

Councillor Harvey said it is his feeling that a staff report is needed on the aspect of adding something to the water bill since it appears everybody metered is paying the water bill. It is this added charge which, up to now, they would have been exempt from on their property tax. He said he would like to see some stat information on this.

Councillor Brill said he would withdraw the motion and recommend it to the appropriate committee for a staff report.

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

"THAT THE RECOMMENDATION BE FORWARDED FOR A STAFF REPORT CONCERNING THE ENVIRONMENTAL RATE"

MOTION CARRIED

Mayor Lichter called for speakers in favour of or opposition to the by-law. No speakers.

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

"THAT THE WASTE DISPOSAL CHARGES BY-LAW BE GIVEN SECOND READING"

Councillor Cooper said he would like to know if all the users in AeroTech Park are now going to be charged that rate and will it be sufficient to cover the cost of the plant.

Mr. Meech said the intent was to have the sanitary sewer portion of the infrastructure including the treatment plant to become part of this overall scheme. He said they would be billed the \$1.82. He said, based on present usage, the amount of revenue that would generate would be less than what the actual cost of operations would be.

Councillor Cooper asked if the revenue generated from the rest of the municipality cover that operation.

Mr. Meech confirmed this.

Councillor Cooper asked if the present deficit as is going to be paid out of the general rate disappear.

Mr. Meech said that would be the intent. The other part of the billings that are going to the Aerotech Park has two components, one for water and the other for the waste water. He said the county would still have to deal with the water by either deciding to keep it as a private water utility or have it assumed as part of the overall Halifax County water utility. He said it is his intention to have a report prepared for the Executive Committee

to deal specifically with this issue of Aerotech Park. He said if it is decided council does not want to give Aerotech the benefit of this rate then council would have to make a further amendment to exempt it.

Mayor Lichter said it is his understanding that the idea was that in the entire municipality all the sewage treatment costs are going to be paid by all those who receive the benefits and from time to time there is going to be a dislocation of who gets a benefit more so than others. He said from time to time it will shift.

Councillor Barnet said his concern is with regards to rented residential properties where the landlord currently pays the taxes and the tenant pays the water bill. He asked if there were any provisions where the waste portion can be separated from the bill and billed back to the landlord. He asked if there have been any steps taken to notify tenants who are in this situation.

Mr. Meech said there has been notifications in the water bill as well as advertisements in the newspapers. He said it was brought to the attention of those who are renting that they should be mindful that they now would be paying this extra charge.

Mayor Lichter said Councillor Barnet could make a motion that Halifax County notify the Tenancies Board that this action has been taken.

MOTION CARRIED

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

"THAT THE WASTE DISPOSAL CHARGES BY-LAW BE GIVEN THIRD READING"

MOTION CARRIED

NON COUNCIL APPOINTMENT - MUNICIPAL PLANNING ADVISORY COMMITTEE

Councillor Ball asked if nominations could come from the floor.

Mr. Crooks said he would have to verify if council bound itself to make appointments only on the basis of submissions received pursuant to an ad or whether that was simply to assist council in the process of making a selection. He said council is not bound, having advertised and received nominations through that process, to make an appointment from among those nominations received from the ad. He said the question is whether or not it is necessary to place another ad or whether nominations could come forward directly.

Mayor Lichter suggested this be deferred and have the solicitor

check.

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

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

MOTION CARRIED

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

"THAT A LETTER BE WRITTEN TO THE RESIDENTIAL TENANCIES BOARD OUTLINING THE BY-LAW AND INDICATING THE POSSIBLE IMPLICATIONS REGARDING A TAX BENEFIT TO LANDLORDS AND A NEGATIVE COST TO TENANTS"

MOTION CARRIED

APPOINTMENT OF WEED INSPECTOR

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

"THAT BRIAN HULL BE APPOINTED AS WEED INSPECTOR FOR HALIFAX COUNTY FOR 1994"

MOTION CARRIED

RATIFICATION OF APPROVED DISTRICT CAPITAL GRANTS

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

"THAT COUNCIL RATIFY THE APPROVED DISTRICT CAPITAL GRANTS"

MOTION CARRIED

RECORDED RESOLUTION RE: APPOINTMENT OF RETURNING OFFICER

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

"THAT NANCY DEMPSEY CROSSMAN BE APPOINTED AS RETURNING OFFICER"

MOTION CARRIED

RECOMMENDATION - COMMITTEE OF THE WHOLE

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

'THAT THE LIBRARY BOARD BE REQUESTED TO MAKE A BUDGET PRESENTATION TO COUNCIL ON MAY 5, 1994 AT 3:00 P.M."

MOTION CARRIED

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

'THAT COUNCIL NOT SUPPORT THE RECOMMENDATION OF MAYOR MOIRA DUCHARME AS OUTLINED IN THE MEMORANDUM DATED APRIL 26, 1994"

MOTION CARRIED

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

"THAT A LETTER OF ACKNOWLEDGEMENT SENT TO HER WORSHIP THE MAYOR OF HALIFAX"

MOTION CARRIED

ELECTION OF MAYOR - COUNCILLOR BOUTILIER

Councillor Boutilier said the question has arisen why the mayor of Halifax County would not be elected at large. He said he would like to have staff to explore and investigate any and all possibilities of allowing the residents of Halifax County to vote for a mayor. He said he would like to have a report come back to council. He said he would like this for the municipal elections of 1994.

Mayor Lichter said this would involve a Charter amendment and it would require something from the Utility and Review Board because it would mean that council would have twenty six councillors.

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

"THAT STAFF EXPLORE THE AND INVESTIGATE THE POSSIBILITY OF ALLOWING THE RESIDENTS OF HALIFAX COUNTY TO ELECT A MAYOR"

MOTION CARRIED

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

"THAT THE ELECTION OF MAYOR BE HELD AT THE MAY 17, 1994 COUNCIL SESSION"

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR FRALICK

Councillor Fralick said there are apparently 107 large holes in his district from Peggy's Cove to the Crossroads in Tantallon that require patching.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION REQUESTING THEY PATCH THE BROKEN PIECES"

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR PETERS

Councillor Peters said on Highway #2 and Highway 102, predominantly at the junctions coming across the road, there is an excessive amount of litter. She said there are groups such as girl guides and boy scouts going in and picking this up.

