watercourse here, it may be conceivable that a 1 in 5 year may do.

Mayor Lichter said there is the motion and it does set out certain perimeters as described by Councillor McInroy. He said it was based on the presentation that was given which was 1 in 5 year storm. It was given based on DOT expressing the point of view that it is acceptable.

Councillor Cooper said this is talking about lands within the municipality and at times in the past the municipality says it is not its' responsibility because DOT sets the standards. He said the municipality is continually getting involved in storm drainage and storm runoff and the effects it has on this municipality. He said if there is no natural watercourse, what is the effect of a 100 year storm in that area. He said the 1 in 5 year storms are not as severe as the 1 in 50 or the 1 in 100.

Mayor Lichter said that the Department of the Environment said it is not a natural watercourse. He said this is their interpretation. He said the definition of a watercourse in the 1978 MPS was the same as the one used by the province. It describes any gulch, gully or depression, whether it contained water or not.

Councillor Cooper said one of the points is that the municipality does not know that the land in the area can adequately handle the

water pressures that may arrive on it once development has started. He said he would suggest to council that rather than a headlong rush to have this development go ahead and consequently, down the road, suffer a great deal of cost and liabilities, lets make sure. He said he suggests that the municipality does not accept responsibility until after the Engineering department can come back to council and say that the system is large enough and the maintenance agreement is good enough to ensure that there are not going to be any problems.

Mayor Lichter said Mr. Sheppard had said that the calculation that he looked, although cursory, he would look at in greater detail if council approves it. He would have to do that work then. He said Mr. Sheppard also indicated that unfortunately storm water runoff calculations is not the kind of exact science where you can say precisely this is exactly what is going to happen and I can guarantee that.

Councillor Cooper said the motion before council is basically saying that the municipality will accept those ponds.

Mayor Lichter said that is the motion and also it includes that negotiations begin immediately in order to achieve that with the proper bonding, etc. suggested by Councillor McInroy.

Councillor Cooper said that he feels the motion should be voted down until answers can come from the Engineering department.

Councillor McInroy said it is his understanding that the motion would include his suggestions and anything else that is deemed appropriate for consideration by the Engineering department or county solicitor. He said there was reference made to storm drainage calculation and projections that would take into consideration the liability that may be there and limit the municipality's liability with regard to adverse impact on the Haverstock lands. He said there are a number of things that he is sure that the county Engineering and legal people will want to address and be certain of or at least ensure the developer retains the responsibility for the liability with regard to future development. He said if he can be assured that this is the situation then he would support the motion.

Mr. Meech said that it is his understanding that what the motion is is that staff would be authorized to negotiate an agreement with the Arroyan Group which would have to set out certain requirements and certain conditions and that would be the basis on which the county would accept the retention facilities. He said those factors which Councillor McInroy has enunciated will have to be considered with regard to the maintenance and the liability associated with that. He said that Mr. Crooks has suggested that the municipality should hold open the fact that the county has some ability to examine the design criteria with respect to the

design calculations if it is deemed that there should be something greater. In this case the municipality will say then 1 in 5 and if the Engineering people are of that view and have good reasons for that then it would form part of the agreement.

Mayor Lichter said there would be a provision for bonding to remove it if the temporary situation disappears.

Councillor McInroy said the whole financial thing would have to be dealt with and secured up front. He said whether it is a financial contribution towards the maintenance and in addition to that the costs associated with its' removal.

Mr. Meech said some judgement will have to be used with regard to what the municipality may want to have in terms of protection against potential liability claims.

MOTION CARRIED
20 IN FAVOUR
2 AGAINST

MINOR VARIANCE APPEAL

Linda Malloy, Planning and Development, made the staff presentation. She said this is an appeal for a minor variance that she rejected. She said on July 29, 1993 Mr. Brennan made application for construction of three decks as additions to his existing dwelling. At that time he was advised that two of the decks would meet the requirements but the third deck would require a minor variance. She said he wanted the deck to attach to his fence which is eight inches from his property line. He applied for the two decks and was issued permits and on September 2, 1993 applied for his permits and minor variance application for the third deck. When a site visit was made by a technician it was determined, at that time, that the deck was very well constructed. A By-law Enforcement officer was sent out to advise that he should stop work on the third deck. She said a stop work order was issued two days later. She said Mr. Brennan has listed several reasons why he would like the deck such as security, safety, practicality and he feels the design would not disadvantage anybody as the fence is already in existence thus ensuring privacy. She said the property is pretty much surrounded by trees. She said she had rejected the application because Mr. Brennan did proceed to build the deck without the proper permits.

SPEAKERS IN FAVOUR

Mr. Brennan spoke in favour of the appeal. He said he was a first time homeowner. He said he moved into the property three years ago. He said he has done a lot of landscaping. He said when he called Halifax County with regards to his fences and deck he was told that there was no setback requirement for either. He said

this had surprised him but he had accepted it. He was told that if the cost was over \$3,000. then a permit would be required and all quotes he had received were below \$2,500. He said when he found out it would be more he came to Halifax County and found out about the setback requirement for one of the decks. He said he applied for permits for two of the three decks. He said he decided not to apply for the permit for the third deck because he did not know what he was going to do. He said that he had decided for security reasons to put the deck all the way to the fence. He said he realized that it was going to take about six weeks to have a decision made so he made a judgement call to proceed with the deck he did not have a permit for. He said there was no malicious intent he was trying to make a nice series of decks in a secluded area.

