

"THAT A LETTER BE WRITTEN TO THE MINISTER STATING THAT WHILE WE APPRECIATE THE MINISTER TAKING THE TIME TO WRITE ON BEHALF OF THE PREMIER IT REMAINS OUR VIEW THAT THE PREMIER, GIVE PUBLIC PRONOUNCEMENTS ON THIS MATTER, IS ANXIOUS TO REACH SATISFACTORY RESOLUTION ON AN APPROPRIATE SHARING OF EDUCATION COSTS BETWEEN THE PROVINCE AND THE MUNICIPALITY.

IN THIS REGARD, THE PREMIER HAS BEEN ON RECORD AS ADVOCATING A 90/10 FUNDING SPLIT FOR EDUCATION.

OUR COUNCIL HAS CLEARLY STATED TO THE MINISTER OF MUNICIPAL AFFAIRS IN HER RECENT CONSULTATIONS THAT ANY PROPOSED EXCHANGE OF THE PROVINCIAL/MUNICIPAL SERVICES SHOULD INCLUDE EDUCATION. BY THE GOVERNMENT'S OWN ADMISSION, THIS SERVICE IS A PEOPLE SERVICE AND CLEARLY DISTINGUISHED FROM THE PROPERTY BASED SERVICE.

AS YOU KNOW MINISTER, THE CURRENT \$0.39 EDUCATION PROPERTY TAX RATE IS NOT IN ITSELF A PRINCIPLE OF FUNDING. THIS RELIANCE ON AN ARBITRARY RATE HAS RESULTED IN A FURTHER DOWNLOADING BY THE PROVINCE - GOING FROM 86.2% IN 1993/94 TO 85.2% IN 1994/95 ON THE PROVINCIAL SHARE OF EDUCATION COST, AN OUTCOME THAT THE PREMIER WHEN HE WAS PRESIDENT OF THE UNSM WOULD HAVE FOUND REPUGNANT"

MOTION CARRIED

14. Mr. Reinhardt outlined a letter from the Federation of Prince Edward Island Municipalities requesting council's support in taking action to help prevent the elimination of air traffic control services from the Charlottetown Airport.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

15. Mr. Reinhardt outlined a letter from the Senior Citizens Secretariat requesting council to declare the week of June 19-25 as Senior Citizens Week.

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

"THAT THE LETTER BE RECEIVED AND THE WEEK OF JUNE 19-25 BE DECLARED AS "SENIOR CITIZENS' WEEK"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from the Westphal/Cole Harbour Fire Department with respect to smoke alarms and a request that council consider a smoke alarms by-law.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT THE LETTER BE REFERRED TO THE SERVICE STANDARDS COMMITTEE"

MOTION CARRIED

SOCCER FIELD & DRAINAGE SYSTEM, COLE HARBOUR

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

"THAT COUNCIL APPROVE THAT THE TENDER BE AWARDED TO THE LOW BIDDER, ELMSDALE LANDSCAPING, IN THE AMOUNT OF \$105,950.00"

MOTION CARRIED

LESSER SETBACK REQUEST - KEITH LEAHY, SALMON RIVER BRIDGE

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

"THAT COUNCIL APPROVE A PUBLIC HEARING DATE OF JULY 5, 1994, AT 7:00 P.M. WITH RESPECT TO A LESSER SETBACK OF EIGHTEEN (18) FEET FROM THE ROAD BOUNDARY OF PARCEL B, SUBDIVISION OF LANDS OF GOLDA CONRAD, HIGHWAY 7, SALMON RIVER BRIDGE"

MOTION CARRIED

MUNICIPAL PLANNING ADVISORY COMMITTEE REPORT

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

"THAT PUBLIC HEARING DATE BE SET FOR TUESDAY, AUGUST 2, AT 7:00 P.M. BE SET AS DATE AND TIME FOR PUBLIC HEARING WITH RESPECT TO DESIGNATION OF HERITAGE PROPERTIES"

MOTION CARRIEDSUPPLEMENTARY PLANNING ADVISORY COMMITTEE REPORT

Staff Report - File No. PUD-01-94-MW-A3 - Application by Alderney consultants Ltd. to amend the provisions of the Millwood PUD agreement by redesignating three parcels of land to allow for single unit dwelling subdivisions on reduced lot sizes.

Mayor Ball brought the attention of council to a memorandum from Mr. Butler. He said what this would mean is that an application would be put forward without a staff report.

It was moved by Councillor Barnet, seconded by Deveaux:

"THAT THE APPLICATION BE SENT TO PUBLIC HEARING PROCESS AS INDICATED IN THE RECOMMENDATION FROM PLANNING ADVISORY COMMITTEE WITH THE PROVISION THAT STAFF PRODUCE A STAFF REPORT ON THESE PARTICULAR APPLICATIONS AS SOON AS POSSIBLE SO THAT WHEN THE PUBLIC HEARING TAKES PLACE COUNCIL WILL HAVE THE ABILITY TO TAKE ADVANTAGE OF STAFFS' OPINION ON THESE PARTICULAR ITEMS"

Councillor Boutilier said this is a totally different scenario that what was looked at in Sackville so, in essence, what they recommended or had looked at in Sackville as a planning matter now come before municipal PAC and is different in that respect. He said it is a different proposal than what was looked at in the community of Sackville.

Councillor Cooper said he had some concerns about the process being followed bearing in mind the advisory capacity of the community PAC etc. He said he is wondering how much of this report has not been considered by the community and basically flies against the procedures that have been followed in the municipality.