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

'THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION REQUESTING THAT HIS STAFF, AS SOON AS POSSIBLE, GET OUT ON THE ROADS TO PICK UP THE LITTER WITHIN THE DITCHES OR MAKE ARRANGEMENTS FOR IT"

MOTION CARRIED

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

"THAT A LETTER BE WRITTEN TO THE HONOURABLE MR. HARRISON, DEPARTMENT OF THE ENVIRONMENT SUGGESTING THAT IF THERE IS REFUND MONEY ON BEER AND POP BOTTLES PERHAPS THERE SHOULD BE REFUND MONEY ON OTHER CONTAINERS THAT ARE DISPOSED OF"

MOTION CARRIED

SCHOOL BOARD - COUNCILLOR PETERS

Councillor Peters said the Board of Education decides where schools are going to be built, how they are going to be built, and who is going to inspect them. She has been having meetings with a school in her area and what she is finding out is that neither the school board or the municipality has the right to go in with building inspectors. She said later on these buildings are turned over to the municipality and they have deficiencies that are unaddressable.

She asked if there is any way the School Board can see if the county can get control over where schools are sited and how they are situated so discussions can be held with building inspection and recreation department so they can be situated properly. She said also so they can be constructed in such a way that the municipality has some access to the actual codes and constructions as they are being facilitated.

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

"THAT A LETTER BE WRITTEN TO THE SCHOOL BOARD WITH REGARDS TO HER CONCERNS AND HAVE SUGGESTIONS COME BACK FROM THEM AND FURTHER, IF THEY SAY NO, THEN THE REQUEST GO TO THE DEPARTMENT OF EDUCATION"

MOTION CARRIED

POST OFFICE, HERRING COVE - COUNCILLOR BALL

Councillor Ball said he had spoken with Mr. Gary Cox from Canada Post and it was his suggestion that the request come from the municipality. He said he would like to request that Canada Post be asked to look at revisiting the operating hours of the Herring Cove post office in order to make it more accessible to people who work, i.e. adjusting the hours from 5:30 to 6:30 in the evening, Monday to Friday. He said with the change of ownership with the current property that is in existence there he would like to have a letter sent to Canada Post and to the MP concerning the fact that this opportunity not be used to phase out postal service in terms of a general delivery for the community of Herring Cove but that Canada Post continue to operate a post office. A copy of the letter to go to the Minister responsible.

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

"THAT THE LETTER BE WRITTEN TO CANADA POST OUTLINING HIS CONCERNS WITH A COPY TO THE MP AND THE MINISTER RESPONSIBLE"

MOTION CARRIED

OCEAN VIEW MANOR - COUNCILLOR GIFFIN

Councillor Giffin said this is in response to the borrowing of \$1.8 million on a three year term. He gave a breakdown and said it was primarily used for the upgrading of the building.

Mr. Meech said there should be a formal request from the Board with that attached list and it should go through the normal process to council. He said the operating budget as well as the

capital budget should be approved by this council before it goes anywhere. He suggested that Councillor Giffin as chair of the Board request the administrator to submit it formally for approval from council the budgets as well as what per diem rate that is being asked for.

Councillor Giffin said he would bring this to the next board meeting.

DEPARTMENT OF TRANSPORTATION - COUNCILLOR HENDSBEE

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION WITH A COPY TO THE MLA FOR THE AREA REQUESTING THE ERECTION OF A FOUR WAY STOP SIGN IN FRONT OF THE BELL PARK ELEMENTARY SCHOOL AT THE INTERSECTION OF WALKER STREET, BELL STREET, THOMAS STREET AND WILLIAMS STREET"

MOTION CARRIED

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION AND COMMUNICATION WITH A COPY TO THE MLA WITH REGARDS TO THE LIST OF STREETS (COPY SUBMITTED TO THE CLERK) WHICH REQUIRE REPAVING, COST SHARED PAVING, NEW PAVING AND RECONSTRUCTION UPGRADING"

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR RANDALL

Councillor Randall said he has a list of subdivision roads in district 9 which were petitioned by the residents over the past several years for paving. The roads would be paved under the fifteen year listing policy. He said most of them were scheduled for paving in 1993 but they were removed from the list.

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

"THAT A LETTER BE WRITTEN, WITH A COPY TO THE MLA, TO THE MINISTER REQUESTING WHETHER THESE ROADS ARE STILL SCHEDULED FOR PAVING AND IF SO AT WHAT TIME FRAME WOULD THIS BE CARRIED OUT"

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR SNOW

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

'THAT A LETTER BE WRITTEN TO THE MINISTER, DEPARTMENT OF TRANSPORTATION, ASKING FOR AN UPDATE ON THE STATUS OF THE SIDEWALKS IN WAVERLEY AND HOLLAND ROAD"

MOTION CARRIED

URGENT AGENDA ITEMS

Department of Economic Development - Councillor Rankin

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

"THAT A LETTER BE SET TO THE MINISTER OF ECONOMIC RENEWAL, RELATIVE TO THE REQUEST THAT WAS MADE BY COUNCIL AT AN EARLIER DATE WITH RESPECT TO A STRATEGIC PLAN FOR THE WESTERN REGION, REQUESTING THAT THE MINISTER BECOMES INVOLVED IN LEARNING OF THE STATUS OF THIS REQUEST THAT WAS INVITED BY HIS DEPARTMENT AND FURTHER THAT HE USE HIS OFFICE TO ADVANCE THE PROJECT"

MOTION CARRIED

Councillor Rankin said he would request that a copy of the letter go to MLA Holland, Barkhouse and MacDonald.

Department of Transportation - Councillor Rankin

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

"THAT A LETTER BE WRITTEN REQUESTING THE MINISTER TO CONSIDER PROCEEDING WITH THE NECESSARY UPGRADING ON THE NORTH GREEN ROAD IN LAKESIDE AND FURTHER THAT IT BE CONSIDERED A CANDIDATE FOR PAVING"

MOTION CARRIED

ADDITION OF ITEMS TO MAY 17, 1994 COUNCIL SESSION

Department of Transportation - Councillor Snow  
Department of Transportation - Councillor Peters

ADJOURNMENT

It was moved by Councillor Hendsbee:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED



COUNCIL SESSION

May 17, 1994

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

ALSO PRESENT: Dale D. Reinhardt, Acting Municipal Clerk  
George McLellan, Director of Finance  
Fred Crooks, Municipal Solicitor

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

ELECTION OF MAYOR

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

"THAT COUNCILLOR BALL BE NOMINATED AS MAYOR"

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

"THAT COUNCILLOR SUTHERLAND BE NOMINATED AS MAYOR"

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

"THAT NOMINATIONS CEASE"

Council held a secret ballot and Councillor Ball was elected Mayor by a vote of fifteen (15) to eight (8).

Mayor Ball took the Chair and thanked council for their support and encouragement.