SPEAKERS IN OPPOSITION

Mr. George Wambolt spoke in opposition to the appeal. He said he happens to also be a first time homeowner. He said he feels Mr. Brennan should have made inquiries before proceeding. He said that before any construction would occur the approvals would be sought and in hand. He said unless this procedure of application, rejection and final approval is simply due process then perhaps no application and permit needed to be in hand at that point in time. He said construction took place without having a permit and within eight inches of the property line. He said he feels Mr. Brennan having constructed the fence gazebo and decks places and undue burden on council to make and uphold a rejection of the appeal. He said it is understandable that Mr. Brennan has made a substantial investment and now part of that investment is being asked to be torn down or removed if the rejection is approved. He said the lot is 150 feet wide and 300 feet deep. He said there are no natural obstructions so why does there need to be an application for a minimum eight inches from a property line. He said he does not see why such an application could be approved. He said he decided to purchase his property because of its location and he did not think he would have a neighbour living eight inches within his property line. He said such applications and subsequent application in his opinion has some negative impacts. He said the proximity of such a deck and gazebo do detract from his privacy. He said they do not detract in a visual manner because there is a 13 foot fence but he will have to listen to whatever conversations may be going on. He said the lighting bothers him because besides illuminating Mr. Brennans deck it also illuminates his property. He said it seems to him this application for a set back of eight inches does not discriminate whether it is along the 300 foot line, or in a certain perimeter or his deck or forever. He asked if the application was transferrable meaning could another property owner have the same right to construct within eight inches. He asked what would happen if Mr. Brennan moves.

Mayor Lichter said should the decision of council be the granting

of the minor variance at eight inches. He said it is specific to the application of the individual for the deck, not for a garage or for any other building that could be erected there. He said it would be for the specific design that was submitted to the county.

QUESTIONS FROM COUNCIL

Councillor Ball asked if Mr. Wambolt feels that Mr. Brennan does not have the right to have the fence.

Mr. Wambolt said to his understanding Mr. Brennan is within all his rights to have the fence there.

Councillor Ball asked if Mr. Wambolt could see the deck from his property.

Mr. Wambolt said he does not see the complete deck. He can see the upper portion of the deck and the upper portion of the gazebo. He said it is not the visual aspect that bothers him but the proximity.

Councillor Ball asked Mr. Wambolt if the deck was eight feet from the property line and constructed in the same fashion or if Mr. Brennan had constructed the fence four feet from his property line and then had the deck constructed up to the fence, would that present the same obtrusion.

Mr. Wambolt said to a certain extent the fence the noise would not be the same.

Councillor Ball asked Mr. Wambolt how far his house was from Mr. Brennan's property line.

Mr. Wambolt said approximately 30 feet.

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

"THAT COUNCIL GRANT MR. BRENNAN HIS APPEAL"

Councillor Ball made reference to page 3 of the report and the quote "therefore despite being favourably inclined towards the application...". He said staff outlined very specifically that if Mr. Brennan had waited staff would have granted his variance. He said all that council is doing in this circumstance is doing that.

Councillor Sutherland said there are some valid points made. He said it would stretch your imagination to consider a minor variance 7 ft. 4 in.

Councillor Cooper said he feels some of these reports should be reworked and worded so that there is space there where you can put down misinterpretations from staff or misinterpretations given to

staff. He said also there should be a space there for the number of days you have been under construction without permit and other minor variations. He said people are coming in after they have already spent their money requesting a minor variation. He said he agrees with Councillor Sutherlands view that this is not a minor variation. He said this is done on a regular basis and if the municipality has the guidelines then they should be used. He said he does not feel, in this particular case, the municipality should not have even been inclined to grant a major variance on this. He said he will be voting against the motion. He said he feels it is time council started looking at whether the municipality is going to have the guidelines and enforce them, cut them in half or get rid of them entirely.

Deputy Mayor Bates said when there were neighbours agreeing what they wanted to do on these setbacks it seemed that it was an automatic thing with council that they were approved and let go. However, when there is a situation when a neighbour says he has his rights as well and does not want a deck eight inches from his property line, then the rules and regulations should be observed. He said whether or not the neighbour can see or not see the deck does not make a difference; what makes a difference is that he paid for his property and what were the rules and regulations under which he bought his property. He said at the time the neighbour bought his property he had reasonable expectations that there would be nothing built eight feet from his property line. He said the neighbour is simply saying what he wants and what he was guaranteed when he bought his property.

Councillor Ball said the Mr. Brennan was well within his rights of putting up the fence. He said he sought the permits for the fence and the other two decks. He said he does not feel that Mr. Brennan has not done anything that is obtrusive or to invade somebody's privacy. He said if Mr. Brennan moved his fence four feet along the property line, he would be within his rights.

Councillor Merrigan said he does not appreciate the fact that Mr. Brennan built without the permits but he does have a 13 foot fence which affords privacy. He said he wonders if the policy is correct because if someone if prepared to go to the expense of building a fence and want to use their property up to the property line, the municipality should not interfere.

MOTION CARRIED16 IN FAVOUR6 AGAINSTLETTERS AND CORRESPONDENCE

2. Mr. Reinhardt outlined a letter from the Dartmouth General Hospital requesting council appoint a councillor to the Dartmouth Hospital Commission.

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

"THAT COUNCILLOR DEVEAUX BE NOMINATED FOR ANOTHER TERM"

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

Mr. Reinhardt informed council that Councillor Hendsbee had been appointed in September to replace Wayne Adams.

3. Mr. Reinhardt outlined a letter from the Halifax County Fire Chiefs Association with regards to final payment of loan granted by council in support of the Learn Not To Burn curriculum in County schools.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

4. Mr. Reinhardt outlined a letter from the Preston Area Housing Fund requesting an appointment to their Board of Directors.

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

"THAT COUNCILLOR HENSBEE BE APPOINTED"

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

5. Mr. Reinhardt outlined a letter from the Department of Transportation in response to councils' request concerning an accident study and review of Route #224 between Middle and Upper Musquodoboit.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

6. Mr. Reinhardt outlined a letter from Metropolitan Authority

with regards to the disposal of appliances containing freon.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

7. Mr. Reinhardt outlined a letter from the Canada Committee for the International Year of the Family inviting council to become their partner in promoting the importance of families in Canadian society throughout 1994 and beyond.