Councillor Barnet said essentially what has happened here is that the municipality received an application from the Armoyan Group on a downzoning of three parcels of land that were originally slated block land or apartment sites. The application went to the Sackville PAC, they made recommendations and reviewed it, staff also made recommendations and reviewed it. It went from there to Sackville Community Council who again made recommendation and reviewed it and it went from there to Planning Advisory Committee. This is an unusual path for applications based on the fact that it is a Planned Unit Development agreement. He said both Sackville Community Council and Sackville Planning Advisory Committee will deal with this and make recommendations to Municipal PAC and Municipal Council. Municipal Planning Advisory Committee, on June 20, 1994, received a revised application that the Sackville Community Council and

the Sackville PAC did not see. This revised plan was a result of a public meeting held in district 19 attended by approximately 250 area residents who were extremely concerned over a number of issues that were addressed in the original application on of which included a 48 unit apartment building. Another was a through street and a third issue was an issue of side lot clearance. The applicant put forward an application where he wanted the houses built on the property line. The residents voiced their concern to the department of housing, the owners of the property, Mr. Armoyan, the developer, and himself, as the area councillor. He said Mr. Armoyan amended his application to no longer include a 48 unit apartment building, no longer include a through street that connected Sackville Drive and Millwood Drive and no longer included the two side yard clearances. This is the application that PAC received along with the maps and the amendment that is included in the package. This is the application that PAC moved to go to a date for public hearing and this is where it stands now.

Councillor Cooper said that tells him how the changes came about but in the procedures used in the municipality and under the Sackville Community Council is the area covered by the amendments within their jurisdiction.

Mayor Ball said it may be a joint jurisdiction in that particular circumstance.

Mr. Meech said it is his understanding that amendments to the PUD agreement are to be treated the same as amendments to the Planning Strategies.

Mr. Butler said it goes through both Sackville PAC and the Sackville Council before coming to Municipal PAC.

Councillor Cooper said he would be very hesitant to support a procedure that might set a precedent in not having the community have an opportunity to look at it an voice their opinion on it.

Councillor Sutherland said he would like to have Mr. Butlers response to the process being asked to invoke at this stage.

Mr. Butler said everything proceeds as per normal. A staff report is prepared with a recommendation which is simultaneously tabled with the Municipal PAC but then is automatically referred to the Community PAC. The recommendation from the community PAC then goes to the Community Council and from there back to the municipal PAC. He said that was the procedure followed in this case. The report and recommendation of staff was reviewed by the Sackville PAC which made a recommendation to the community council which made a recommendation to the municipal PAC.

Mayor Ball said the item being dealt with however, given the

process that Mr. Butler just outlined, is basically a new application in the sense that the item changed its scope last evening. He asked if staff had any input or opportunity to analyze those changes.

Mr. Butler said there was some change. He said at this point in time it would technically be going forward without a staff analysis.

Councillor McInroy said he does not have any doubt or any reason to think that what Councillor Barnet has put forward wouldn't ultimately be supported at the full community process through the community PAC and community council. He said it seems that if council does not do this and go straight, for the sake of expediency, to a public hearing in this forum, then municipality is intentionally avoiding the time it is going to take and the process involved in going through what was set up for a reason. He said recommendations are first made formally through the community council and its sub committee in the community that is affected. He said it seems that the community meeting was concentrated in terms of the area that the councillor represents and the people immediately affected. He said in the final analysis it is probably their wish and his that is going to prevail subject to whatever changes might come about along the way through municipal staff review and deliberations, etc. as well as the public hearing itself. He said he has some fundamental concerns with avoiding the proper procedure and process.

Mayor Ball asked if the public meeting was something that staff initiated or staff was involved in.

Councillor Barnet said the public meeting was attended by himself, the MLA, staff members from the department of housing. He said it is his understanding that the residents who organized the public meeting invited members of staff of the municipality, who did not show up. He said the concerns for the most part were addressed in the revised plan that was submitted by the developer. He said the residents expressed that they would like to see this go to public forum. He said this particular development is unusual. Municipal council has the final say on what happens in a plan amendment for the PUD agreements in Millwood as well as they would in the Cole Harbour/Forest Hills PUD. Staff, in the report, indicated clearly that they do not suggest that municipal PAC is outside the legal authority to recommend the revised proposals directly to council which is clearly indicated in the memorandum from Mr. Butler,

Deputy Mayor Bates said that the more unusual it is the more reason why the municipality shouldn't circumvent the normal procedures that is followed in these matters. He said he feels this is a major change and he feels that normal channels should

be followed with staff report and public hearings.

Councillor Brill said he does not look at this as a major change. He said there is certainly a revision. He said he is supportive of the Armoyan Development. He said the concerns that Mr. Armoyan has addressed has addressed some of the concerns of staff and also the adjacent land owners. He said there was some question as to whether or not single family dwellings should be built as opposed to apartment buildings. He said he feels it would be in the best interest of everybody to have the public hearing along with the other two parcels of land.

Councillor Harvey said these proposals do change the established ratios for housing in the PUD agreement so that makes it, in his mind, a major change. He said he has concerns that the normal advisory bodies and the Sackville PAC have not seen the application in this form. He said he would hope, if council is determined to fast track this to the 27th then, as a courtesy to the Sackville PAC, that the revised application and any staff comments that might be available by that time would be sent on to that committee for their information.

Councillor Cooper said Councillor Barnet had indicated that there had been public input but the public input did not come from all of the community that was entitled to have input. He said during the normal process there would be a recommendation coming out of the community with regard to the application. He said there is a change before council which went directly to municipal PAC and they forwarded it without a recommendation. He said therefore municipal PAC have made a proposal which they don't know receives community approval. He said they are making that recommendation without having the approval or recommendation from the community PAC and without having given the community a complete opportunity for public input that they should have had under the normal procedures.

Councillor Deveaux said Mr. Armoyan came before PAC and explained what had happened. He said he does not feel that council would have any objections to having a report prepared for the next meeting for the benefit of council. He said the members of PAC, in good faith, approved this and brought the recommendation forward this evening.

Councillor Harvey said it is his understanding that the people who endorsed the proposal were primarily there in outrage over the 250 plus trees that were cut down on one of these sites when they should have not been cut down.

Mayor Ball said a long standing process had been established and whether that process should or should not change is the decision of council. He said council has to be very careful and cognisant about is that if there is an application there and for some

reason somebody changes the application at the last minute and staff does not get an opportunity to analyze it, we could be jeopardizing future applications because it is sending a signal that the municipality will accommodate those changes without the proper input.

Councillor Barnet said PAC has recommended July 25th as a date for the public hearing so this is not the last minute. He said there is significant time between now and then.

Mayor Ball said all he is saying is that the municipality is doing something that is possibly blind.