Councillor Sutherland congratulated Mayor Ball and thanked council for their support.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

RECORDED RESOLUTION - APPOINTMENT OF MEMBER TO METROPOLITAN AUTHORITY

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

"WHEREAS the Metropolitan Authority Act provides that the council shall appoint three members to the Authority being the Mayor and two councillors and;

WHEREAS the appointment of Mayor Ball to the Authority as Mayor creates a vacancy in terms of membership of councillors on the Authority;

THEREFORE be it resolved that effective May 17, 1994 Councillor Don Boutilier is appointed, by council, to be a member of the Authority for the unexpired portion of the term commenced by former Councillor Ball"

MOTION CARRIED

LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from the Minister of Public Works in response to council's concerns with respect to the freeze on Federal/Municipal grant program.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

2. Mr. Reinhardt outlined a copy of a letter from The Town of Bedford to the Hon. John MacEachern, Minister of Education, with regards to a regional library funding formula review.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Mr. Reinhardt outlined a letter from the Oceans Institute of Canada requesting council to declare June 8, 1994 as Oceans Day.

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

"THAT THE LETTER BE RECEIVED AND COUNCIL DECLARE JUNE 8, 1994 AS OCEANS DAY"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from the LURA Group - Atlantic Canada requesting council to support a resolution.

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

'THAT THE LETTER BE RECEIVED AND THE WEEK OF JUNE 5 - 11 BE DESIGNATED AS ENVIRONMENT WEEK"

MOTION CARRIED

2. Mr. Reinhardt outlined a letter from the Metro Community Housing Association advising of their concerns regarding proposed cuts in areas of social aid and requesting council to reconsider its decision.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Mr. Reinhardt outlined a letter from the Port of Halifax concerning the Atlantic Pilotage Authority rate increase and cross subsidization practices.

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

"THAT THE LETTER BE RECEIVED"

Councillor Peters said she has concerns about these rate increases. She said she would like a letter to go with regards to this rate increase.

MOTION CARRIED

Councillor Peters said because Halifax is the first port coming across the Atlantic and up from the warmer climates, it is being unfairly penalized by this kind of an increase. She said the Federal government actually subsidizes and keeps the St. Lawrence seaway and funds that. She said she feels that the subsidy for the seaway should also be granted to the Halifax area.

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

"THAT A STRONG LETTER BE WRITTEN TO THE APPROPRIATE BODY EXPRESSING COUNCILS CONCERNS IN THIS MATTER"

Councillor Fralick said he would like the letter to go to the Executive committee. He said during the past winter approximately 25 Icebreakers were used in the St. Lawrence to keep the port open.

Mayor Ball said that it is his understanding from Councillor Peters is that if council sends a strong letter of objecting to it but, at the same time, Executive can still deal with it and follow up with another letter.

Councillor Peters said she feels the Port of Halifax should not even be hit with a 3% increase considering the millions of dollars that are poured into the St. Lawrence seaway. She withdrew her motion and suggested that it be referred to the Executive Committee for immediate action.

Seconder agreed that this letter be referred to the Executive Committee.

Councillor Peters requested that a copy of the letter be forwarded to the Economic Development Committee.

4. Mr. Reinhardt outlined a letter from the Honourable Richie Mann to the Honourable Sandy Jolly concerning the disposal of Department of Transportation surplus lands.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

WATER SERVICE DISTRICTS - COLE HARBOUR/WESTPHAL AREA

Councillor Hendsbee said when this goes to Public Hearing on June 2, 1994 he anticipates there may be representation made in regards to the Nova Scotia Colored Home being included in the potential development area for water service district expansion. He said he would like to express his concerns with regards to the area being excluded at the present time and it is his feeling that if it is included it would avoid problems in future.

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

"THAT THE REPORT WITH AMENDMENTS BE APPROVED BY COUNCIL"

Councillor McInroy said it is his understanding that council is endorsing the report with the amendments as indicated and the report to go for Public Hearing on June 2, 1994.

Mayor Ball confirmed that this was the intent of the motion.

MOTION CARRIED

Councillor McInroy said that Councillor Cooper had requested that the motion tabled at the May 3, 1994 council session be brought forward.

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

"THAT THE REPORT AS AMENDED BE ENDORSED AND FORWARDED TO THE DARTMOUTH WATER UTILITY FOR THEIR CONSIDERATION AND ACTION"

MOTION CARRIED

PROPOSALS FROM EAST PRESTON RECREATION ASSOCIATION & LAKE ECHO LIONS CLUB FOR INCLUSION TO THE INFRASTRUCTURE PROGRAM LIST

Councillor Hendsbee said he had asked about the possibility of more types of jobs be included on the list when the priority list was established. He said he has had representations made to him by two community groups in his district. He said the Lake Echo Lions Club has been working almost three plus years on an application to expand the recreation facilities in Lake Echo and they have done a comprehensive study and report. He said there is an application by the Lake Echo Lions Club which has an error. He said the application is asking for one third funding but it should reflect one sixth funding. He said one sixth should also be coming from the municipality. He said there is also an application from the East Preston Recreation Association. He

also referenced a letter from the East Preston Ratepayers Association in regards to an application for the proposed recreation centre in East Preston.

He said they would like to have more opportunity to study their proposal and give more complete information. He said it is his understanding that a recommendation coming from staff that the proposal should go forward with first emphasis being placed on the Lake Echo Recreation Centre.

Mr. McLellan referenced the staff report dated May 16, 1994 from the director of Parks and Recreation. He said the county was asked to move the applications for inclusion of these two projects under the infrastructure program. He said the Lake Echo has been before Executive a number of times and is fairly well detailed. The details pertaining to the other one, the Preston Recreation submission, is not, as yet, well detailed. He said it is his understanding that it will be given consideration if processed for consideration at this time.

Mayor Ball said what council would be doing is agreeing to send both projects on to the infrastructure program but haven't agreed to funding, from the municipality, from the East Preston one because the county is still awaiting the detailed plan.

Deputy Mayor Bates asked how this would be funded.

Mayor Ball said it is his understanding that it would be one third provincial, one third federal and the municipality would be funding one sixth. He said that would mean that the association, through their fundraising or area rate, would have to provide the balance.

Mr. McLellan said that is the understanding with the Lake Echo group. He said this as a recreational facility would be looked at to be dealt with as a Parkland. He said the infrastructure agreement with the province and the federal government doesn't go so far as to get into how the province or municipality is to arrange its portion of financing.

Councillor Deveaux asked what bearing, if any, would this have on the infrastructure list.

Mayor Ball said if council, by motion, puts this on this will be part of the list.

Mr. McLellan said that consideration has been given to the original list and a decision has been made on some projects and announcements will be imminent.

Councillor Deveaux asked if these were added would it possibly bump some of the projects on the original list.