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

"THAT THE LETTER BE RECEIVED AND THE MAYOR BE AUTHORIZED TO PROCLAIM 1994 AS THE YEAR OF THE FAMILY"

MOTION CARRIED

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

"THAT COUNCIL NOTIFY CANADIAN FEDERATION OF MUNICIPALITIES THAT HALIFAX COUNTY WOULD ASK THEIR EXECUTIVE COMMITTEE TO MAKE THE 1994 FCM ANNUAL CONFERENCE THEME TO BE THE NEED FOR FAMILY POLICY IN MUNICIPAL GOVERNMENTS"

MOTION CARRIED

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

"THAT STAFF EXAMINE THE POSSIBILITY OF USING A SEAL OF THE SOCIETY ON ALL COUNTY CORRESPONDENCE DURING THE YEAR"

MOTION CARRIED

8. Mr. Reinhardt outlined a letter from the FCM requesting resolutions for the 1993 meeting with an attachment outlining resolution formats.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from Mr. Bruce Holland, MLA, concerning the appointment of municipal councillors as

Commissioners of Oaths.

Mayor Lichter said he brought this to councils' attention because a motion would be required to indicate to the Attorney General those who wish to be appointed as commissioners.

Councillor Peters asked if it could be tabled that all councillors who are on municipal council can do it.

Mayor Lichter said, according to correspondence, the indication was that individual councillors ought to indicate to the Attorney General their desire and willingness to serve without payment. It was agreed that Mr. Reinhardt would advise the Attorney General of the names of councillors who wished to become commissioners.

FCM Federal Election Strategy

Mayor Lichter said a letter had been received from FCM asking the municipality to take certain action. The following day, after the last council session, he wrote to all hopefuls in the October 25 federal election. He said the letter from him to the candidates had indicated that a reply was requested before this council session. He said the letter asked for their stand on the infrastructure issue, the tax in lieu grants and housing. He said he also issued an invitation to each candidate to meet with him to discuss those issues. He outlined the replies he had received. He said if council wished to have the responses circulated then he would do so.

DATE - MINOR VARIANCE APPEAL

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

"THAT OCTOBER 19, 1993, 7:00 P.M. BE THE DATE AND TIME SET TO HEAR MINOR VARIANCE APPEAL FOR MV-13-02-93 AND MVS-17-93-21"

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

File No.'s RA-1&3-13-93-03 and RA-1&3-14-93-03 - Application by Nautical Electronics Laboratories Ltd. (Nautel) to rezone properties from MU-1 to I-1 and Application by Nautel to rezone property from I-1 to MU-1

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

"THAT THE APPLICATION BY NAUTEL TO REZONE PROPERTY FROM I-1 TO MU-1 AND FROM MU-1 TO I-1 BE APPROVED AND NOVEMBER 8, 1993 AT 6:00 P.M. BE DATE AND TIME SET FOR THE PUBLIC HEARING"

MOTION CARRIED

Staff Report - Lesser Setbacks

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

"THAT THE AMENDMENTS AS NOTED IN THE REPORT BE APPROVED AND A PUBLIC HEARING BE SET FOR NOVEMBER 8, 1993 AT 6:00 P.M."

MOTION CARRIED

File No. ZA-TLB-08-93 - Amendments to the Land Use By-law for Timberlea/Lakeside/Beechville respecting the placement of electrical utilities along the front of two unit dwellings

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

"THAT THE AMENDMENTS BE APPROVED AND A PUBLIC HEARING BE SET FOR NOVEMBER 8, 1993 AT 6:00 P.M."

MOTION CARRIED

Disposal of Construction Debris

Mayor Lichter asked Councillor Ball for clarification on the recommendation. He asked if PAC was recommending that Metro Authority establish a Metro Authority owned and operated site where the county is charging tipping fees or is this suggesting something else.

Councillor Ball said the recommendation is being made because construction debris in Halifax County is a major problem of disposal and right now there is no site, as such, to dispose of that debris. He said it is a problem that has to be addressed by the metropolitan area and if the metropolitan authority had the mandate to deal with waste management then this inclusive of that mandate. He said construction debris, as it now exists, is dumped in Halifax County in illegal areas such as back roads. He said it is the feeling of PAC that this should go to the Metro Authority with the intent of the Authority establishing such a site.

Mayor Lichter asked if PAC was recommending council request Metro Authority establish an alternative site different from that of the present or future landfill for waste.

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

"THAT MUNICIPAL COUNCIL REFER THE MATTER OF ESTABLISHING A SITE FOR CONSTRUCTION DEBRIS TO THE METRO AUTHORITY"

MOTION CARRIED

SUPPLEMENTARY PLANNING ADVISORY COMMITTEE REPORT

Staff Report - Kingswood West Storm Water Detention Ponds

Councillor Ball informed council of what had taken place at PAC and that this report was for the information of council.

EXECUTIVE COMMITTEE REPORT

Proposed Purchase of Former Harrietsfield Vol. Fire Dept.

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

"THAT COUNCIL AUTHORIZE THE PURCHASE OF THE FORMER HARRIETSFIELD VOL. FIRE DEPARTMENT THROUGH THE QUIETING OF TITLES ACT"

MOTION CARRIED

Tender - Set Aside Program, Montague Road

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

"THAT COUNCIL APPROVE THE AWARDING OF THE PROJECT TO P.J. CONCRETE SERVICES UNDER THE CONDITION THAT THEY MEET ALL REQUIREMENTS OF THE SET ASIDE PROGRAM PRIOR TO SIGNING OF THE CONTRACT DOCUMENTS; FURTHERMORE, IT IS REQUESTED THAT IF P.J. CONCRETE FAIL TO MEET THESE REQUIREMENTS, AWARDING OF THIS PROJECT BE MADE TO THE NEXT LOWEST BIDDER"

MOTION CARRIED

Capital Grant Requests

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

"THAT THE FOLLOWING GRANT REQUEST BE APPROVED:

- (a) District Capital Grant, District 24, in the amount of \$1,450.00
- (b) District Capital Grant, District 15, in the amount of \$13,000.00
General Parkland Grant in the amount of \$5,000.00
District Parkland Grant, District 15, in the amount of \$7,000.00
- (c) District Capital Grant, District 8, in the amount of \$371.70"

MOTION CARRIED

\$9,000 LOAN REQUEST - HARRIETSFIELD RECREATION

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

"THAT COUNCIL APPROVE A TEN YEAR \$9,000. LOAN ADVANCE FOR THE HARRIETSFIELD COMMUNITY CENTRE ACQUISITION. THE LOAN IS REPAYABLE WITH INTEREST AND COUNCIL RESERVES THE RIGHT TO LEVY AN AREA RATE IN DEFAULT OF PRINCIPAL AND/OR INTEREST REPAYMENT"

MOTION CARRIED

REPORT - SET ASIDE POLICY REVIEW COMMITTEE

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

"THAT THE RECOMMENDED CHANGES BE APPROVED BY COUNCIL"

MOTION CARRIED

BEAVERBANK SERVICING

The report was tabled to the next session of council.

SERVICE STANDARDS COMMITTEE REPORT

Council agreed that a Committee of the Whole would be set for Monday, November 1, 1993 at 6:00 p.m. concerning Halifax County Policing Requirements.

Deputy Mayor Bates requested that MT&T would be invited to make their presentation at the same meeting.

REPORT RE: AMALGAMATION OF THE DARTMOUTH FERRY SYSTEM WITH METRO TRANSIT

Councillor Sutherland said he feels it is time some consistency was established with regards to Bedford's approach to what formula they wish they use. He said there has been variance in the approach they are taking with regards to cost sharing in other areas.

Mayor Lichter said it appears that if Halifax County would agree to a 29% cost sharing as set out in this document, then it would have to proceed with council giving notice of motion for the next council session for first reading of the by-law. Then there will be an advertising period and second and third reading after which Metro Authority could be notified that council has endorsed this.

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

"THAT NOTICE OF MOTION BE GIVEN FOR FIRST READING AT THE OCTOBER 19, 1993 COUNCIL SESSION"

Councillor Meade asked what the annual cost to the county would be.

Mr. Meech said there is one million dollars to be paid for the assets which is to be amortized over a ten year period. If the annual amortization is \$150,000. then the county would be paying 29% of that plus 29% of the annual subsidy for operations. Mr. Meech said Halifax County would be looking at approximately \$100,000. annually. He said the Metro Authority referred this to the CAO committee and asked them to develop a recommendation. He said his participation in that was on the basis that he believed firmly that the county should be cost sharing on the basis on assessment. He said the 29% is an attempt to reflect this.

Councillor Meade said he thought this would go on the transit area rate.

Councillor Ball said that the county has to look at the transit system as an integrated system for the benefit of the metro area. He said he feels it affords an opportunity to coordinate the ferry and transit service. He said he feels it works mutually for everyone. He said it has to be looked at with regards to what is good for the metropolitan area not necessarily for individual districts.

Mayor Lichter said for many years Halifax County has fought to have transit costs shared based on assessment. He said he felt this was the best route to make the first step towards having Halifax County reach that point in agreeing to have the ferry system shared. He said there have been no decisions made with regards to someone being able to transfer from a bus to the ferry.

MOTION CARRIED

FIRST READING - BY-LAW TO AMEND BY-LAW NO. 58, THE CHARGE FOR WATER SERVICES BY-LAW

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

"THAT FIRST READING BE GIVEN TO A BY-LAW TO AMEND BY-LAW NO. 58, THE CHARGE FOR WATER SERVICES BY-LAW"

MOTION CARRIED

REPORT RE: DITCHES AND WATERCOURSES ACT AND ARMOYAN PROPERTIES LIMITED

Mr. Crooks said this matter relates to the issue that was previously considered by council relating to the request of the Armoyan Group. He said that firm initiated, as a result of not

being able to obtain the agreement of the adjacent land owners for the acceptance of the flow of water from the lands they are proposing to develop, is a procedure under a fairly antiquated piece of provincial legislation known as the Ditches and Watercourses Act. He said this Act has been on the books for some substantial period of time and was probably originally intended to facilitate situations where land owners primarily in agricultural areas were unable to reach agreement with respect to the drainage of water. He said this Act essentially imposes certain obligations on municipalities to appoint an engineer, where the process is initiated, who in the absence or the inability of the parties to reach agreement, arbitrates the issue between the parties and portions the costs among the parties.

He said the decision taken earlier tonight by the council, to a certain extent, might result in this process not being necessary but, at the same time, there is the possibility that agreement might not be reached with respect to the detention ponds. He said this act, in any event, does require the municipality to have an engineer designated, on an ongoing basis, to perform functions under the Act. He said even though it may not be necessary to invoke the Act, given the previous decision of council, his suggestion to council is that council appoint, as the Act requires, a professional engineer, under the Act, who would be then empowered to deal with this particular situation or any others which might arise under the Act. He made reference to a draft form of the resolution which had been circulated to councillors for consideration. He said the resolution would appoint Dr. Donald Waller, Professional Engineer, as the engineer to act on behalf of the municipality in matters under the Ditches and Watercourses Act and it would further stipulate the rate at which Dr. Waller's fees would be calculated, under the Act, as is required by the Act. He said Dr. Waller is an individual who is well recognized in this field as appropriate individual for the fulfilment of this kind of responsibility and has the full support and recognition of the county engineering staff. He said the recommendation is that the resolution be passed in the suggested form.

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

"THAT THE RESOLUTION BE PASSED APPOINTING DR. WALLER
PURSUANT TO SECTION 4 OF THE ACT"

Councillor Ball asked if there were other engineers as qualified as Dr. Waller.