MOTION DEFEATED

11 FAVOUR

11 AGAINST

MINOR VARIANCE APPEAL - MVS-05-94-20

Miss Gail Bowen presented the staff report. She said on April 22, 1994 a minor variance application was received. It was to construct a detached private use garage, measuring 16 feet by 22 feet, to be located a minimum of four feet from the property line abutting Maple Grove Avenue right-of-way. The property is located in Sackville in district 20 and is zoned R-1 under the Land Use By-law for Sackville. The lot is approximately eight thousand square feet in area with an existing single unit dwelling. The lot is located at the corner of Maple Grove Avenue and Lennox Drive. The R-1 zone requires that the garage be constructed a minimum of twenty feet from Maple Grove Avenue and Lennox Drive's right-of-way and four feet from the right and rear property lines. This application was received from Wayne Bishop to allow for a reduction to the minimum setback requirement established under the Land Use By-law for Sackville. The purpose for the proposal is to permit a detached garage constructed in a location which would line up with existing driveway.

The department of transportation originally rejected this proposal but has since approved the request. She outlined the restrictions under the Planning Act in regard to minor variance. She said this request was not considered minor and therefore was rejected. Since then the rejection was appealed and the decision is now up to council. She showed slides of the property to council.

QUESTIONS FROM COUNCIL

Councillor Boutilier asked if abutting property owners were notified.

Ms. Bowen said they were by direct mail and no response was received from the abutting property owners.

Councillor Boutilier said he has not, as councillor, heard any opposition to it.

SPEAKERS IN FAVOUR

Mr. Wayne Bishop, 14 Lennox Drive, Sackville spoke in favour of the application. He said he has lived at that address since 1978. He said he recently expressed a desire to erect a garage in this area mainly for the purpose of a woodworking shop. He said this is not a commercial project, simply a hobby. He showed council a plan outlining the area and what he is proposing. He said in April he made an application to erect a garage so that he might line it up with his driveway coming in on Lennox Drive. He said all the abutting neighbours have advised him that they did receive letters and all have said they have no objection to his proposal. He said in May he spoke with Mr. Kenny of the Department of Transportation in Bedford. He said it is true that they first rejected his application. He then asked them to come out when he was present at his residence so that they could view the area. He said they came out and looked at it and Mr. Kenny said he saw no difficulty with it because there is a 66 foot right of way. He said Mr. Kenny informed him that most of the areas have a 50 foot right of way. He said what he has asked for is five feet inside his property line to build his garage. He said in total there is, from the curb, 23 feet. He said in effect he has brought his property in one foot from what he actually requested. He said he asked for a four foot variance from his property line when in effect he could move in five feet still having sixteen feet to line with his garage door so he can drive his car in. He said there is a cedar hedge and large trees on the property. There is no obstruction to traffic where he is proposing to build the garage. He said he has not done anything to the property and what he is proposing is to use the same decor as his residents.

QUESTIONS FROM COUNCIL

Councillor Hendsbee said he was in support of the application.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

'THAT THE APPEAL BE GRANTED AS OUTLINED IN THE STAFF REPORT''

MOTION CARRIED

PUBLIC HEARING - SUBDIVISION FEES - FILE NO. SB-03-94

Mayor Ball called roll of councillors who was present at the public hearing as they would be the only councillors allowed to vote on the public hearing.

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

"THAT COUNCIL ADOPT THE RECOMMENDATION OF STAFF WITH RESPECT TO THE SUBDIVISION FEES"

Councillor Ball asked if this was to be inclusive of the revised wording in the memorandum dated June 21, 1994.

Council agreed.

11 COUNCILLORS IN FAVOUR - MOTION DEFEATED AS MAJORITY VOTE OF WHOLE OF COUNCIL NEEDED TO PASS THE MOTION

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

"THAT STAFF STUDY THESE FEES, PROCEDURES AND PERHAPS THE BUILDING PERMITS AND REEVALUATE TO LOOK AT A SQUARE FOOTAGE CHARGE BASED INSTEAD OF ON THE DOLLAR VALUE OF HOMES"

MOTION DEFEATED

EXECUTIVE COMMITTEE REPORT

Dog By-Law

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

"THAT A COMMITTEE BE STRUCK TO PREPARE A PROPOSAL FOR COUNCILS CONSIDERATION"

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

"THAT THIS ITEM BE DEFERRED UNTIL AFTER THE NEXT MUNICIPAL ELECTIONS"

MOTION CARRIED

Water Utility Budget

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

"THAT THE 1994/95 WATER UTILITY OPERATING BUDGET BE

APPROVED"

MOTION CARRIED

Parkland Exchange Stonemount Subdivision District 20

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

"THAT COUNCIL APPROVE THE EXCHANGE OF PARKLAND BETWEEN HALIFAX COUNTY MUNICIPALITY AND STONERIDGE PROPERTIES LIMITED AS OUTLINED IN THE STAFF REPORT, CONTINGENT UPON LOT 37 RECEIVING FINAL SUBDIVISION ENDORSEMENT AS WELL AS ALL LEGAL AND SURVEY COST BEING THE RESPONSIBILITY OF STONERIDGE PROPERTIES LIMITED"

MOTION CARRIED

Lease 62 Acres, Prospect Bay, District 4

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

"THAT COUNCIL APPROVE A LEASE OF A PORTION OF CROWN LAND (APPROXIMATELY 62 ACRES) LOCATED IN PROSPECT BAY"

MOTION CARRIED

Beaverbank Phase 1 Water and Sewer

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

"THAT RECOMMENDATIONS 1 AND 2 OF THE STAFF REPORT DATED JUNE 8, 1994 BE APPROVED"

MOTION CARRIED

Water Extension Beaverbank Road

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

'THAT COUNCIL APPROVE THE WATER UTILITY CONTRIBUTION OF \$47,000 PLUS AN ADDITIONAL \$89,000 CONTRIBUTION CONDITIONAL ON WOODBINE HOOKING UP TO THE WATER SERVICE"

MOTION CARRIED

Hammonds Plains Road Watermain Upsizing

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

"THAT COUNCIL APPROVE A WATER UTILITY CONTRIBUTION OF \$65,000 TOWARD THE CONSTRUCTION OF A PORTION OF WATER MAIN ON THE HAMMONDS PLAINS ROAD"

MOTION CARRIED

Lagooning Operations

Mayor Ball said one of the staff reports is charging the Atlantic Winter Fair for disposal of sludge in the lagoon. He said it may be necessary to rescind a previous motion of council where there would be a forgiveness of that cost and to put an effective date. He suggested August 1, 1994 as the date.