Mr. McLellan said consideration of the original list has been to the point of some recommendations being made. He said it is his understanding that the ones that will not be approved and dealt with with these announcements will remain in consideration for subsequent analysis. He said these two would go in for consideration with those main projects.

Councillor Hendsbee asked if the motion passes then both projects would go forward on the list. He asked if there would be an opportunity to give further consideration to the approval of one sixth funding for the Lake Echo project.

Mayor Ball said the information is not in front of council and it would be making a decision on an expenditure in the absence of a staff recommendation.

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

"THAT THIS BE REFERRED TO THE EXECUTIVE COMMITTEE FOR DISCUSSION"

Councillor Meade said the Lake Echo Lions Club has been before council for two years and at present a study is being done by the recreation department to see how it will affect the county as a whole because this is looking at a full time staff person out there.

Councillor McInroy said he has concerns about the municipality putting forward and application which is committing the county financially. He said he would like to see more thought given at the Executive level given to this before it advances.

Mr. McLellan said if the Lake Echo project were to get approved then he would be concerned. He said Halifax County is not committed to follow through on it. He said there is the risk that it might misplace another project that council feels strongly about.

Mr. Markesino said they would like to see both on the list and definitely the Lake Echo one. He said they have been working with these people for a number of years. He said his only reason for including East Preston was because the constituency office requested that both of these go on.

Councillor Hendsbee requested that council would only refer one applicant, the Lake Echo proposal, onto the list for Infrastructure Applications for funding. He said a considerable amount of work and time has gone into it and the information has gone to the Executive Committee and Council.

Councillor Boutilier suggested the Lake Echo proposal be

submitted to the infrastructure list but that the East Preston proposal go to the Executive Committee.

Mayor Ball said a letter that was received from the East Preston Ratepayers Association suggests that a feasibility study be undertaken before anything goes forward. He suggested that the mover remove the referral motion and have it only apply to the East Preston proposal.

Councillor Meade said a report is still forthcoming on the Lions Club proposal to the Executive Committee. He said the proposal is looking at a full time staff member at that site which will be in the vicinity of \$60,000 per year. He said the referral motion was to apply to both items.

Deputy Mayor Bates said he feels the Lions Club project is far enough advanced that council can proceed with that. He said he would suggest that only the East Preston proposal be referred and not both.

Mr. McLellan said if any of the projects that were originally submitted are approved it may be that the provincial government priorities may not equate to Halifax County's priorities.

MOTION CARRIED

PUBLIC HEARING - HERITAGE PROPERTY

Mayor Ball outlined the procedure followed for a public hearing.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT ST. JAMES ANGLICAN CHURCH, BOUTILIER'S POINT, BE DESIGNATED AS MUNICIPAL HERITAGE PROPERTY"

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

St. Margaret's Arena - Capital Loan

It was moved by Councillor Fralick, seconded by Councillor



Mitchell:

"THAT COUNCIL APPROVE A FURTHER ONE (1) YEAR DEFERMENT OF THE LEVYING OF THE AREA RATE WITH THE UNDERSTANDING THAT A PAYMENT OF \$75,000 BE MADE BY THE ST. MARGARET'S ARENA ASSOCIATION BY APRIL 30, 1995"

MOTION CARRIED

Easement - St. Margaret's Bay Arena

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

"THAT COUNCIL APPROVE THE EASEMENT SUBJECT TO APPROVAL FROM THE ST. MARGARET'S BAY ARENA ASSOCIATION"

MOTION CARRIED

Memorandum re: Subdivision Fees - File No. SB-03-94

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

"THAT COUNCIL HOLD A PUBLIC HEARING, ON JUNE 13, 1994, WITH RESPECT TO THE AMENDMENTS TO IMPLEMENT THE FEES"

MOTION CARRIED

Capital Grant Requests

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

"THAT THE FOLLOWING CAPITAL GRANT REQUESTS BE APPROVED

|                                      |            |
|--------------------------------------|------------|
| District Parkland Grant, District 9, | \$5,000.00 |
| District Parkland Grant, District 1, | \$2,000.00 |
| District Capital Grant, District 8,  | \$ 700.00  |
| General Parkland Grant,              | \$1,400.00 |
| District Parkland Grant, District 8, | \$ 700.00  |
| District Capital Grant, District 9,  | \$ 500.00  |
| General Parkland Grant,              | \$4,286.00 |

MOTION CARRIED

\$60,000 Loan Advance - Mushaboom Volunteer Fire Department

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

"THAT COUNCIL APPROVE A \$60,000 LOAN ADVANCE TO THE MUSHABOOM VOLUNTEER FIRE DEPARTMENT FOR THE PURPOSE OF CONSTRUCTION OF AN ADDITION TO THE FIRE STATION. THE LOAN IS PAYABLE OVER A TEN (10) YEAR TERM WITH INTEREST

AND COUNCIL RESERVES THE RIGHT TO LEVY AN AREA RATE IN  
DEFAULT OF PRINCIPAL AND/OR INTEREST REPAYMENT"

MOTION CARRIED

District 2 - One Sixth Grant Application

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

"THAT THE APPLICATION BE APPROVED"

Councillor Rankin said he would like to clarify that the approval would include a loan, in the amount of \$57,824, which would be guaranteed by the recreation area rate.

Councillor McInroy suggested council take a look at the parameters of the program.

MOTION CARRIED

Mr. McLellan said the capital district grant, the district activities and the parkland grant program are currently being looked at. He said this could be included as part of the overall review.

Radio Tower Site Lease

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

"THAT COUNCIL AUTHORIZE STAFF TO ENTER INTO A LEASE  
BETWEEN LESTER R. MCEACHERN AND HALIFAX COUNTY  
MUNICIPALITY FOR THE PURPOSE OF ERECTING A RADIO TOWER  
FOR THE USE OF THE DISTRICT #1 FIRE DEPARTMENT"

MOTION CARRIED

COLE HARBOUR/WESTPHAL COMMUNITY COUNCIL REPORT

Mr. Reinhardt outlined the recommendation of the community council.

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

"THAT HALIFAX COUNTY COUNCIL ENDORSE THE LETTER, DATED  
NOVEMBER 16, 1993, TO THE HONOURABLE GUY BROWN, WITH  
RESPECT TO THE PLANNED UNIT DEVELOPMENT AGREEMENT,  
FOREST HILLS"

Councillor McInroy said the community council is looking to have the zoning and planning strategy regulations come into play within the Forest Hills Planned Unit Development agreement area

once those lands have been developed. He said they would like, once the development has been completed, for those lands to then become subject to the other by-laws that are in place throughout the rest of the community. He said the reference made to the Nova Scotia Housing in the letter should be changed to the Department of Housing and Consumer Affairs. He said the letter does not indicate from whom the letter is being sent and he would leave Mr. Meech or Mr. McLellan to decide.