Mr. Crooks said there may be other professional engineers in the community who would be qualified to undertake this task but, in making this suggestion, he is relying on the recommendation and advice of the county engineering staff and other contacts that have been made in the engineering community.

Councillor Ball asked how much this was going to cost.

Mr. Meech said it is his understanding that it is on the basis of fee for service at the rate of \$125.00 per hour if it is utilized.

Mr. Crooks said the obligation is to have an engineer available to meet on or before October 11 or 12. He said the Armoyan Group, through its solicitors, did requisition the assignment of an engineer to this task and function. He said presumably, on the basis of what has been decided tonight, contact will have to be initiated in the morning. He said they are either prepared to withdraw the requisition or to leave it in abeyance pending the outcome of the negotiations and discussions between the Armoyan Group and the municipality. He said as it stands, at the moment, the municipality is subject to a statutory obligation to have a professional engineer available to meet before October 12.

Mr. Meech said this is potentially an alternative or solution to the issue being dealt with this evening.

Councillor Meade asked if this should not have first gone to the Executive Committee.

Mayor Lichter said there was no choice. He said the municipality received the notice on Friday and, within a certain period of time, it has to be decided upon, by council, to appoint an engineer in that capacity. He said the municipality is not asking Dr. Waller to work but this is just simply appointing him and call him when he is needed. He said it appears now that he is not needed but that does not mean that the municipality can disregard the legal notice that was received.

Mr. Crooks said this was correct and the Act seems to contemplate that charging of fees, costs and expenses to those individuals who require the ditch or drain to be made. He said there is the authority and jurisdiction, under the Act and what the Act intends, is that parties to the dispute bear the costs. He said in the event that they don't pay the municipality, who pays the engineer initially, those fees and costs are collectable in the same way as rates and taxes are and chargeable as a lien against the affected lands.

MOTION CARRIED

PROPOSED COMMUNITY OF SACKVILLE LANDFILL COMPENSATION ACT

Councillor Harvey said the Sackville Council had reservations about the wording of the Compensation Act and they had made representations to both the mayor and Bill MacDonald, MLA. He said the wording of the Act has been altered. He said the part of the Act that was of a concern to them was regarding individual claims for compensation that they go to the metropolitan authority and not

the community council. He said this appears to have been met by the changing of the wording of Section 7(1) and they await the bill being introduced. He thanked the mayor in his efforts, on behalf of Sackville, in this regard.

Mayor Lichter informed Councillor Harvey that there had been a slight change in the wording.

Mr. Crooks said the essence of the change was that the wording "upon the receipt of a documented claim" was changed to read "upon receipt of a claim documented to the satisfaction of the Authority". He said this was to remove any doubt about the fact that it is the Authority's judgement as to whether or not any particular claim be responded to so that it is open to the Authority to respond and evaluate claims on the basis of it's judgement as to their merits, whether legal or otherwise.

Councillor Harvey said the Sackville Council and the community assume that The Authority, once granted the ability to make these payments, will do so in the spirit of the original motion of December 15 and a letter that was written to the community on March 3 of this year.

Mayor Lichter said he would hope that all the members of Metro Authority are going to live within the spirit of that motion and the agreement of that time. He said the letter he wrote at the request of the community council and was duplicated and passed out to residents was a letter addressed to the Sackville Community Council. He said he wants to make sure that this is the understanding when Councillor Harvey is referring to a letter that was written to the residents.

Councillor Harvey clarified that Mayor Lichter had written on March 3 to the elected representatives of the residents which was read at a public meeting.

REGIONAL LIBRARY FUNDING

Mayor Lichter said when a joint meeting had been held with Bedford and the Library Board presented their financial difficulties and the plan, they had approved, concerning the closure of the libraries for a five week period Mayor Kelly had indicated that Bedford was willing to pay, this year, \$30,960., in addition to what they have paid, providing that Halifax County would agree to cost share, in future, the non mandatory portion of library funding based on population. He said he talked to Mayor Kelly and told him that he would like to receive an official letter under his signature. He said he received that same information without signature and he indicated that he would not do what they were requesting unless a signed letter was received. He said he spoke with Mr. Gary Smith and he was informed that Halifax County would annually pay \$50,000 more and Bedford would annually pay \$50,000.

less.

Mr. Meech stated that council should be aware that Halifax County had placed the figure of \$1,075,000. in the budget as a contribution to the library for 1993/94. He said this figure was based on what had actually been paid in 1992/93 which comprised the original amount plus the supplementary amount plus four percent. He said even though this was the amount in the budget but because the board is jointly funded by both Bedford, the municipality and the province of Nova Scotia they cannot assume that because that amount is in the budget it is going to be the contribution. He said, from this point of view, the Board has an obligation to advise the respective partners on the basis of a formula as to what the respective shares are. He said if Bedford, from his perspective, does not agree to pay this additional \$30,900. it is going to reduce the municipality's contribution by approximately one hundred thousand dollars which would put the library board that much further at risk and more in a deficit situation. He said if Halifax County agreed to pay the mandatory, on the basis of assessment, as is required by the province, and for the additional costs the assessment and the population be averaged, which takes in both perspectives, then he would concede that this is a compromise. He said he still believes that the assessment is the most appropriate basis because it is accepted as a measurement of the capacity or ability to pay.

Mayor Lichter said maybe a reply should go back to Bedford indicating that their proposal is not acceptable to the municipality and staff has been directed to prepare an alternative which, in due course, will be sent for their approval.

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

"THAT A LETTER BE WRITTEN TO THE TOWN OF BEDFORD INDICATING THAT THEIR PROPOSAL, WITH RESPECT TO LIBRARY FUNDING, IS NOT ACCEPTABLE AND FURTHER THAT MUNICIPAL STAFF HAS BEEN DIRECTED TO PREPARE AN ALTERNATIVE PROPOSAL WHICH WILL BE SENT FOR THEIR APPROVAL"

Mr. Meech said he would take this to the Executive Committee.