Mr. Reinhardt informed the Mayor that this motion should be done by recorded resolution of council and not necessary to rescind the previous motion.

Councillor Sutherland asked what volume of sludge was being referenced with regards to transport to Colchester County.

Mr. Wdowiak said they were recommending an amount of 250,000 gallons as a maximum cross border allowance but presently it is 100,000 gallons per year.

Councillor Fralick asked what the fee was.

Mr. Meech said it is estimated to be on average to be \$12.00 per household per pump out.

Councillor Reid referenced A and B and said it is his understanding that one cent of the cost per gallon would go into the capital reserve.

Mr. Meech said what is being referenced is allocating the two cent per gallon charge and splitting it between reserve for capital improvements and then the other for improvements to the treatment plant. He said there is a cost associated with the sewerage treatment plant because after the sludge is treated in the lagoon it is then processed through the sewerage treatment plant which puts an added burden on that treatment facility. He said it is requiring maintenance in replacement of parts quicker than it would otherwise do if that wasn't part of the effluent going in there.

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

"THAT COUNCIL APPROVE, BY RECORDED RESOLUTION, THE RECOMMENDATIONS, EFFECTIVE AUGUST 1, 1994, AS OUTLINED IN THE STAFF REPORT DATED JUNE 7, 1994"

MOTION CARRIED

Sidewalk Construction Agreement No. 1-L

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

"THAT COUNCIL APPROVE CONSTRUCTION AGREEMENT 1-L"

MOTION CARRIED

Borrowing Resolutions

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

"THAT BORROWING RESOLUTION TRB91-12 - WATER (BENNERY LAKE, AEROTECH PARK) IN THE AMOUNT OF \$400,000. BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION TRB91-13 - SEWER (MILL COVE SEWAGE TREATMENT PLANT) IN THE AMOUNT OF \$505,000. BE APPROVED"

MOTION CARRIED

Capital Grant Requests

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

"THAT THE FOLLOWING CAPITAL GRANT REQUESTS BE APPROVED:

- (a) District Capital Grant District 23 \$ 2,043.00
- (b) District Capital Grant District 9 \$ 3,500.00
- (c) District Parkland Grant District 1 \$ 1,200.00
- (d) General Parkland Grant \$ 2,100.00
- District Parkland Grant District 24 \$17,000.00
- (e) General Parkland Grant \$ 1,550.00
- District Parkland Grant District 17 \$ 1,550.00
- (f) District Capital Grant District 7 \$ 5,000.00
- District Parkland Grant District 7 \$ 5,000.00
- (g) District Capital Grant District 1 \$ 3,825.00
- General Parkland Grant \$ 2,615.00

MOTION CARRIED

\$9,787 Withdrawal Vehicle Reserve Fund

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

"THAT COUNCIL APPROVE A WITHDRAWAL OF \$9,787 FROM THE VEHICLE RESERVE FUND"

MOTION CARRIED

SERVICE STANDARDS COMMITTEE REPORT

Municipal Fire Inspectors

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

"THAT COUNCIL ADOPT THE RECORDED RESOLUTION TO UPDATE THE APPOINTMENT OF MUNICIPAL FIRE INSPECTORS"

MOTION CARRIED

Mutual Aid Agreement with 12 Wing Shearwater

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

"THAT COUNCIL APPROVE THE "STANDARD AGREEMENT FOR RECIPROCAL FIRE FIGHTING ASSISTANCE" WHICH PROVIDES FOR THE GIVING AND RECEIVING OF FIRE FIGHTING MUTUAL AID BETWEEN 12 WING SHEARWATER AND HALIFAX COUNTY MUNICIPALITY, ON BEHALF OF THE EASTERN PASSAGE - COW BAY FIRE DEPARTMENT"

MOTION CARRIED

REPORT RE: WAVERLEY VILLAGE COMMISSION

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

"THAT COUNCIL APPROVE THE AGREEMENTS WITH THE VILLAGE OF WAVERLEY TO CLEARLY IDENTIFY THE RESPONSIBILITY FOR THE OPERATIONS OF THE WAVERLEY FIRE DEPARTMENT"

MOTION CARRIED

NON-COUNCIL APPOINTMENT, MUNICIPAL PLANNING ADVISORY COMMITTEE

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

"THAT MR. J. DELPHIS ROY BE APPOINTED TO THE MUNICIPAL PLANNING ADVISORY COMMITTEE"

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

BANK SIGNING AUTHORITIES AND RESPONSIBILITIES

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

"THAT THE RESOLUTIONS FOR SIGNING AUTHORIZATION FOR ANY ONE OF THE CHIEF ADMINISTRATIVE OFFICER, THE ACTING TREASURER (MR. SMITH) OR THE MUNICIPAL CLERK FOR CHECK SIGNING BE APPROVED"

MOTION CARRIED

RECORDED RESOLUTION RE: 1994/95 TAX RATE - AREA RATES

Councillors Boutilier asked for clarification with respect to school rate for the George P. Vanier School.

Councillor Turner said she also feels that a rate for Humber Park School should not be included in her rates.

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

"THAT THE RECORDED RESOLUTION RE: 1994/95 TAX RATE - AREA RATES BE APPROVED SUBJECT TO CLARIFICATION WITH RESPECT TO SCHOOL RATES IN DISTRICT 20 AND 23"

MOTION CARRIED

PROCLAMATION - CHILD ABUSE PREVENTION MONTH

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

"THAT AUGUST BE PROCLAIMED AS CHILD ABUSE PREVENTION MONTH"

MOTION CARRIED

SUMMER MEETING SCHEDULE

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

"THAT DURING THE SUMMER MONTHS COUNCIL WOULD HOLD COUNCIL SESSIONS ON JULY 5 AND AUGUST 2"

MOTION CARRIED

Councillor Barnet put a motion of reconsideration re: Millwood for the end of the council session.