MOTION CARRIED

DATE - MINOR VARIANCE APPEAL

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

'THAT JUNE 21, 1994 AT 7:00 P.M. BE SET AS THE DATE AND TIME FOR MINOR VARIANCE APPEAL"

MOTION CARRIED

MEMORANDUM RE: METROPOLITAN AUTHORITY

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

"THAT COUNCIL APPROVE THE PARTICIPATION OF MR. MEECH WITH RESPECT TO THE ESTABLISHMENT OF AN EXECUTIVE COMMITTEE, COMPRISED OF THE FOUR CHIEF ADMINISTRATIVE OFFICERS OF THE MEMBER MUNICIPALITIES, FOR THE PERIOD LEADING TO THE APPOINTMENT OF AN EXECUTIVE DIRECTOR FOR METROPOLITAN AUTHORITY, TO PROVIDE MANAGEMENT RESOURCE TO THE METROPOLITAN AUTHORITY BOARD"

Councillor Peters asked if there would be any costing back to the municipality on time spent by the CAO's in this endeavour until the new executor is in place.

Mayor Ball said the CAO's will not receive compensation and to his knowledge there will not be any compensation to the municipality.

Councillor Peters said she would like the record to show that she has expressed concern because if there is a long term delay in hiring a director she feels there has to be a compensation back to all the municipalities with regards to time spent on this.

MOTION CARRIED

NON-COUNCIL APPOINTMENT - PLANNING ADVISORY COMMITTEE

It was moved by Councillor Peters, seconded by Snow:

"THAT THIS ITEM BE DEFERRED AND THE CLERK EXAMINE THE LETTERS THAT WERE SENT IN AS WELL AS READVERTISE"

MOTION CARRIED

PROCLAMATION - NATIONAL ACCESS AWARENESS WEEK

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

"THAT HALIFAX COUNTY PROCLAIM THE WEEK OF MAY 30 TO JUNE 5, 1994 NATIONAL ACCESS AWARENESS WEEK"

MOTION CARRIED

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

"THAT STAFF PAINT THE HANDICAPPED PARKING SPACE, IN FRONT OF THE COUNTY BUILDING, BLUE TO MAKE IT MORE VISIBLE TO THE GENERAL PUBLIC"

MOTION CARRIED

MEMORANDUM RE: PROVINCIAL/MUNICIPAL SERVICE EXCHANGE

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

"THAT COUNCIL ENDORSE THE RECOMMENDATION AS OUTLINED IN THE MEMORANDUM DATED MAY 10, 1994"

MOTION CARRIED

LWF FIRE DEPARTMENT TRUCK PURCHASE

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

"THAT COUNCIL AUTHORIZE THE PURCHASE OF A 1980 MACK PUMPER BY THE LAKEVIEW-WINDSOR JUNCTION-FALL RIVER FIRE DEPARTMENT AT A PRICE OF \$87,000 LESS TRADE-IN"

MOTION CARRIED

RECORDED RESOLUTION - APPOINTMENT OF MAYOR TO HALIFAX DARTMOUTH BRIDGE COMMISSION

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

"THAT THE RECORDED RESOLUTION APPOINTING THE MAYOR TO THE HALIFAX DARTMOUTH BRIDGE COMMISSION BE APPROVED"

MOTION CARRIED

RECORDED RESOLUTION - APPOINTMENT OF MAYOR TO THE METROPOLITAN AUTHORITY

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

"THAT THE RECORDED RESOLUTION APPOINTING THE MAYOR TO THE METROPOLITAN AUTHORITY BE APPROVED"

MOTION CARRIED

UPDATE RE: PCB INCINERATOR, OLDHAM - COUNCILLOR PETERS

Councillor Peters updated council with regards to the PCB incinerator and tabled a report, by Lane Environment, with council which would be made available, to all staff and councillors, in the resource room. She said there had been a public hearing at which there was unanimous opposition to the proposed siting at Oldham. She said the county engineering department was not consulted and suggested in their report that they would be disposing of their liquid waste in Halifax County lagoons. She said it was suggested that solid waste would be disposed of in the landfill but had not contacted Metro Authority. She said it was suggested that there was adequate protection and assistance would be provided in upgrading fire service and emergency people. She said the independent review committee, which has been designated by the ministers, which is called the management committee, of environment and the federal government and the Atlantic provinces don't have to give the response or results from the independent review committee to the county. She said all of the information is not public information. She said a request has been made for the information to be made available. She said she requested, on behalf of the municipality, that transcripts of the hearings plus all the copies of all the submissions be made available to the municipality. She said she was informed that this could not be guaranteed because it is a closed door session.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF THE ENVIRONMENT OF CANADA AND THE APPROPRIATE PEOPLE WITHIN THE PROVINCIAL GOVERNMENT, PREMIER SAVAGE AND THE HONOURABLE ROBBIE HARRISON, ADVISING THEM THAT THIS IS NOT ACCEPTABLE TO HALIFAX COUNTY AND WANT THIS INFORMATION BROUGHT FORWARD"

MOTION CARRIED

BY-LAW NO. 8 - COUNCILLOR PETERS

Councillor Peters said she had received a call from a gentleman in her district who is training for the Canada Games. She said

one of the levels of participation in the Canada Games is target practising with an air rifle. She said people in Halifax County who wish to participate in the Canada Games cannot own an air rifle therefore cannot participate in the games. She said they have to buy the air rifle in another municipality, store it somewhere in another municipality and practice in another municipality. She said she would like to know if there is any way the county can make an exception for people that are registered in clubs. She asked if there was any way that a look can be taken at this by-law.

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

"THAT BY-LAW NO. 8 BE REFERRED TO THE EXECUTIVE COMMITTEE FOR RE-EXAMINATION"

MOTION CARRIED

TAX SALES - COUNCILLOR RANDALL

Councillor Randall said he has found that a deed that is issued as a result of a tax sale is not a warrantied deed. He said there are cases where these deeds have been challenged and in some cases the title was found not to be a good title. He said he has asked the tax office whether any indication is given to the bidders, at the time of sale, about the deed and they have indicated that no indication is given. He said he was raising the issue at this time as an item of information for council. He said he believes that people should be made aware of any limitations that exist with regards to the type of deed they are going to receive.