Councillor McInroy said he does not accept what Bedford has proposed but he feels that the municipality might be moving too quickly in saying that staff is preparing something. He said council may not approve what staff comes up with. He said that at this point in time he does not see the wisdom in moving from where the county stands currently.

Mayor Lichter said a proposal will not be drafted and sent to Bedford. It will go through the process of going to the Executive Committee and then to Council. After it has come to council then it will be forwarded to Bedford.

Councillor McInroy said he would feel more comfortable if the motion just stated that the municipality declined their offer to increase its contributions above the mandatory as per their motion and in addition council has asked staff to review the funding.

Mover and seconder agreed to amending the motion to reflect this.

MOTION AS AMENDED

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

"THAT A LETTER BE WRITTEN TO THE TOWN OF BEDFORD INDICATING THAT THE MUNICIPALITY IS DECLINING THEIR OFFER TO INCREASE ITS CONTRIBUTIONS ABOVE THE MANDATORY AND FURTHER THAT STAFF HAS BEEN ASKED TO REVIEW THE FUNDING"

Deputy Mayor Bates said regardless of what formula is used, the municipality is going to have to pay if it is looking to come up with additional funding to the library board. He said he does not see where council should be directing staff to take a look at even that. He said even if an acceptable formula is arrived at, the municipality is looking at providing more money over and above what has already been indicated.

Mr. Meech said this is not talking about additional money but sharing up of what Halifax County has agreed to in this year's budget.

Councillor Peters said she would request that the breakdown be conveyed to the Library Board to advise them of the possible ramifications and implications.

MOTION CARRIED

DOT - COUNCILLOR RANKIN

Councillor Rankin said this was with regards to the twinning of Highway 103.

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

"WHEREAS THERE HAVE BEEN NUMEROUS SERIOUS ACCIDENTS ON THIS HIGHWAY RECENTLY THAT HAVE TAKEN LIVES OF PEOPLE, IN ADDITION TO MANY OTHER SERIOUS ACCIDENTS;

AND GIVEN THAT THE DENSITY OF TRAFFIC ON THIS HIGHWAY EXCEEDED 10,700 VEHICLES IN AVERAGE DAILY TRAFFIC SURVEYS IN 1990;

BE IT THEREFORE RESOLVED THAT COUNCIL REQUEST BY WAY OF LETTER TO THE MINISTER OF TRANSPORTATION AND COMMUNICATIONS THAT THE PROVINCE JOINTLY FUND, WITH THE

FEDERAL GOVERNMENT, A HIGHWAY TWINNING PROGRAM TO EXIT 5 AND BEYOND, BEGINNING IN THE SPRING OF 1994. FURTHER THAT A COPY OF THE LETTER BE SENT TO THE HONOURABLE BARKHOUSE, MINISTER OF FISHERIES, AND BRUCE HOLLAND, MLA"

MOTION CARRIED

SPEED REDUCTION IN SUBDIVISIONS - COUNCILLOR RANKIN

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

"WHEREAS THERE IS EVIDENT IN A NUMBER OF SUBDIVISIONS WITHIN HALIFAX COUNTY HIGH DENSITY DEVELOPMENT RELATIVE TO THE 50 KM SPEED LIMITS IMPOSED FOR POLICE, COUNCIL REQUEST THE PROVINCE TO GIVE SERIOUS CONSIDERATION TO AMENDING THE APPROPRIATE ACT AND PERMIT THE REDUCTION OF SPEED LIMIT TO 40 KM IN APPROVED MUNICIPAL SUBDIVISIONS UPON APPLICATION BY PETITION OF THE MAJORITY OF THE HOMEOWNERS OR BY APPLICATION BY THE MUNICIPALITY HAVING JURISDICTION"

MOTION CARRIED

ROAD NAME CHANGE - COUNCILLOR RANKIN

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

"THAT POWER TERRACE ON THE GOVERNOR GLEN SUBDIVISION SIDE OF THE STREET, IN LAKESIDE, BE CHANGED TO POWER TERRACE COURT"

MOTION CARRIED

STAFF REPORT RE: DEVELOPMENT OF WATER SERVICES DISTRICT, COLE HARBOUR/WESTPHAL EASTERN PASSAGE

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

"THAT THE REPORT BE TABLED TO THE NEXT SESSION OF COUNCIL"

MOTION CARRIED

URGENT AGENDA ITEMS

Preston Transit Service - Councillor Hendsbee

Councillor Hendsbee said that municipal council had been advised through a letter from Sandy Jolly, Department of Municipal Affairs, to the Municipal Clerk that the provincial government was giving no additional funds to support the transit service in the communities

outside the existing transit service area for para transit. He said the MLA for the area had been advised that if funding was not secured the bus service will cease by the end of October. He said there was a lot of expectations in the community that this transit service would be ongoing for a reasonable period of time. He said they have discovered that the application for the temporary license was for a period of 90 days. He said the service is well received in the community. He said he is looking for direction and possibly a letter to the minister for reconsideration of this situation.

Mayor Lichter said at the time of the official opening of that bus run, he had expressed his appreciation for the county contribution but he had indicated that the provincial contribution was yet to come. He said Mr. Wayne Adams will have to use his office to assist the people to make sure that the bus is going to be able to stay there.

Councillor Merrigan said he can appreciate Councillor Hendsbee's concern. He said that transit is now on the back of the residents of Beavercreek/Kinsac because it is their transit. He said they tried to help the community but they are not prepared to pick up any deficits beyond October.

Councillor Hendsbee said he may at some future date ask for financial assistance from the municipality. He said there may be an opportunity, if the residents are in agreement, of implementing an area rate to help subsidize the cost for transit in that area.

Deputy Mayor Bates said it is difficult to get the province to provide additional funding for transit. He said there are many areas in the county that would like additional bus service but it means additional costs for the area involved.