WITHDRAWAL FROM SPECIAL RESERVE FUND

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

"THAT COUNCIL APPROVE A WITHDRAWAL FROM SPECIAL RESERVE FUND - FILE WSR94/95-01 - PRINCIPAL REPAYMENT (DEBENTURE 90-B-1)"

MOTION CARRIED

MEMORANDUM RE: DEBENTURE ISSUE DATED JULY 13, 1994

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

"THAT THE DEBENTURE ISSUE DATED JULY 13, 1994 BE APPROVED (\$950,000)"

MOTION CARRIED

FIRE TRUCK REPLACEMENT - SEABRIGHT VOLUNTEER FIRE DEPARTMENT

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

"THAT COUNCIL APPROVE THE PURCHASE BE AWARDED TO FORTH GARRY FIRE TRUCKS AT \$175,930."

MOTION CARRIED

TRANSPORTATION - COUNCILLOR FRALICK

Councillor Fralick said there is an intersection in Tantallon known as intersection highway 3 and 333 and just recently they had a tourist bureau move close to the intersection as well as a small business venture. He said there were a number of accidents there last year.

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION, WITH A COPY TO THE MLA, REQUESTING THE

ENGINEERS GO AND CHECK THAT INTERSECTION"

MOTION CARRIED

URGENT AGENDA ITEMS

Department of Housing and Consumer Affairs - Councillor Barnet

Councillor Barnet said this item has been brought to his attention by a number of mobile home residents in his district. In August of 1993 the Department of Housing and Consumer Affairs abolished what was once the Rent Review Board. Since then the tenants in mobile homes and apartments in the municipality have had no or little recourse as to control over the cost of rent. The landlords requirements to increase the rent is simply only once during the calendar year with three months prior written notice. The current government saw fit to do that based on the fact that for the most part renters were nomadic and could move from one area to another and the marketplace would dictate exactly what the rents would be. He said they did not consider mobile homes. He said mobile homes are placed on pads. It is a substantial amount of money to place the mobile home there. It is a substantial amount of money to move the mobile home and it is not always that easy to find a space.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF HOUSING AND CONSUMER AFFAIRS, GUY BROWN, WITH A COPY TO JOHN SAVAGE, AND ALL OF THE LOCAL MLA'S FOR THE MUNICIPALITY, STRONGLY ENCOURAGING HIM TO REINSTATE THE RENT REVIEW BOARD AS IT APPLIES TO MOBILE HOME PARKS"

Councillor Merrigan said rents in the Woodbine Mobile Home Park have gone up over 12%. He said he have asked the people to write letters and call the tenancy board. He outlined some of the problems experienced by the tenants in the park.

Councillor Giffin said maybe this should be specific to mobile homes and mobile home parks.

MOTION CARRIED

Councillor Brill

Councillor Brill said he has heard from planning staff that the Sackville MPS and Land Use By-laws have been approved by the Minister of Municipal Affairs with some major amendments. In view of the fact that the minister has seen fit to place a flood plain designation on the Little Sackville River he requests that council send a letter to the Minister requesting that the land

identified by LRIS 364208 be grandfathered as per the 1982 Sackville Plan. If this is not possible request the Minister to respond as to how, when and to what extent the province of Nova Scotia is prepared to compensate the landowner for his lands which fall between the alleged 1:20 and 1:100 year flood plain. He said he would request a copy of all correspondence to and from the Minister on this matter.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF MUNICIPAL AFFAIRS REQUESTING THAT THE LAND IDENTIFIED BY LRIS 364208 BE GRANDFATHERED AS PER THE 1982 SACKVILLE PLAN"

Councillor Boutilier asked if the approval has been received by the municipality.

Mr. Meech said the municipality has been advised as to what the amendments are going to be.

Councillor Harvey said he has looked at the amendments and he is wondering why the motion is site specific to parcel of land when there must be other parcels that are also going to be affected. He said he also has some concern that, while the county may seek redress for all of these landowners who may feel that they have had their land expropriated without compensation, the province may well throw this back on the county as a municipal matter and indicate that it is something the county should be dealing with. He said if the municipality is prepared to send this to the province then we should be prepared to deal with it here.

Mr. Meech said it might be more appropriate to wait until the analysis of the changes is received. He said there are other changes that have been made as well that may not be received by some people in the community. He said it might be more appropriate to deal with all of the amendments that have been made by the Minister and then prepare a position to be communicated to the province with regard to all of those changes.

Councillor Brill said the reason it is site specific is because this particular owner is a constituent in his district and he is not aware of any other constituents that has a similar problem. He said it is imperative that this matter be address immediately. He said he does not feel, in this particular case, that we can wait.

Councillor Harvey asked if the number refers to the entire parcel or to that part which may be affected by the 1:100 and the 1:20.

Councillor Brill said it refers to that part that is in the 1:20 and 1:100.

MOTION CARRIEDNOTICE OF RECONSIDERATION RE: MILLWOOD

Councillor Barnet said Mr. Armoyan had asked to address council and requested that council hear Mr. Armoyan's presentation.

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

"THAT COUNCIL RECONSIDER THE MOTION RE: FILE NO. PUD-01-94-MW-A3"

MOTION CARRIED12 FAVOUR10 AGAINST

Mr. Armoyan addressed council with respect to the application. He said he had not made a new application but changed minor aspects of the application that was put in approximately six months ago. He said he changed three aspects of his application. He said they eliminated the apartment building, there would be no road going through but more like a cul-de-sac and he would like to downzone to allow for single family. He said he was asking that these lands be redesignated for lotted frontage lots to allow him to develop single family. He said it was not a site specific request. He said he is not trying to circumvent the process. He said he would urge council to give him the opportunity to come on July 25th and to hear from the public. He said the changes were made to address community concerns. He said there are no lots available at this time, in Sackville, for new construction.