DEPARTMENT OF TRANSPORTATION - COUNCILLOR SNOW

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION, WITH A COPY TO THE MLA AND HIMSELF, REQUESTING A SIGNAL LIGHT ON THE NO. 2 HIGHWAY AND THE FALL RIVER INTERCHANGE"

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR PETERS

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION TO REAFFIRM THE FACT THAT HALIFAX COUNTY WROTE HIM A LETTER APPROXIMATELY SIX MONTHS AGO REQUESTING THAT SOMETHING BE DONE ABOUT THE SURFACE OF THE BRIDGE OVER THE SHUBENACADIE RIVER AT THE FURTHEST

BOUNDARIES OF DISTRICT 14. FURTHER THE ROAD SURFACE IS IN DEPLORABLE STATE AND SOMETHING SHOULD BE DONE IMMEDIATELY"

MOTION CARRIED

URGENT AGENDA ITEMS

Ultramar Refinery - Councillor Deveaux

Councillor Deveaux said Ultramar has decided to attempt to sell the refinery in Eastern Passage. He said if this is not possible they will close down or reduce to a marine terminal which will in turn reduce the assessment for that parcel of land and the operation. He said Ultramar had indicated in 1990 that they would keep the refinery open for seven years.

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

'THAT COUNCIL SEND A LETTER TO THE COMPETITIVE BUREAU EXPRESSING COUNCILS CONCERN REGARDING THE DECISION BY ULTRAMAR TO EITHER SELL OR CLOSE THE EASTERN PASSAGE REFINERY AND REQUEST THE BUREAU TO ALLOW A PUBLIC PROCESS AND APPEAL PROCEDURE TO TAKE PLACE REGARDING THE DECISION BY ULTRAMAR"

MOTION CARRIED

It was moved by Councillor Sutherland, seconded by Councillor

"THAT COUNCIL SEND AN APPROPRIATE EXPRESSION OF CONCERN FOLLOWED UP WITH A PLAQUE OR CERTIFICATE BEING SENT TO HIS FAMILY RECOGNIZING HIS SERVICE TO THE MUNICIPALITY"

MOTION CARRIED

ADDITION OF ITEMS TO JUNE 21, 1994 COUNCIL SESSION

Councillor Hendsbee - Lake Echo Lions Proposal  
Councillor Giffin - Notice of Motion - Rehab/Ocean View Manor Boards  
Councillor Rankin - Consolidation of Administrative Services re: Amalgamation  
Councillor Peters - Department of Transportation

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

'THAT THE NOMINATING COMMITTEE MEET AND MAKE A RECOMMENDATION WITH RESPECT TO A REPLACEMENT FOR MAYOR

BALL ON THE PLANNING ADVISORY COMMITTEE"

MOTION CARRIED

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

"THAT IF THE LAKE ECHO LIONS PROPOSAL IS ENDORSED BY THE EXECUTIVE COMMITTEE THE COMMITTEE BE GIVEN THE AUTHORITY TO FORWARD IT DIRECTLY ON TO THE INFRASTRUCTURE PROGRAM COMMITTEE"

Mayor Ball suggested it be brought forward at the Special Council session scheduled for May 30th if endorsed by the Executive Committee.

ADJOURNMENT

It was moved by Councillor Merrigan:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED



PUBLIC HEARING

May 16, 1994

PRESENT WERE: Deputy Mayor Bates  
Councillor Meade  
Councillor Rankin  
Councillor Mitchell  
Councillor Ball  
Councillor Deveaux  
Councillor Hendsbee  
Councillor Randall  
Councillor Smiley  
Councillor Reid  
Councillor Peters  
Councillor Merrigan  
Councillor Brill  
Councillor Snow  
Councillor Giffin  
Councillor Barnet  
Councillor Boutilier  
Councillor Sutherland  
Councillor Turner  
Councillor McInroy

ALSO PRESENT: K. R. Meech, Chief Administrative Officer  
Fred Crooks, Municipal Solicitor  
Dale Reinhardt, Acting Municipal Clerk

=====  
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 Deveaux, seconded by Councillor  
Giffin:

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING  
SECRETARY"

MOTION CARRIED

Deputy Mayor Bates outlined the procedure followed for a public  
hearing.

ZA-TLB-03-94-02 - AMENDMENT TO THE LAND USE BY-LAW FOR TIMBERLEA/  
LAKESIDE/BEECHVILLE TO IDENTIFY THE BUSINESS LOCATED AT 2126 BAY  
ROAD (OXNER'S LANDSCAPING) IN TIMBERLEA AS AN EXISTING USE ON  
APPENDIX "B"

Jim Donovan gave the staff presentation. This application was brought forward by staff to amend the Timberlea/Lakeside/Beechville Land Use By-law in order to list a property located at 2126 Bay Road (Oxner's Landscaping) as an Appendix B use in the Land Use By-law. He said that would enable the owner of that business to apply for a development agreement in order to permit the expansion of that business. The property in question is a 14,000 square foot lot plus or minus with a 68 x 45 foot storage building located on it. It is presently used as a garden supply and landscaping business by Frederick P. Oxner and Son. There was some frost damage done to the building through weather conditions and the building is structurally unsound at the present time and can't be used. The Oxner's wish to repair the building and expand the business. Additional space for landscaping material and nursery stock is sought as well as perhaps the construction of a small greenhouse sometime in the future. He proceed to show slides of the property to council for information.

He said the building was formerly used as a service garage and has since been converted to a landscaping and nursery business use by the Oxner's. He said there is an existing commercial property to the left which is zoned local commercial. He said there is parking provided in the front. He said there are two residential properties immediately to right. Both properties are owned by the Oxner's. He said the property is located on a straight stretch of road. He said the siting distances are acceptable for commercial business. There is a driveway along the side of the building leading to a storage area in the rear. The property slopes sharply upwards from almost directly behind the building. He said there is a residential property just beyond the rear property line.

He said the zoning for this property is presently R1 (single unit dwelling) zone. The zoning is applied to the majority of the properties within the urban residential designation of Timberlea/Lakeside/Beechville. Commercial uses including the existing landscaping and nursery business are not a permitted use in the R1 zone. He said, technically, the existing business on the property is non conforming and has limited development rights under the planning act. The repair of the building would be acceptable and that could be done but future expansion plans, such as the outside storage of material and the building of a greenhouse or expanding of the building itself, would not be permitted. In recognition of businesses which pre-dated the adoption of the planning strategy in 1982, the planning strategy for the area makes provision for the expansion of existing business through the application of a C3 (service business) zone or by development agreement.