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

"THAT A LETTER BE WRITTEN TO THE HONOURABLE SANDY JOLLY AND THE HONOURABLE WAYNE ADAMS POINTING OUT TO THEM THE DIFFICULTIES AND THE POSSIBILITY OF THE CLOSURE OF THE BUS RUN UNLESS THEY ASSIST IN SOME WAY"

MOTION CARRIED

ADDITION OF ITEMS TO OCTOBER 19, 1993 COUNCIL SESSION

Duncan's Cove Paving - Councillor Ball

Aviation Museum - Councillor Peters

DOT - Councillor Peters

Letters to DOT - Councillor Bayers

CHRISTMAS GET TOGETHER

Council indicated to Mayor Lichter that they were in agreement with the organization of the traditional Christmas get together.

ADJOURNMENT

It was moved by Councillor Merrigan:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

COUNCIL SESSION

October 19, 1993

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Ball
Councillor Mitchell
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 McInroy
Councillor Cooper

ALSO PRESENT: K.R. Meech, Chief Administrative Officer
Dale Reinhardt, Acting Municipal Clerk
Fred Crooks, 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 Hendsbee, seconded by Councillor
Deveaux:

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY"

MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT THE MINUTES OF THE SEPTEMBER 21, 1993 COUNCIL

SESSION BE APPROVED"

MOTION CARRIED

LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from both Mr. Donald Laybolt and Mr. Michael F. LeBlanc, requesting an opportunity to address council, regarding the sale of the Former Albert School property in Seabright, district 3. Council agreed to hear them speak.

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

"THAT THE LETTERS BE RECEIVED"

MOTION CARRIED

Mayor Lichter informed council that these letters relate to an item on the Executive Committee Report. Council agreed to have this item dealt with in conjunction with the presentation.

Mr. Donald Laybolt spoke to council. He said he has been trying to buy the school for the past number of years. He said he would like to speak about the demolition of the school which he is not in agreement with. He said it has been suggested that the building be demolished and the land held for recreational purposes. He said, in his opinion, the piece of land is not large enough for this use. He said that if the building was renovated it would mean tax revenue.

Councillor Fralick asked Mr. Laybolt if it was his opinion that the building could not be demolished for the amount quoted (\$5,000.00).

Mr. Laybolt said he knows it cannot be demolished for that amount. He said there will be a cost for hauling the materials to the landfill site.

Mr. LeBlanc, representing Mr. Bellefontaine, spoke to council. He outlined the process taken, to this point, by both the Executive Committee and Council. He said Mr. Bellefontaine's concern is that council may make the wrong choice based on information that may not be correct. He said Mr. Bellefontaine owns a company that is involved in demolition of buildings such as this one. He presented and outlined an estimate for cost of demolition and what this would involve with regards to types of materials that would need to be disposed of. He said Mr. Bellefontaine is recommending that council reconsider the recommendation of the Executive Committee.

Councillor Fralick declared a "Conflict of Interest" and left the chambers.

Councillor Giffin asked what was the intended use of the building if Mr. Bellefontaine obtained it.

Mr. LeBlanc said he intended to renovate the building and create residential rental properties.

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

WHEREAS by Section 77(2) of the Municipal Act, it is enacted that the Municipality may, with the consent of the Minister of Municipal Affairs, sell real or personal property no longer required for the use of the Municipality;

AND WHEREAS it is deemed expedient to sell the property described as follows: Former Albert School, Seabright, Nova Scotia;

AND WHEREAS the property referred to herein was formerly used for education purposes and the School Board has declared by resolution that it is no longer so required;

AND WHEREAS the price hereinafter mentioned is considered by the Council to be fair and reasonable as determined by a qualified appraisal firm;

BE IT THEREFORE RESOLVED that subject to the consent of the Minister of Municipal Affairs, Halifax County Municipality do sell and convey the property above described to Lawrence Bellefontaine at and for the price of Twenty Six Thousand Dollars (\$26,000.00);

FURTHER RESOLVED that the Mayor and the Municipal Clerk be and they are hereby authorized and instructed to execute and deliver on behalf of the Municipality, a deed in the usual form and to affix to it the seal of the Municipality conveying the said property in conformity with the terms of this resolution."

Councillor McInroy said he does not have any difficulty with the intent of the motion. He said he feels, with what was presented, worth the attention of council. He said he has some concern that council may move too hastily in concluding that the property should be sold to the highest bidder. He said he does not know if there would be any value in deferring the issue with the intention to sell the building. He said maybe deferring it for some reflection on what has been presented tonight and some further investigation. He said he does not want to delay just for the sake of delaying and he does not object to disposal as the motion suggests.

Mr. Meech said he has been aware of the background information that was presented this evening and in his view he would concur that the best course of action is to sell it to the highest bidder.

Councillor Boutilier asked if the municipality, as a matter of

practice, solicit opinions on costs associated with demolition.

Mr. Meech said no decision has been taken to have the building demolished so, on that basis, there were no specific quotes requested in terms of cost of demolishing that building.

Councillor Merrigan said he has a problem of taking a report written by the person who wants to buy the property and using it as the basis of a decision. He said he feels that before any decisions are made the report that was presented should be looked at by someone who can tell council whether or not it makes sense.

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

"THAT THIS BE REFERRED BACK TO THE EXECUTIVE COMMITTEE AND FURTHER, IN THE INTERIM, HAVE SOMEONE TAKE A LOOK AT THE REPORT TO DETERMINE IF IT PRESENTS A REALISTIC COST TO HAVE THAT PROPERTY DEMOLISHED"

Mayor Lichter said the only way the county will get a price on having the building demolished is to call for tenders and then not accept those tenders.

Councillor Merrigan said someone should be able to look at the demolition prices presented to say whether or not it makes sense.

Councillor Ball said this issue has been around for a long time and the decision is whether the property is going to be sold or not. He said referring it is not going to do anything in that matter. He said he does agree that maybe in the future, if the county is going to dispose of an asset, that some documentation should be provided as to what the cost ramifications are going to be.