THE ORIGINAL MOTION TO HOLD A PUBLIC HEARING, ON JULY 25, 1994, TO HEAR THE APPLICATION WAS CARRIED

"THAT THE APPLICATION BE SENT TO PUBLIC HEARING PROCESS AS INDICATED IN THE RECOMMENDATION FROM PLANNING ADVISORY COMMITTEE WITH THE PROVISION THAT STAFF PRODUCE A STAFF REPORT ON THESE PARTICULAR APPLICATIONS AS SOON AS POSSIBLE SO THAT WHEN THE PUBLIC HEARING TAKES PLACE COUNCIL WILL HAVE THE ABILITY TO TAKE ADVANTAGE OF STAFFS' OPINION ON THESE PARTICULAR ITEMS"

UPDATE ON METRO AUTHORITY

Mayor Ball said the Metropolitan Authority made a decision by a vote of six to four to extend the Sackville Landfill Site by thirty months subject to the negotiated agreement. He said he is informing council of that fact. He said he called homeowners who lived in the core area to get their feelings before going into the meeting and the message from those people is that they want it closed. He said Metropolitan Authority will negotiate with

Halifax County for proper contractual agreement that will address the extension with appropriate penalty clauses, compensation and guidelines. He said bale filling is one of the things that was included in that. He said one of the appropriate penalty clauses would give the date of closure and if they go beyond that date the penalties that would follow would be outlined. He said he is asking if they would like to designate a negotiating team or would they leave it up to Mr. Meech and himself to designate appropriate people to negotiate on behalf of Halifax County. He said the Authority would be paying the legal costs.

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

"THAT THE MUNICIPALITY ACCEPT THE OFFER AND THAT THE CAO BE DELEGATED AS THE COORDINATING STAFF PERSON AND FURTHER THAT THE NEGOTIATED PACKAGE COME BACK TO MUNICIPAL COUNCIL FOR RATIFICATION"

Councillor Reid asked if the residents most directly affected going to be asked to participate in the process. He said he feels it is very important that they participate.

Mayor Ball said they would look at people or at least a representative from those who would be directly affected in that area. He said part of the resolution that was passed was that Halifax County would be part of the negotiations on behalf of the residents of Sackville and whom ever they wished to designate.

Councillor Cooper asked if Metropolitan Authority has ever considered or has it been proposed by county representatives that the Metropolitan Authority offer for the properties of those directly affected in the core area.

Mayor Ball said that will be one of the items dealt with.

Councillor Cooper said Metro Authority has agreed to a process and as a result of stubbornness and infighting among members of the authority the people of Sackville have suffered. He said council may have to accept this but he feels council should not be happy with it.

Mayor Ball said he is not happy with the position taken by Metro Authority but he is suggesting that the county be part of the negotiations and negotiate in the best interest of the residents that are affected. He said the only people that the residents have any trust in is this municipality. He asked if council wished to leave it to Mr. Meech, Councillor Harvey and himself.

Councillor Rankin said that Mr. Meech as the coordinating staff person would have consultation with a number of stakeholders and the Mayor and then brought back to council for ratification.

Councillor Harvey said either the Metro Authority has been dealing with this matter on bad faith with everybody for years or they only knew, today's date, what they were going to do. He said what is before council is a forced extension and forced negotiations. He said regardless of any outcome of negotiations it will be a forced decision. He said there is no requirement for consent of the people. He said as chairman of the Sackville council he does not have any mandate, at this point tonight, if offered, to even agree on negotiations. He said that is something the Sackville council will have to decide that is whether it is now time to make the best of a bad business or whether it is time to continue to stand out for what the council stood out with from the very beginning. He said there are some very weighty matters that have to be considered but the council has not been given a mandate for negotiations.

Mayor Ball asked Councillor Harvey if Mr. Meech could start the process with consultation with the Sackville Community Council. He said to be fair to the residents of the core area the longer taken to not make a decision on this setup the worse it is going to be for those residents. He said there is a thirty day time period in which to draft an agreement.

Councillor Harvey said once the Sackville Community Council decides to become involved in negotiations it becomes part of the process and the council in Sackville has tried to hold out from that for some time. He said if it is the desire of council or Mr. Meech to have a representative(s) of the Sackville Council on this negotiating team they be formally asked before next Tuesday so it can be put on their agenda to be discussed in the community.

Councillor Boutilier said he had supported staying involved in the process. He said although the statement said Halifax County could start a negotiating team, the idea of going out and negotiating and then still having to come back and vote in Metropolitan Authority, by majority vote, before approval, it may not be what was negotiated for. He said this mandate will give negotiating power but it will ultimately go back to Metropolitan Authority for final vote.

Councillor Barnet said council is dealing with three municipalities who have adverse opinion to this municipality. He said he feels the document before council is flawed as it calls for a partnership yet the people have expressed that they don't want a partnership. He said they don't want any arrangement, they want the landfill closed and they want to be treated fairly. He said with reference to Clause 3 he is wondering if the Authority is committing to closing the landfill in thirty months or would the authority commit to close the operations after thirty months. He said any arrangement must be supported by a binding plebescite. The people have to have an opportunity to

express their pleasure or displeasure. He said they have never had that. It call for number of committees but there are already a number of committees. He said the terms of reference are supposed to be drafted in conjunction with residents and Sackville Community Council and the Nova Scotia Department of the Environment and the Metropolitan Authority. He said the terms of reference for the new review board were also supposed to be drafted that way but they came in the mail. He said there was no discussion or negotiations. He said one thing that is paramount with this issue and that is that the people who are most affected by this landfill have to be addressed. He said if a committee is set up it is his hope that that committee will look at those people and put themselves in that position. He said there are a large number of people in his community who are not directly affected on a day to day basis but are affected on a quality of life, stigma and loss of property value who also have to be addressed. He said community compensation in its day was probably a good idea but he does not know if it will be a good idea in the future and he would like any committee that is set up to consider that.

Councillor Merrigan said council made a decision that Halifax County would not support any extension of the landfill without an environmental audit. He said if the county starts negotiating with Metropolitan Authority then, in fact, it is accepting an extension. He asked if there was any legal means that the county has to close the landfill. He said if the council is to support the people of Sackville then all means available should be exhausted to determine where the county stands with regards to its position with Metro Authority. He asked if there was any indication of when the audit would be complete.