He said the problem with this particular business was that in order to be eligible a business on a property had to have been

identified in the land use by-law as being in existence at the time the 1982 strategy was adopted. The Oxner's property was never listed in the 1982 planning strategy as an existing business nor was it identified as an existing business when the planning strategy was reviewed a few years ago. He said in 1982 the property was in transition of being converted from a service garage to the present landscaping and nursery business. He said it may not have been in either use at the time that the planning strategy in 1982 was adopted. He said a business did exist in 1990 when the issue of existing businesses in Timberlea was reviewed. A letter was sent to the Oxner's asking for some confirmation as to what their intentions were for the property. He said the letter was apparently not received and the issue was not addressed through the plan review process.

He said a review of the relevant policies has let staff to conclude that if it could be shown that the business existed at this location at the time of the 1982 planning strategy then the property should at least be eligible for listing on the Appendix of the by-law which would permit the expansion of the business to proceed by development agreement.

The planning strategy is quite specific. He said policy 20 of the urban residential designation is specific in that consideration of a service business zone cannot be considered after the plan was adopted; therefore, it is the opinion of staff that the property would not be eligible for a C3 zone. He said the Oxner's have provided a survey plan showing that a garage existed on the property in 1976 and this is further supported by assessment records and a deed description for the property which indicate that a business existed on the property at least prior to or around the time the 1982 planning strategy was adopted. Staff therefore are satisfied that the business was in existence prior to the adoption of the planning strategy and that the by-law should be amended to identify 2126 Bay Road as an appendix use which would allow the Oxner's to come forward and make application for a development agreement for proposed expansion to the business.

The amendments to the land use by-law, outlined on page 4 of the staff report, to identify Oxner Landscaping as an existing use on Appendix B which would allow the applicants to come forward and make application for a development agreement. He said this would then require a public hearing in order for it to be approved by council.

QUESTIONS FROM COUNCIL

Councillor Hendsbee asked if the water in the area was domestic or just on site water supply.

Mr. Donovan said he believes this area is within the service

boundary so there is water and sewer.

Councillor Hendsbee asked how long ago was this service station in operation.

Mr. Donovan said the records indicate that in 1976 there was a service garage.

Councillor Hendsbee asked if there were any fuel tanks in the ground.

Mr. Donovan said they are not aware of any problems associated with this. He said they did not do a lot of research other than to obtain information from the Oxner's that the property was used for business sometime before 1982. The plan is that if another application comes forward for a development agreement then referrals to the departments of health and environment and transportation would be done in conjunction with the development agreement application. He said those details could be explored a little more fully at that time. He said what they saw with this application was that a wrong was done and that the property was overlooked somehow in the planning process and staff felt it would be justified to rectify that problem to allow the applicant to come forward and make application for a development agreement.

Councillor Sutherland asked if there was any reference, in the minutes of the PPC meeting, made to that property.

Mr. Donovan said there were none. He said it may have been because the property was in some sort of transition from being a service garage to a landscaping business and may have been overlooked.

SPEAKERS IN FAVOUR

Brad Oxner spoke in favour of the application. He said he is the present owner of Oxner's Landscaping Centre in conjunction with his father. He said they are trying to get the business put on the Appendix so they can do additions in order to carry on the business in accordance with Appendix B buildings. He said the gas tanks, to his knowledge, have not operated in over 32 years. He said the tanks were filled in with dirt and gravel approximately five years ago. He said any chemicals they have on the property are basically homeowner chemicals that you can buy at such stores as Canadian Tire. He said there are not any chemicals stored there that are going to be a health risk. He said they would like to fix the building up but, under the present way things are, nobody, such as banks, want to look at it. He said the banks say there is no point in fixing something up that could be closed down. He said they are trying to get it so that they are able to put some money into the building and fix up the property.

Mark Case spoke in favour of the application. He said he lives at 1685 St. Margaret's Bay Road. He said he is in favour of the business because development is needed in the area and it is more convenient. He said this will also create jobs for people in the area.

Frederick Oxner spoke in favour of the application. He said he is the owner of the building. He said the building was built in 1946 as a garage and service building and has been commercially taxed and run since that time. He said they would like to fix the property up but does not see the point of this unless it can be used as a business.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT APPLICATION ZA-TLB-03-94-02 - AMENDMENT TO THE LAND USE BY-LAW FOR TIMBERLEA/LAKESIDE/BEECHVILLE TO IDENTIFY THE BUSINESS LOCATED AT 2126 BY ROAD (OXNER'S LANDSCAPING) IN TIMBERLEA AS AN EXISTING USE ON APPENDIX "B" BE APPROVED"

Councillor Rankin said they presently do not have enabling provision to improve the property and that was the intention behind the 1992 version of the plan; to provide the provision to all existing business prior to 1982. He said the applicants interest to improve best serves the interests of the community in terms of the services that would result from it as well as the enhancement of the building from an aesthetic point of view. He said this would be through a development agreement pursuant to the criteria relative to transportation matters, parking, etc.

MOTION CARRIED

PA-F&S-09-93 - AMENDMENTS TO THE PROVISIONS OF THE MUNICIPAL PLANNING STRATEGY FOR PLANNING DISTRICTS 14 & 17 IN ORDER TO ALLOW FOR SMALL SCALE MANUFACTURING USES WITHIN THE COMMUNITY CENTRE DESIGNATION

Paul Morgan gave the staff report. He said this application is the result of a request to establish a small scale manufacturing operation in the 14 and 17 plan area. The proposal is made by Ocean Case Company Limited, owned by Darrel and Susan Chaisson, which is presently operated out of Burnside Industrial Park. He said the company designs and fabricates customized shipping cases for electronic instruments and other sensitive instruments. He said the business involves putting together laminated plastic on

top of plywood and then foam interior to protect the instruments.

He said the applicants would like to establish a business out on the No. 2 highway near the top of Lake Fletcher. He referred council to Map 3 of the staff report of February 7, 1994. He said the property is at the intersection of Burrows Drive which is the main entrance into the Kendlemark Subdivision which is primarily a single unit dwelling subdivision. The lot is slightly over an acre in size and under the current land use regulations is zoned C2 (community commercial) zone. The zone does not permit this type of activity which is an urban industrial use.

He said, as a result of this, staff was instructed by the Planning Advisory Committee to look at how the plan might be amended to accommodate this proposal. As a result of this and public participation meetings, what is being brought forward tonight are amendments which are presented in the memorandum from their department, dated April 5, 1994. The specific amendments are presented as Appendix A and Appendix B.