Deputy Mayor Bates said this has been at Executive and with regards to the cost he said it does not matter what the cost the county is still left with a property valued at \$20,000.00. He said someone is prepared to pay \$26,000.00. He said he does not see the purpose of bringing it back to Executive for confirmation on the price for demolition.

Councillor Cooper said that one area that was not addressed was recreation area and the figures that council has on what this would mean to the county financially has not been made clear. He said he feels these might be sufficient reason for deferral.

Councillor Peters said that this was deferred the first time because the councillor for the area wanted to take it back out in the community to make sure there was enough recreation for the area. He was supposed to go to the community on that and she said she is not aware of any response from that. She said the information with regards to demolition was not made available to the Executive and as this is the body that makes recommendations

with regards to financial matters. She said she feels it should go back to the Executive to have a look at and get staff input.

Councillor Randall said he does not feel that the issue is what it will cost to demolish the building. He said a decision was made by council to request bids and as Mr. Bellfontaine was the highest bidder and he does not see any reason why Mr. Bellfontaine should not be awarded the tender as high bidder.

Councillor Meade said there is a piece of land that is approximately four or five acres of recreation land near the legion. He said there is land in Seabright that can be developed as recreation land.

MOTION OF REFERRAL DEFEATED

5 IN FAVOUR

19 AGAINST

MAIN MOTION CARRIED

19 IN FAVOUR

5 AGAINST

Councillor Boutilier said that in order to prevent such happening again if any building within the municipality is declared surplus the municipality should look at cost implications. He said council should ensure that property management, if they are involved, have the ability to do the proper thing and give the proper information first hand.

Mayor Lichter said property management could make an enquiry to have somebody give an estimate. He said to call for proposals would not be advisable because in calling for proposals would leave the assumption that the county's intention is to demolish something that may be worthwhile to keep for the municipality. He said many times community and recreation groups want a building and when they see something in the paper or hear that proposals have been called for demolition. He said the best way to approach it would be to ask a firm that is in that business how much it would cost, and for them to put it in writing so that the county has a better estimate.

Councillor Boutilier said the area councillor was suggesting that it be kept for recreational land. He said that it was his understanding that it was councillor Fralick's intention to go back into the community to see if the land could be used.

LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from the Mayor of the City of Ottawa requesting council's support of recommendations passed by their council on September 1 condemning the federal government's decision to eliminate the mainline Department of Multiculturalism and Citizenship.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT THE RESOLUTION BE TABLED"

MOTION CARRIED

2. Mr. Reinhardt outlined a letter from the Department of Economic Development concerning council's request for a social economic benefit feasibility study of a road connecting Williamswood/Harrietsfield area and the Prospect Bay area.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT STATING COUNCIL'S APPRECIATION FOR THEIR RESPONSE AND INFORM THEM THAT THE MUNICIPALITY'S STAFF WOULD BE HAPPY TO COOPERATE AND ASSIST IN ANY WAY WITH THIS STUDY"

MOTION CARRIED

Mayor Lichter said he would suggest that a motion be made to urge DOT to have them advance the road link to the project level.

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS URGING THEM TO HAVE THEM ADVANCE THE ROAD LINK TO THE PROJECT LEVEL"

MOTION CARRIED

3. Mr. Reinhardt outlined a letter from the Department of Economic Development with regards to the Community Futures Program for the Eastern Shore.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Lichter said he would suggest that Halifax County inform the Minister that the Western Community Committee would seek a meeting with him to discuss how to achieve the inclusion of that area in the Economic Futures Program.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER INFORMING HIM THAT THE WESTERN COMMUNITY COMMITTEE WOULD SEEK A MEETING TO DISCUSS HOW TO ACHIEVE THE INCLUSION OF THAT AREA IN THE ECONOMIC FUTURES PROGRAM"

MOTION CARRIED

4. Mr. Reinhardt outlined a letter from the Department of Transportation and Communications in response to council's request for a number of crosswalk installations.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION REFERRING ITEM #3 BACK TO THEM FOR FURTHER STUDY"

MOTION CARRIED

5. Mr. Reinhardt outlined a letter from the Department of Natural Resources in response to council's inquiry about the status of abandoned CN lands through the Musquodoboit Valley area.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Councillor Bayers said those lands not only include the farmlands but also extends to an area South of Gibraltar. He said when you turn up the Major Grant Road you are entering into the Musquodoboit Valley although its woodland for the first ten kilometres.

It was moved by Councillor Bayers, seconded by Councillor

Sutherland:

"THAT A LETTER BE WRITTEN TO THE MINISTER ASKING WHAT IS THE STATUS OF THE ABANDONED RAILROAD FROM THE DISTRICT #9 LINE THROUGH TO GIBRALTAR"

MOTION CARRIED

6. Mr. Reinhardt outlined a letter from the Department of Transportation and Communications with regards to council's request for a reduction in the speed zone along Route 224 at Elmsvale.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION ASKING THEM IF THEY HAVE CONSIDERED THE NEW HOUSING DEVELOPMENT THAT HAS GONE ON SINCE 1989. FURTHER ALSO TAKE INTO CONSIDERATION THE NUMBER OF SENIORS THAT CROSS THE ROAD TO GET TO THEIR MAILBOXES, THE NUMBER OF ACCIDENTS THAT HAVE HAPPENED ON THAT STRETCH OF HIGHWAY, THE CHURCH THAT HAS OPENED UP ON THAT HIGHWAY AND THE LIVESTOCK FROM THE FARM"

Councillor Taylor said he is not convinced they took all these things into consideration because this is the third request in less than three years that has been denied.

MOTION CARRIED

7. Mr. Reinhardt outlined a letter from the Department of Tourism and Culture regarding the establishment of a tourist information bureau at Peggy's Cove.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

8. Mr. Reinhardt outlined a letter from the Department of Education with regards to the school planning process.

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

"THAT THE LETTER BE RECEIVED"