Mayor Ball said the environmental audit may not be ready for another six months.

Deputy Mayor Bates said he is disappointed that the Metro Authority has not honoured the commitments they have made over the years to close out the landfill. He said he does not see how the county can expect the residents that live in the core area to have a lot of confidence in the Metro Authority. He said if the county wanted to take a firm stand they could put barriers up and not get involved in all the legalities. He said Metro Authority has said that the landfill would be closed on June 30 and putting up barriers is an option open to the county. He said he would suggest that the county say to Metro Authority that they give us the authority to negotiate with the people. He said they would be saving twenty million dollars which would be enough money to look after thirty seven home owners. He said he feels it is time for Halifax County to have some say in its territory and tell them that the county is not interested in negotiating with them and the county people will be looked after.

Mayor Ball said that is the essence of what council is doing here which is that Metropolitan Authority is to present the county with a set of offers and the county will respond after consulting with the various parties that are most affected. He said there is a sense of urgency. He said after talking to the residents the only people they would have any faith in bargaining on their behalf was Halifax County because that is the only ones they trust.

Councillor Cooper asked what was to be accomplished in the thirty day time frame.

Mayor Ball said some form of a contractual agreement that is in the best interests of the residents of Sackville and those residents affected. He said the quicker Halifax County can have something the better of the residents are going to be.

Councillor Cooper asked if Metropolitan Authority has agreed to come to terms in thirty days. He asked if the baling facilities are available. He asked if the thirty months are from June 30th or after the negotiations.

Mayor Ball said that if terms are not in place after thirty days but there is a chance of an agreement the time may have to be extended. He said the baling facilities are not available and would have to be purchased. He said the thirty months are from June 30th as far as the municipality is concerned.

Councillor Cooper there are no guarantees and having to look at negotiations and bring this all back and then they decide thirty months from the end of it the county may be looking at more than thirty months. He said he would suggest that the Halifax County members find some way to get guarantees from Metropolitan Authority that they are going to finish this in forty days and that the thirty months is from June 30th. He said he would suggest that the municipality insist on this in writing.

Councillor Barnet said the breakneck speed to negotiate is facilitated by a short construction season. This is a plan preconceived and prearranged.

Councillor Sutherland said he feels the county can negotiate but in order to negotiate the county has to block off access to the landfill site.

Councillor Meade said the Halifax Water Commission, a couple of years ago, had concerns with the extension of the landfill site because of the leachate from the landfill would possibly contaminate the water supply for Halifax. He said the water in Pockwock and Tomahawk Lake cannot be contaminated.

Councillor Rankin said Halifax County does not have anything

enforceable with relation to guidelines, monitoring, compensation or in terms of adequate penalties to provide sufficient disincentives. He said the glaring fact is that Halifax County does not have a stoppage of that landfill and will not have through Metro Authority.

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

"THAT COUNCIL DEFER ANY DECISION ON THIS PARTICULAR ITEM UNTIL THE JUNE 27, 1994 AND HOLD A SPECIAL COUNCIL SESSION PENDING A COMPREHENSIVE LEGAL OPINION ON AN INJUNCTION"

Councillor Barnet said this court injunction is supported by local precedents which took place in the seventies which precluded Jacks Lake from being a municipal sanitary landfill operation. He said the idea of court injunction was used by the residents of Bedford who precluded a landfill site from entering their community. He said he feels council should support that idea and instruct the solicitor to act with haste and to immediately begin the process of investigation and implication of this court injunction. He said he would like to state for the record that a legal opinion by Halifax County is paramount and the county must seek good guidance and must give clear instructions to the solicitor to clearly and concisely confirm or deny a court injunction. He said give what the chances are, what the prognosis is.

Councillor Harvey said he was seconding the motion if for no other reason that he believes it would be unseemly for the county to agree to negotiate less than twelve hours after the Authority made this decision.

Deputy Mayor Bates said he is not in favour of going back to the lawyers. He said he likes the idea of the county being the ones to be in control of negotiating the continuance of the landfill. He said there is a fact here that it is going to cost twenty million dollars to carry on for another couple of years. He said the county can reasonably negotiate with the people and have control over the landfill for the next thirty months. He said this is what he is in favour of not endorsing some statement put out by Metro Authority.

MOTION OF DEFERRAL DEFEATED

Mayor Ball said that the main motion was now on the floor which was that Mr. Meech be charged to strike the appropriate people to negotiate a deal that will be presented to Metropolitan Authority.

Councillor Rankin said he wanted to give the CAO sufficient flexibility because the outcome will be brought back to council.

Councillor Cooper said he would like to know if the members of the Sackville Community Council or those in that area have specific groups that they definitely want included.

Mayor Ball said by allowing Mr. Meech to have the flexibility he would elicit that kind of response to the community at large and the common interest groups that would be appropriate.

Councillor Cooper said there are times when flexibility will not achieve everything you want to achieve and if the people of Sackville and the Sackville Community Council have specific people they want in that particular group he would like to see them so designated from this council session as to be included.

Mayor Ball said it might be best left between Mr. Meech and the Sackville Community Council as to anybody they wish to see on that committee and if they wish nobody, then that be part of that liaison.

Councillor McInroy said he feels the county should accept what is inevitable but should try to control it as responsibly as we can. He said if the county makes an effort in conjunction with what the motion intends, if we undertake to have delegated, by contract from the Metropolitan Authority to this council, the responsibility for solid waste management for the next thirty months, then he can support the motion. He said it would be on the understanding that that is a position that council is supporting that we seek the delegation of control from Metro Authority.

Mayor Ball said what is being said is that Metro Authority give Halifax County the authority of dealing with the community and we will set the agenda. He said he does not know where in the motion it is suggested, and he would caution council in that regard, that the county is going to take over solid waste management.

Councillor McInroy said if it is under the control of the county for the next thirty months the county can decide what to do with it in the end.

Mayor Ball said he would not have a difficulty with it if council was taking a new landfill site but in this circumstance it might be best left the way it is done.