He said this property is within what is referred to as a community centre designation which is adopted under the planning strategy. He said along the No. 2 highway there have been pockets that have been designated for community centre development. He said the idea was to focus commercial activities that would serve the surrounding residents into definable areas and to try to promote a village atmosphere. The applicants property is on the border of a rural residential designation where the primary focus is to encourage residential development. He said for the community centre designation there are two zones applied under the land use by-law for existing commercial enterprises. One is the C2 (community centre) zone. The Chaissons property is zoned C2. He said this allows for a variety of retail, service and business, shops. He said it allows for structures with up to 10,000 feet of floor area but does not permit out door storage or display. He said there is a C4 (highway commercial) zone established. He said this zone is applied to two areas at the interchanges to the 102, the Enfield and Fall River interchanges. This zone does not put a floor area limitation on the size of the building. It permits outdoor displays and a larger range of uses such as car dealerships, beverage rooms and storage yards.

He said although there are no provisions right now, under existing policies, to allow for any sort of industrial use, fabrication or otherwise, there are special provision in this designation to address existing industrial uses. At that time the plan and by-law adopted there were a number through the area which were long established. He said special provisions were made and where they did not comply with the by-law special provisions were made to allow these uses to the extent they are in existence. Expansion could be considered by council through a

development agreement. He said the existing policy is reproduced as Appendix C in the memorandum dated April 5, 1994. He said looking at some of the issues regarding this proposal to allow for new industrial uses within the community centre designation there is a balance of interests that would have to be considered. He said one of these is the fact that already in this plan area there have been considerable lands designated for industrial development. He said these are around the international airport primarily. He said one consideration is whether the municipality should be allowing for industrial development outside of areas already designated and planned for this type of development. He said possibly not all industrial uses need or would like to be located within the industrial park. He said it could be expensive for smaller operations. He said although there is good accessibility around the airport it is not as obvious that a small operation, such as what is being proposed, would need that degree of infrastructure. He said an operation such as this is not going to generate a significant amount of traffic.

He said it is quite possible to accommodate a small business, such as this, within the more rural communities if the proper site planning is done. He said there is evidence of this with the approval of other applications in other parts of Halifax County. He said the staff report suggested two methods of accommodating this interest - rezoning and changing the policy designation to a rural residential or amend the provisions for industrial uses and then the commercial designation to allow for new industrial uses by development agreement. After holding a public participation meeting out in the community and getting direction from the municipal planning advisory committee the amendments prepared with the April 5th memorandum were decided to be put forward to council tonight. The amendments would allow for council to consider industrial uses, such as the Chaissons, by development agreement provided they met the criteria identified under this revised policy 100. He said if these amendments were adopted tonight, any future proposals would not automatically receive approval by council. It would be subject to these evaluation criteria. He outlined the criteria for council. He said consideration would also have to be given with regards to environmental protection. He said the original staff report stated that there is evidence that all throughout the Shubenacadie area there are a number of environmental restraints which were identified in a recent study of the Shubenacadie system.

He said if these amendments were approved tonight the Chaissons or anyone else within a community centre designation, wanting to make an application, would have to come forward to council at a later date and have a separate public hearing and have council evaluate the specific proposal brought forward.

Councillor Snow said if this business starts and then goes bust

would someone be able to come along and use the premises to build fibreglass boats.

Mr. Morgan said what would happen in the original agreement it would specifically identify the particular use which is allowed on the property. If someone later wanted to come in and change the use it would require a review and amendment by council. He said any amendment to the application would be evaluated against the policy criteria.

Councillor Snow asked if this amendment was site specific and does it affect district 17.

Mr. Morgan said it does affect district 17. He said it includes Waverley, Fall River, Fletchers Lake, Wellington, Wellington Station, Grand Lake and the Enfield interchange area.

Councillor Snow said this seems to put district 17 in a very precarious position because they don't want to go on record as stifling something that is happening in another district. If it is the wish of the people of district 14 and the councillor there they have no problem with it but they do have a problem with an amendment happening in Fall River and Waverley. He said he has received letters protesting any change being proposed by district 14. He said he was of the understanding that it was for that site which he has no problem with. He asked the solicitor if district 17 could be exempt.

Mr. Crooks said there is some suggestion that it is possible, in a hearing like this, to diminish or lessen the area to which the amendments apply. Given the provisions of the planning act his view and opinion is that it is difficult to anticipate in advance and know in advance whose interest might be affected by that change and consequently the recommended course is to advertise further if there is to be a change made to the area which has already been advertised as the area for which the changes will apply. He said it would require, in his view, a further hearing to make the amendments applicable to a part of the plan area but not to another part.

Councillor Snow said he has received a letter from the LWF ratepayers association which takes in three communities. He said he also has a letter from the Village Commission of Waverley which takes in the other community. He said it would be in the best interest of his residents to go back to those residents and have a general public meeting there. He said he would like that opportunity. He said he would like a lot more information before he could agree to put something on his area that affects his district when the people are telling him, by virtue of letters, no. He said on the other hand it is not fair for Wellington either because he does not want to stand in the way of what their people wish. He said if it cannot be deleted tonight he would



like to have it deferred back to PAC for further deliberation.

Deputy Mayor Bates asked if this hearing could be aborted and have it referred back to PAC or go through the public hearing and have it defeated and go through the process.

Mr. Crooks said it would be open to council to refer it back to PAC committee without voting on it to either approve or reject it tonight. He said his suggestion would be to carry on with the public hearing phase and provide an opportunity for the people to come out and speak. He said then council would be in a better position as to which course of action to take.

Councillor Ball said one way to resolve the impasse would be to establish a geographic border between districts so that in essence instead of having one plan for the total geographic area there would be two distinct plans for the area. He said decisions made in 14 does not impact on 17. He said it could be referred back to look at that aspect of it.

Mr. Crooks said the other possibility would be that the two polling districts remain within the same plan area in effect to have two zones relating to the community centre designation. In one community centre zone there would be a range of permitted uses and in the other there may be a more limited range of permitted uses. He said it may be possible to accomplish what is being suggested without the necessity of dividing the areas entirely and the plans.

Councillor Peters said what has happened here is a resident who is a business person who would like to have this amendment applied and has gone through the procedures and she does not see it as district 14 being proponent against district 17. She said she does not see that there is any adversarial situation here. She said if the PAC wishes to reexamine which is more urban or suburban she has no objections.

Councillor Brill asked if any question was raised with regard to the policy P-100 (b) which covers such things as "will not from its nature of operation create a nuisance, be offensive by virtue of noise vibration, emission of gas fumes, dust, objectionable odour or waste materials".

Mr. Morgan said at the time of the public participation session the specific amendments contained in this memorandum had not been drafted. He said they tend to take out staff reports, identify what staff would perceive the issues are and what the alternatives are. Once they have feedback from the community and direction from Municipal PAC they proceed with drafting the amendments. He said the clause being referred to was specifically drafted as a result of some of the concerns expressed at the public participation. He said a number of the