MOTION CARRIED

ADDITION OF ITEMS TO JULY 5, 1994 COUNCIL SESSION

Department of Transportation - Councillor Giffin

IN-CAMERA ITEM

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

"THAT COUNCIL MOVE IN-CAMERA"

MOTION CARRIED

Council agreed to move out of camera.

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

"THAT COUNCIL APPROVE THE APPOINTMENT OF SUEELLEN
WILSON AS ADMINISTRATOR OF THE HALIFAX COUNTY
REHABILITATION CENTRE"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Merrigan:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

MINUTES & REPORTS
OF THE
THIRD YEAR MEETINGS
OF THE
FORTY-FOURTH COUNCIL
OF
HALIFAX COUNTY MUNICIPALITY
JULY COUNCIL SESSION
TUESDAY, JULY 5, 1994

Public Hearing
July 25/94

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COUNCIL SESSION

July 5, 1994

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

ALSO PRESENT: K. R. Meech, Chief Administrative Officer
Nancy Dempsey-Crossman, Municipal Clerk
Fred Crooks, Municipal Solicitor

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

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY"

MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT THE MINUTES OF THE MAY 16, 1994 PUBLIC HEARING BE
APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE JUNE 21, 1994 COUNCIL SESSION BE APPROVED"

MOTION CARRIED

ESSO HOME COMFORT DONATION

Mr. Glen Conrad made a presentation of a cheque in the amount of \$500.00 to the municipality as a donation towards the Fire Safe House.

APPOINTMENT OF TOWN CRIER

Councillor Sutherland made a presentation to council introducing Mr. Ron Amy as nominee for the position of County Crier.

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

"THAT MR. RON AMY BE APPOINTED AS COUNTY CRIER"

Councillor Bayers said he was not in agreement with the procedure that had been followed and would like to have appointments, such as these, go to all residents and that all councillors be given an opportunity of bringing a name forward.

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

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

MOTION DEFEATED

ORIGINAL MOTION CARRIED

Councillor Sutherland presented Mr. Amy with county flags and pins.

Mr. Amy thanked council for the appointment.

OCEAN VIEW MANOR 1994/95 OPERATIONS/CAPITAL BUDGET

Councillor Giffin introduced Mr. Keith Menzies, Administrator, Ocean View Manor.

Mr. Menzies made a presentation on Long Term Care Data, Budget Revenues, Budget Expenditures and Proposed Capital Expenditures to council. He said he would provide a more comprehensive budget package to councillors.

LETTERS AND CORRESPONDENCE

1. Ms. Dempsey-Crossman outlined a letter from Norma Janzen who is seeking councils support for her position to not join a union and her endeavours in that regard.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT A LETTER OF SUPPORT BE WRITTEN TO MS. JANZEN"

Councillor Cooper asked what was meant by support.

Councillor Reid said it is his understanding that Ms. Janzen runs a private school, for approximately twenty students, out of here home and is being forced to join a union.

Mayor Ball said basically Ms. Janzen is challenging this in the courts but the CLC is taking the action of being the appellant in this case and part of what they are doing is, if they win, Ms. Janzen would have to pay all their court costs.

Councillor Hendsbee asked if the letter from the county could be used in a court of law for a character reference.

Mayor Ball said he does not believe that council is dealing with her character but with her ability as a private citizen.

Councillor Reid said that the CLC is putting Ms. Janzen under the threat of millions of dollars if she loses the status against paying the costs of interveners. He said there could very well be more than one intervener. He said all he is asking is that a letter be written, in principle, supporting her right to go to court to defend her freedom.

MOTION CARRIED

2. Ms. Dempsey-Crossman outlined a letter from Mr. Bruce Evans indicating he was forwarding copies of the Annual Report of the Halifax - Dartmouth Port Commission for distribution to members of council and also noting that his term expires at the end of October, 1994 and he is interested in being reappointed to the Board.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Ms. Dempsey-Crossman outlined a letter from the Minister of Municipal Affairs with regards to the proposed amendments to the Building Code Act Regulations.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Ball said the regulations have been forwarded to Mr. Heffler.

4. Ms. Dempsey-Crossman outlined a letter from the minister of Environment in response to a letter from council regarding refundable containers and litter along provincial highways.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Ms. Dempsey-Crossman outlined a letter from George Armoyan requesting an opportunity for his representative to address council regarding the Glengarry Estates CDD.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Ball said he would suggest this item be dealt with at the time of the Planning Advisory Report.

2. Ms. Dempsey-Crossman outlined a letter from Martin Delaney, Department of Transportation, in response to councils letter with regard to paving in the community of Beaverbank.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Ms. Dempsey-Crossman outlined a memo from UNSM with regards to the possible establishment of a travel fund for Nova Scotia Director on the FCM.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Ball said this particular item will be discussed at UNSM in September. He said they are asking that all municipalities take a levy in order to subsidize any municipality who has someone selected to the FCM Board of Directors.

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

"THAT THE LETTER BE CONSIDERED AT THE AUGUST 2, 1994
COUNCIL SESSION"

MOTION CARRIED

4. Ms. Dempsey-Crossman outlined a letter from UNSM with regards to the Police Information Initiative of Nova Scotia looking for Halifax County to appoint an individual to sit on the committee.

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

"THAT THE LETTER BE RECEIVED"

Mayor Ball said Warden Coady had called him with regards to this committee and what they are doing is a police information network service of gathering information and utilizing it throughout the police force in various municipal units. He said it is a method of coordinating and sharing of that information. He said they have asked if a member of council would be interested in serving on that committee.

MOTION CARRIED

Councillor Sutherland was designated as council representative to the committee.

DATE - PUBLIC HEARING - LESSER SETBACK APPLICATION FILE NO. LS-01-94-13 - AUGUST 2, 1994

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

"THAT AUGUST 2, 1994 AT 7:00 P.M. BE THE DATE AND TIME OF
THE PUBLIC HEARING FOR THE LESSER SETBACK"

MOTION CARRIED

DATE - MINOR VARIANCE APPEAL - AUGUST 2, 1994, 7:00 P.M.

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

"THAT AUGUST 2, 1994 AT 7:00 P.M. BE THE DATE AND TIME OF
THE MINOR VARIANCE APPEAL"